



**THE HOUSING AUTHORITY
OF THE CITY OF FORT MYERS, FLORIDA
HACFM RESIDENT ADVISORY BOARD MEETING**

**PUBLIC NOTICE FOR COMMENT
ADMINISTRATION PLAN CHANGES**

Date: August 24, 2021

To: Residents, Staff and Community

From: HACFM Administration

The Housing Authority would like to invite the Residents, Staff and the Community to comment on upcoming changes to the Administration Plan for the Housing Authority of the City of Fort Myers.

Public Comment forms can be found at the HACFM website, www.hacfm.org and will be available at your Property Managers office until September 24, 2021.

If you have any questions or concerns, please reach out to your Property Manager or the Office of the Executive Director.

Sincerely,

HACFM Administration

H A C F M

ADMINISTRATIVE PLAN

SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

The Housing Authority of the City of Fort Myers

Deleted: Copyright 2001 by Nan McKay & Associates, Inc. All rights reserved.
Permission to reprint granted only to the Public Housing Authority or Housing Agency that has purchased this plan from Nan McKay & Associates, Inc. This document may not be reprinted or distributed to any other person or entity other than the purchasing agency without the express written permission of Nan McKay & Associates, Inc.

Chapter 1
STATEMENT OF POLICIES AND OBJECTIVES

A.	MISSION STATEMENT
B.	LOCAL GOALS
C.	PURPOSE OF THE PLAN.....
D.	ADMINISTRATIVE FEE RESERVE
E.	RULES AND REGULATIONS
F.	TERMINOLOGY
G.	FAIR HOUSING POLICY
H.	REASONABLE ACCOMMODATIONS POLICY
I.	TRANSLATION OF DOCUMENTS.....
J.	MANAGEMENT ASSESSMENT OBJECTIVES.....
K.	RECORDS FOR MONITORING PHA PERFORMANCE
L.	PRIVACY RIGHTS
M.	FAMILY OUTREACH
N.	OWNER OUTREACH.....

Chapter 2
ELIGIBILITY FOR ADMISSION

A.	ELIGIBILITY FACTORS
B.	FAMILY COMPOSITION
C.	INCOME LIMITATIONS
D.	MANDATORY SOCIAL SECURITY NUMBERS
E.	CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS
F.	OTHER CRITERIA FOR ADMISSIONS.....
G.	TENANT SCREENING
H.	CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT
I.	INELIGIBLE FAMILIES
J.	PROHIBITED ADMISSIONS CRITERIA

Chapter 3
APPLYING FOR ADMISSION

- A. OVERVIEW OF APPLICATION TAKING PROCESS
- B. OPENING/CLOSING OF APPLICATION TAKING
- C. "INITIAL" APPLICATION PROCEDURES
- D. APPLICANT STATUS WHILE ON WAITING LIST.....
- E. TIME OF SELECTION.....
- F. COMPLETION OF A FULL APPLICATION.....
- G. VERIFICATION.....
- H. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

Chapter 4
ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST

- A. WAITING LIST.....
- B. SPECIAL ADMISSIONS.....
- C. WAITING LIST PREFERENCES.....
- D. LOCAL PREFERENCES
- E. INCOME TARGETING
- F. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION.....
- G. EXCEPTIONS FOR SPECIAL ADMISSIONS.....
- H. TARGETED FUNDING.....
- I. PREFERENCE & INCOME TARGETING ELIGIBILITY
- J. ORDER OF SELECTION
- K. FINAL VERIFICATION OF PREFERENCES
- L. PREFERENCE DENIAL.....
- M. REMOVAL FROM WAITING LIST AND PURGING.....

Chapter 5
SUBSIDY STANDARDS

- A. DETERMINING FAMILY UNIT (VOUCHER) SIZE
- B. EXCEPTIONS TO SUBSIDY STANDARDS.....
- C. UNIT SIZE SELECTED.....

Chapter 6
FACTORS RELATED TO TOTAL TENANT PAYMENT & FAMILY SHARE
DETERMINATION

A.	INCOME AND ALLOWANCES.....
B.	DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS FOR PERSONS WITH DISABILITIES
C.	MINIMUM RENT
D.	DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT.....
E.	AVERAGING INCOME
F.	MINIMUM INCOME.....
G.	INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME
H.	REGULAR CONTRIBUTIONS AND GIFTS.....
I.	ALIMONY AND CHILD SUPPORT
J.	LUMP-SUM RECEIPTS.....
K.	CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS.....
L.	ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE
M.	CHILD CARE EXPENSES
N.	MEDICAL EXPENSES.....
O.	PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES.....
P.	INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS.....
Q.	UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

Chapter 7
VERIFICATION PROCEDURES

A.	METHODS OF VERIFICATION AND TIME ALLOWED
B.	RELEASE OF INFORMATION
C.	COMPUTER MATCHING
D.	ITEMS TO BE VERIFIED.....
E.	VERIFICATION OF INCOME.....
F.	INCOME FROM ASSETS.....
G.	VERIFICATION OF ASSETS.....
H.	VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME.....
I.	VERIFYING NON-FINANCIAL FACTORS
J.	VERIFICATION OF WAITING LIST PREFERENCES

Chapter 8
VOUCHER ISSUANCE AND BRIEFINGS

- A. ISSUANCE OF VOUCHERS
- B. BRIEFING TYPES AND REQUIRED ATTENDANCE.....
- C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR
MINORITY CONCENTRATION.....
- D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION.....
- E. SECURITY DEPOSIT REQUIREMENTS.....
- F. TERM OF VOUCHER
- G. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS
- H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER.....

Chapter 9
REQUEST FOR LEASE APPROVAL AND CONTRACT EXECUTION

- A. REQUEST FOR APPROVAL OF TENANCY
- B. ELIGIBLE TYPES OF HOUSING.....
- C. LEASE REVIEW.....
- D. SEPARATE AGREEMENTS
- E. INITIAL INSPECTIONS
- F. RENT LIMITATIONS
- G. DISAPPROVAL OF PROPOSED RENT
- H. INFORMATION TO OWNERS
- I. OWNER DISAPPROVAL
- J. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP
EFFECTIVE DATE.....
- K. CONTRACT EXECUTION PROCESS.....
- L. CHANGE IN OWNERSHIP

Deleted:

Chapter 10
HOUSING QUALITY STANDARDS AND INSPECTIONS

A.	GUIDELINES/TYPES OF INSPECTIONS.....
B.	INITIAL HQS INSPECTION.....
C.	ANNUAL HQS INSPECTIONS
D.	MOVE OUT/VACATE
E.	SPECIAL/COMPLAINT INSPECTIONS
F.	QUALITY CONTROL INSPECTIONS.....
G.	ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS
H.	EMERGENCY REPAIR ITEMS.....
I.	CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS).....
J.	DETERMINATION OF RESPONSIBILITY
K.	CONSEQUENCES IF FAMILY IS RESPONSIBLE

Chapter 11
OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

A.	RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM.....
B.	MAKING PAYMENTS TO OWNERS
C.	RENT REASONABLENESS DETERMINATIONS.....
D.	PAYMENT STANDARDS FOR THE VOUCHER PROGRAM.....
E.	ADJUSTMENTS TO PAYMENT STANDARDS
F.	EXCEPTION PAYMENT STANDARDS.....
G.	OWNER PAYMENT IN THE HOUSING CHOICE VOUCHER PROGRAM.....

Chapter 12
RECERTIFICATIONS

A.	ANNUAL ACTIVITIES.....
B.	ANNUAL RECERTIFICATION/REEXAMINATION.....
C.	REPORTING INTERIM CHANGES.....
D.	OTHER INTERIM REPORTING ISSUES.....
E.	INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS.....
F.	NOTIFICATION OF RESULTS OF RECERTIFICATIONS
G.	TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS)
H.	CHANGES IN VOUCHER SIZE AS A RESULT OF FAMILY COMPOSITION CHANGES
I.	CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES.....
J.	MISREPRESENTATION OF FAMILY CIRCUMSTANCES

Chapter 13
MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

A.	ALLOWABLE MOVES.....
B.	RESTRICTIONS ON MOVES.....
C.	PROCEDURE FOR MOVES.....
D.	PORTABILITY
E.	OUTGOING PORTABILITY
F.	INCOMING PORTABILITY

Chapter 14
OWNERS

PART I:	OWNERS IN THE HCV PROGRAM
14-I.A.	Owner Recruitment And Retention [HCV GB, pp. 2-4 to 2-6].....
	Recruitment.....
	Retention.....
14-I.B.	Basic HCV Program Requirements.....
14-I.C.	Owner Responsibilities [24 CFR 982.452, Pub.L. 109-162].....
14-I.D.	Owner Qualifications.....
	Owners Barred from Participation [24 CFR 982.306(a) and (b)].....
	Leasing to Relatives [24 CFR 982.306(d), HCV GB p. 11-2]
	Conflict of Interest [24 CFR 982.161; HCV GB p. 8-19]
	Owner Actions That May Result in Disapproval of a
	Tenancy Request [24 CFR 982.306(c)]
	Legal Ownership of Unit
13-I.E.	Non-Discrimination [HAP Contract – Form HUD-52641]
PART II:	HAP CONTRACTS.....
14-II.A.	Overview.....
14-II.B.	HAP Contract Contents
14-II.C.	HAP Contract Payments
	General.....
	Owner Certification of Compliance.....
	Late HAP Payments [24 CFR 982.451(a)(5)]
	Termination of HAP Payments [24 CFR 982.311(b)].....
14-II.D.	Breach Of HAP Contract [24 CFR 982.453].....
14-II.E.	HAP Contract Term And Terminations.....
14-II.F.	Change In Ownership / Assignment Of The HAP Contract
	[HUD-52641].....

Chapter 15
TERMINATION OF ASSISTANCE AND TENANCY

PART I:	GROUND FORS TERMINATION OF ASSISTANCE
---------	---------------------------------------

15-I.A.	Overview.....
15-I.B.	Family No Longer Requires Assistance [24 CFR 982.455].....
15-I.C.	Family Chooses To Terminate Assistance
15-I.D.	Mandatory Termination Of Assistance.....
	Eviction [24 CFR 982.552(b)(2), Pub.L. 109-162]
	Failure to Provide Consent [24 CFR 982.552(b)(3)].....
	Failure to Document Citizenship [24 CFR 982.552(b)(4)
	and [24 CFR 5.514(c)]
	Failure to Provide Social Security Documentation
	[24 CFR 5.218(c)].....
	Methamphetamine Manufacture or Production
	[24 CFR 983.553(b)(1)(ii)]
	Failure of Students to Meet Ongoing Eligibility
	Requirements [24 CFR 982.552(b)(5) and FR 4/10/06].....
15-I.E.	Mandatory Policies And Other Authorized Terminations.....
	Mandatory Policies [24 CFR 982.553(b) and 982.551(l)].....
	Other Authorized Reasons for Termination of Assistance
	[24 CFR 982.552(c), Pub.L. 109-162].....
PART II:	APPROACH TO TERMINATION OF ASSISTANCE.....
15-II.A.	Overview.....
15-II.B.	Method Of Termination [24 CFR 982.552(a)(3)].....
15-II.C.	Alternatives To Termination Of Assistance
	Change in Household Composition
	Repayment of Family Debts
15-II.D.	Criteria For Deciding To Terminate Assistance
	Evidence
	Consideration of Circumstances [24 CFR 982.552(c)(2)(i)].....
	Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]
15-II.E.	Terminating the Assistance of Domestic Violence, Dating
	Violence, or Stalking Victims and Perpetrators
	[Pub.L. 109-162, Pub. L. 109-271].....
	Victim Documentation.....
	Terminating the Assistance of a Domestic
	Violence Perpetrator
	PHA Confidentiality Requirements.....
15-II.F.	Termination Notice [HCV GB, p. 15-7].....
	Notice of Termination Based on Citizenship Status
	[24 CFR 5.514 (c) and (d)]
15-II.G.	How Termination of Assistance Affects The HAP Contract
	And Lease

Deleted: Pub.L

Formatted: French (France)

Formatted: French (France)

Deleted: Of

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay &
Associates Unlimited copies may be made for internal use¶

Deleted: 009 AdminPlan

PART III:	TERMINATION OF TENANCY BY THE OWNER.....
15-III.A.	Overview.....
15-III.B.	Grounds for Owner Termination Of Tenancy
	[24 CFR 982.310 and Form HUD-52641-A,
	Tenancy Addendum, Pub.L. 109-162]
	Serious or Repeated Lease Violations
	Violation of Federal, State, or Local Law
	Criminal Activity or Alcohol Abuse.....
	Other Good Cause.....
15-III.C.	Eviction [24 CFR 982.310(e) and (f) and Form HUD-52641-A,
	Tenancy Addendum]
15-III.D.	Deciding Whether to Terminate Tenancy
	[24 CFR 982.310(h), Pub.L. 109-162]
15-III.E.	Effect of Tenancy Termination on the Family's Assistance
	Exhibit 12-1
	Statement Of Family Obligations

Deleted: For

Deleted: To

Chapter 16 PROGRAM ADMINISTRATION

PART I:	ADMINISTRATIVE FEE RESERVE [24 CFR 982.155]
PART II:	SETTING PROGRAM STANDARDS AND SCHEDULES
16-II.A.	Overview.....
16-II.B.	Payment Standards [24 CFR 982.503; HCV GB, Chapter 71
	Updating Payment Standards.....
	Exception Payment Standards [982.503(c)]
	Unit-by-Unit Exceptions [24 CFR 982.503(c)(2)(ii)]
	"Success Rate" Payment Standard Amounts
	[24 CFR 982.503(e)].....
	Decreases in the Payment Standard Below the Basic Range
	[24 CFR 982.503(d)]
16-II.C.	Utility Allowances [24 CFR 982.517].....
	Air Conditioning.....
	Reasonable Accommodation
	Utility Allowance Revisions.....
PART III:	INFORMAL REVIEWS AND HEARINGS
16-III.A.	Overview.....
16-III.B.	Informal Reviews.....
	Decisions Subject to Informal Review
	Notice to the Applicant [24 CFR 982.554(a)]
	Scheduling an Informal Review
	Informal Review Procedures [24 CFR 982.554(b)]
	Informal Review Decision [24 CFR 982.554(b)]

Deleted: 7].....

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay &
Associates Unlimited copies may be made for internal use¶

16-III.C. Informal Hearings for Participants	
[24 CFR 982.555, Pub.L. 109-162]	
Decisions Subject to Informal Hearing.....	
Informal Hearing Procedures.....	
16-III.D. Hearing and Appeal Provisions For Non-Citizens	
[24 CFR 5.514]	
Notice of Denial or Termination of Assistance	
[24 CFR 5.514(d)]	
USCIS Appeal Process [24 CFR 5.514(e)].....	
Informal Hearing Procedures for Applicants	
[24 CFR 5.514(f)]	
Informal Hearing Procedures for Residents	
[24 CFR 5.514(f)]	
Retention of Documents [24 CFR 5.514(h)]	
PART IV: OWNER OR FAMILY DEBTS TO THE PHA	
16-IV.A. Overview.....	
16-IV.B. Repayment Policy.....	
Owner Debts to the PHA	
Family Debts to the PHA.....	
Repayment Agreement [24 CFR 792.103]	
Repayment Agreement Guidelines	
PART V: MANAGEMENT ASSESSMENT (SEMAP).....	
16-V.A. Overview.....	
16-V.B. SEMAP Certification [24 CFR 985.101].....	
HUD Verification Method	
16-V.C. SEMAP Indicators [24 CFR 985.3 and form HUD-52648]	
SEMAP Indicators Chart	
PART VI: RECORD KEEPING	
16-VI.A. Overview.....	
16-VI.B. Record Retention [24 CFR 982.158].....	
16-VI.C. Records Management	
Privacy Act Requirements [24 CFR 5.212 and Form-9886]	
Upfront Income Verification (UIV) Records	
Criminal Records	
Medical/Disability Records	
PART VII: REPORTING AND RECORD KEEPING FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEADLEVEL.....	
16-VII.A. Overview.....	
16-VII.B. Reporting Requirement [24 CFR 35.1225(e)].....	
16-VII.C. Data Collection and Record Keeping [24 CFR 35.1225(f)]	
PART VIII: DETERMINATION OF INSUFFICIENT FUNDING.....	
16-VIII.A. Overview.....	

Deleted: For

Deleted: And

Formatted: French (France)

Formatted: French (France)

Deleted: And

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2009 AdminPlan

	16-VIII.B. Methodology
PART IX:	NOTIFICATION REGARDING APPLICABLE PROVISIONS OF THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005 (VAWA).....
	16-IX.A. Notification to Participants [Pub.L. 109-162].....
	16-IX.B. Notification to Applicants
	16-IX.C. Notification to Owners and Managers [Pub.L. 109-162]

Chapter 17 PROJECT-BASED VOUCHERS

PART I:	GENERAL REQUIREMENTS
	17-I.A. Overview [24 CFR 983.5]
	17-I.B. Tenant-Based Vs. Project-Based Voucher Assistance [24 CFR 983.2]
	17-I.C. Relocation Requirements [24 CFR 983.7].....
	17-I.D. Equal Opportunity Requirements [24 CFR 983.8].....
PART II:	PBV OWNER PROPOSALS
	17-II.A. Overview.....
	17-II.B. Owner Proposal Selection Procedures [24 CFR 983.51].....
	Solicitation and Selection of PBV Proposals [24 CFR 983.51(b) and (c)]
	PHA-owned Units [24 CFR 983.51(e) and 983.59]
	PHA Notice of Owner Selection [24 CFR 983.51(d)].....
	17-II.C. Housing Type [24 CFR 983.52]
	17-II.D. Prohibition Of Assistance for Certain Units
	Ineligible Housing Types [24 CFR 983.53]
	Subsidized Housing [24 CFR 983.54].....
	17-II.E. Subsidy Layering Requirements [24 CFR 983.55].....
	17-II.F. Cap On Number of PBV Units In Each Building
	25 Percent per Building Cap [24 CFR 983.56(a)]
	Exceptions to 25 Percent per Building Cap [24 CFR 983.56(b)]
	Promoting Partially-Assisted Buildings [24 CFR 983.56(c)].....
	17-II.G. Site Selection Standards
	Compliance with PBV Goals, Civil Rights Requirements, and HQS Site Standards [24 CFR 983.57(b)].....
	Existing and Rehabilitated Housing Site and Neighborhood Standards [24 CFR 983.57(d)].....
	New Construction Site and Neighborhood Standards [24 CFR 983.57(e)].....
	17-II.H. Environmental Review [24 CFR 983.58]

Deleted: For

Deleted: Of

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay &
Associates Unlimited copies may be made for internal use¶

Deleted: 2009

PART III: DWELLING UNITS.....	
17-III.A. Overview.....	
17-III.B. Housing Quality Standards [24 CFR 983.101].....	
Lead-based Paint [24 CFR 983.101(c)].....	
17-III.C. Housing Accessibility For Persons <u>with</u> Disabilities.....	Deleted: With
17-III.D. Inspecting Units.....	
Pre-selection Inspection [24 CFR 983.103(a)].....	
Pre-HAP Contract Inspections [24 CFR 983.103(b)].....	
Turnover Inspections [24 CFR 983.103(c)].....	
Annual Inspections [24 CFR 983.103(d)]	
Other Inspections [24 CFR 983.103(e)]	
Inspecting PHA-owned Units [24 CFR 983.103(f)].....	
PART IV: REHABILITATED AND NEWLY CONSTRUCTED UNITS.....	
17-IV.A. Overview [24 CFR 983.151].....	
17-IV.B. Agreement To Enter <u>into</u> HAP Contract	Deleted: Into
Content of the Agreement [24 CFR 983.152(c)].....	
Execution of the Agreement [24 CFR 983.153].....	
Labor Standards [24 CFR 983.154(b)]	
Equal Opportunity [24 CFR 983.154(c)].....	
Owner Disclosure [24 CFR 983.154(d) and (e)]	
17-IV.D. Completion Of Housing.....	
Evidence of Completion [24 CFR 983.155(b)]	
PHA Acceptance of Completed Units [24 CFR 983.156].....	
PART V: HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)	
17-V.A. Overview.....	
17-V.B. HAP Contract Requirements	
Contract Information [24 CFR 983.203]	
Execution of the HAP Contract [24 CFR 983.204].....	
Term of HAP Contract [24 CFR 983.205]	
Remedies for HQS Violations [24 CFR 983.207(b)]	
17-V.C. Amendments To <u>the</u> HAP Contract.....	Deleted: The
Substitution of Contract Units [24 CFR 983.206(a)].....	
Addition of Contract Units [24 CFR 983.206(b)]	
17-V.D. HAP Contract Year, Anniversary And Expiration Dates [24 CFR 983.206(c) and 983.302(e)]	
17-V.E. Owner Responsibilities Under The HAP [24 CFR 983.209]	
17-V.F. Additional HAP Requirements.....	
Housing Quality and Design Requirements [24 CFR 983.101(e) and 983.207(a)]	
Vacancy Payments [24 CFR 983.352(b)]	

PART VI: SELECTION OF PBV PROGRAM PARTICIPANTS.....	
17-VI.A. Overview.....	
17-VI.B. Eligibility For PBV Assistance [24 CFR 983.251(a) and (b)].....	
In-Place Families [24 CFR 983.251(b)]	
17-VI.C. Organization Of The Waiting List	
[24 CFR 983.251(c)].....	
17-VI.D. Selection from The Waiting List	
[24 CFR 983.251(c)].....	
Income Targeting [24 CFR 983.251(c)(6)]	
Units with Accessibility Features [24 CFR 983.251(c)(7)].....	
Preferences [24 CFR 983.251(d)].....	
17-VI.E. Offer Of PBV Assistance.....	
Refusal of Offer [24 CFR 983.251(e)(3)].....	
Disapproval by Landlord [24 CFR 983.251(e)(2)].....	
Acceptance of Offer [24 CFR 983.252]	
17-VI.F. Owner Selection Of Tenants	
Leasing [24 CFR 983.253(a)]	
Filling Vacancies [24 CFR 983.254(a)].....	
Reduction in HAP Contract Units Due to Vacancies	
[24 CFR 983.254(b)]	
17-VI.G. Tenant Screening [24 CFR 983.255]	
PHA Responsibility	
Owner Responsibility	
PART VII: OCCUPANCY	
17-VII.A. Overview.....	
17-VII.B. Lease [24 CFR 983.256].....	
Form of Lease [24 CFR 983.256(b)]	
Lease Requirements [24 CFR 983.256(c)]	
Tenancy Addendum [24 CFR 983.256(d)].....	
Initial Term and Lease Renewal [24 CFR 983.256(f)	
and 983.257(b)].....	
Changes in the Lease [24 CFR 983.256(e)].....	
Owner Termination of Tenancy [24 CFR 983.257]	
Security Deposits [24 CFR 983.258].....	
17-VII.C. Moves	
Overcrowded, Under-Occupied, and Accessible Units	
[24 CFR 983.259]	
Family Right to Move [24 CFR 983.260]	
17-VII.D. Exceptions to the Occupancy Cap [24 CFR 983.261].....	

Deleted: From

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay &
Associates Unlimited copies may be made for internal use¶

Deleted: 2009 AdminPlan

PART VIII: DETERMINING RENT TO OWNER.....	
17-VIII.A. Overview.....	
17-VIII.B. Rent Limits [24 CFR 983.301]	
Certain Tax Credit Units [24 CFR 983.301(c)]	
Use of FMRs, Exception Payment Standards, and Utility Allowances [24 CFR 983.301(f)]	
Redetermination of Rent [24 CFR 983.302].....	
PHA-owned Units [24 CFR 983.301(g)].....	
17-VIII.C. Reasonable Rent [24 CFR 983.303]	
When Rent Reasonable Determinations are Required.....	
How to Determine Reasonable Rent.....	
PHA-owned Units.....	
Owner Certification of Reasonable Rent	
17-VIII.D. Effect of Other Subsidy And Rent Control	
Other Subsidy [24 CFR 983.304]	
Rent Control [24 CFR 983.305]	
PART IX: PAYMENTS TO OWNER.....	
17-IX.A. Housing Assistance Payments [24 CFR 983.351]	
17-IX.B. Vacancy Payments [24 CFR 983.352].....	
17-IX.C. Tenant Rent To Owner [24 CFR 983.353]	
Tenant and PHA Responsibilities	
Utility Reimbursements	
17-IX.D. Other Fees and Charges [24 CFR 983.354].....	
Meals and Supportive Services.....	
Other Charges by Owner	

Deleted: Of

Chapter 18 OWNER OR FAMILY DEBTS TO THE PHA

A.	PAYMENT AGREEMENT FOR FAMILIES
B.	DEBTS OWED FOR CLAIMS
C.	DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION.....
D.	DEBTS DUE TO MINIMUM RENT TEMPORARY HARDSHIP
E.	GUIDELINES FOR PAYMENT AGREEMENTS.....
F.	OWNER DEBTS TO THE PHA
G.	WRITING OFF DEBTS

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay &
Associates Unlimited copies may be made for internal use¶

Deleted: 2009 AdminPlan

Chapter 19
COMPLAINTS AND APPEALS

- A. COMPLAINTS TO THE PHA.....
- B. PREFERENCE DENIALS
- C. INFORMAL REVIEW PROCEDURES FOR APPLICANTS
- D. INFORMAL HEARING PROCEDURES.....
- E. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS".....
- F. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES.....

Chapter 20
SPECIAL HOUSING TYPES

- A. SINGLE ROOM OCCUPANCY.....
- B. CONGREGATE HOUSING
- C. GROUP HOMES
- D. SHARED HOUSING.....
- E. COOPERATIVE HOUSING.....
- F. MANUFACTURED HOMES
- G. HOMEOWNERSHIP

Chapter 21

- A. Payment Standards
- B. Owner Rents
- C. Utility Allowances
- D. Portability
- E. Denial of Portability Moves
- F. High Payment Standards
- G. Cancellation of Issues Vouchers
- H. Surrendered Vouchers
- I. Subsidy Standards
- J. Recovery of Oversized Vouchers
- K. Minimum Rent
- L. Income Reporting
- M. Owners Rent Decrease
- N. Termination of Vouchers

Chapter 22
Enterprise Income Verification (EIV)

Administrative Safeguards
Physical Safeguards
EIV Use Policy
Reports Reviewed During Final Eligibility Review
Failed EIV Pre-Screening and Failed Verification Reports
Deceased Tenant Report
New Hire Report
Multiple Subsidy Report
Income Reports
EIV Security

**Section 8
HOMEOWNERSHIP VOUCHER ADDENDUM**

- A. PARTICIPANT QUALIFICATION.....
- B. PROGRAM GUIDELINES.....
- C. SCREENING, TIME FRAME, PERMITTED OWNERSHIP,
CONTRACT SALE and INSPECTION.....
- D. FINANCING, CONTINUATION OF ASSISTANCE.....
- E. FAMILY OBLIGATIONS.....
- F. ASSISTANCE PAYMENT, LEASE TO PURCHASE, DEFAULTS,
RECAPTURE.....

Formatted: French (France)

GLOSSARY

- A. ACRONYMS USED IN SUBSIDIZED HOUSING.....
- B. GLOSSARY OF TERMS IN SUBSIDIZED HOUSING
- C. GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE.....

PROGRAM INTEGRITY ADDENDUM

- A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD.....
- B. STEPS THE PHA WILL TAKE TO PREVENT PROGRAM ABUSE
AND FRAUD
- C. STEPS THE PHA WILL TAKE TO DETECT PROGRAM ABUSE
AND FRAUD
- D. THE PHA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE
AND FRAUD
- E. OVERPAYMENTS TO OWNERS.....
- F. HOW THE PHA WILL INVESTIGATE ALLEGATIONS OF ABUSE
AND FRAUD
- G. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS
OBTAINED BY THE PHA.....
- H. CONCLUSION OF THE PHA'S INVESTIGATIVE REVIEW
- I. EVALUATION OF THE FINDINGS.....
- J. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE
BEEN DOCUMENTED

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay &
Associates Unlimited copies may be made for internal use¶

Deleted: 2009 AdminPlan

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay &
Associates Unlimited copies may be made for internal use¶

Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 Tenant-Based Assistance Program, is described in and implemented throughout this Administrative Plan. The Section 8 tenant-based assistance programs are federally funded and administered for The **Housing Authority of the City of Fort Myers (HACFM)**.

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

Jurisdiction

The jurisdiction of the HACFM is **the county of Lee**.

***A. HOUSING AUTHORITY MISSION STATEMENT**

The mission of the Housing Authority of the City of Fort Myers is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and suitable living environment for the families we serve, without discrimination. The Housing Authority of the City of Fort Myers (HACFM) – a professional housing management governmental corporation-owns, manages, develops and administers federal, state and local housing and social programs for low, very low and moderate income families while successfully implementing national housing policies incorporating family self-sufficiency as a main component for transitioning families from welfare to work. The Authority's focus is to change the face of public housing by transforming Fort Myers' most severely distressed public housing sources of urban blight to engines of urban renewal creating paradigm shifts in public housing culture, values and behavior through establishing positive incentives for resident self-sufficiency, providing comprehensive services that empower residents, while lessening concentrations of poverty, promoting mixed-income communities while assuring equal access to safe quality housing for low, very low, and moderate income families throughout the community.

B. Organizational Structure of the PHA:

A board of officials that are generally called "commissioners" governs the PHA. Although some PHA's may use a different title for their officials, this document will hitherto refer to the "Board of Commissioners" as the "Board" when discussing the board of governing officials.

Commissioners are appointed in accordance with state housing law and generally serve in

Commented [S1]: Do we want to make reference that it has been retitled Housing Choice Voucher Program?

Commented [S2]: Oh my god. This needs to be re-written and simplified.

Commented [TR3]: Agreed.

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/01/2009 ADMIN PLAN

the same capacity as the directors of a corporation. The board of commissioners establishes policies under which the PHA conducts business and ensures that those policies are followed by PHA staff. The board is responsible for preserving and expanding the agency's resources and assuring the agency's continued viability and success. Formal actions of the PHA are taken through written resolutions, adopted by the board and entered into the official records of the PHA

Deleted: business, and

The principal staff member of the PHA is the Executive Director (E.D.), who is selected and hired by the board. The E.D. oversees the day-to-day operations of the PHA and is directly responsible for carrying out the policies established by the commissioners. The E.D.'s duties include hiring, training, and supervising the PHA's staff, as well as budgeting and financial planning for the agency. Additionally, the ED is charged with ensuring compliance with federal and state laws and program mandates.

Organizational Chart for the Housing Choice Voucher Department:

Board of Commissioners

Executive Director

Housing Choice Voucher Director

Housing Choice Voucher Staff

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay &
Associates Unlimited copies may be made for internal use¶

Deleted: 2/01/2009 ADMIN PLAN

B. LOCAL GOALS [24 CFR 982.1]

NOTE: These goals should reflect the Agency Plan five year goals.

Part I

PHA Goal: Expand the supply of assisted housing

Activities:

- Apply for additional rental vouchers, including special purpose vouchers when appropriate and available.
- Reposition public housing assets utilizing available repositioning options to improve the quality of housing and the availability of housing of choice.
- Engage with political officials, key stakeholders and industry groups to make affordable housing a citywide priority.

PHA Goal: Improve the quality of assisted housing

Activities:

Utilize the Rental Assistance Demonstration

Program to convert public housing to

project-based Section 8 assistance.

Goal: Increase assisted housing choices

Activities:

- Engage in landlord outreach and training activities to increase the number of landlords participating in the program and further deconcentrating poverty.
- Engage in development activities for new construction of quality affordable housing.

Commented [S4]: If this note stays it needs to be: These goals reflect..... Take out should

Commented [TR5]: Note doesn't stay

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

Deleted: Objectives

Formatted: Bulleted + Level: 1 + Aligned at: 1.4" + Indent at: 1.65"

Formatted: Underline

Deleted: :

Deleted: Objectives

Deleted: Improve voucher management: (SEMAP score) ____
Increase customer satisfaction:

Deleted: ¶

Deleted: Objectives

Deleted: Enagage

Deleted: deconcentration

Deleted: of

Deleted: in development

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/01/2009 ADMIN PLAN

* **PHA Goal: Ensure equal opportunity and affirmatively further fair housing**

Activities: Fair housing will be promoted through various seminars, training, posters and pamphlets in collaboration with Lee County Equal Opportunity

Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability:

Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability:

Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required

C. PURPOSE OF THE PLAN [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the Agency Plan.

The HACFM is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. The HACFM will revise this Administrative Plan as needed to comply with changes in HUD regulations. The original Plan and any changes must be approved by the Board of Commissioners of the agency, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

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

Applicable regulations include:

24 CFR Part 5: General Program Requirements

24 CFR Part 8: Nondiscrimination

24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program

Deleted: Provide voucher mobility counseling:¶
¶
Conduct outreach efforts to potential voucher landlords
Increase voucher payment standards¶
Implement voucher homeownership program:¶

Deleted: <#>HUD Strategic Goal: Improve community quality of life and economic vitality
PHA Goal: Provide an improved living environment¶
Objectives: To improve accessibility to resources.¶
¶
Provide support to the Resource Center which brings resources closer to families in the promotion of economic self sufficiency.¶

Deleted: <#>HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals¶
¶
PHA Goal: Promote self-sufficiency and asset development of assisted households Objectives: To move families completely from rental assistance to home ownership.¶
Increase the number and percentage of employed persons in assisted families:¶
¶
Provide or attract supportive services to improve assistance recipients' employability:¶
¶
Provide or attract supportive services to increase independence for the elderly or families with disabilities.¶

Deleted: Organizational Structure of the PHA:¶
¶
A board of officials that are generally called "commissioners" governs the PHA. Although some PHA's may use a different title for their officials, this document will hitherto refer to the "Board of Commissioners" as the "Board" when discussing the board of governing officials.¶
¶
Commissioners are appointed in accordance with state ...

Deleted: Objectives

Deleted: Part II¶
¶
The PHA has the following goals for the program:¶
¶
To encourage self sufficiency of participant families and ...

Deleted: The Housing Choice Voucher Program was implemented on 10/1/99, and pre- merger Housing Voucher tenancies and Over Fair Market Rent tenancies converted automatically to Housing Choice Voucher tenancies on that date. However, all existing contracts ...

Deleted: Plan, and

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/01/2009 ADMIN PLAN

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

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

Expenditures from the Administrative Reserve (Operating Reserve) for other housing purposes shall not exceed **\$0 dollar** per occurrence nor more than **\$0 dollar** in the aggregate for each fiscal year without the prior approval of the **Housing Authority of the City of Fort Myers** Board of Commissioners.

E. RULES AND REGULATIONS [24 CFR 982.52]

This Administrative Plan is set forth to define the PHA's local policies for operation of the housing programs in the context of Federal laws and Regulations. All issues related to Section 8 not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law. The policies in this Administrative Plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

E. TERMINOLOGY

The Housing Authority of the City of Fort Myers (HACFM) is referred to as "PHA" or "Housing Authority" throughout this document.

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

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

"Landlord" and "owner" are used interchangeably.

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

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

The Section 8 programs are also known as the Regular Tenancy Certificate, Over-FMR Tenancy (OFTO) and Voucher Programs. The Housing Choice Voucher Program refers to the merged program effective as of 10/1/99.

"HQS" means the Housing Quality Standards required by regulations as enhanced by the HACFM.

"Failure to Provide" refers to all requirements in the first Family Obligation. See "Denial or Termination of Assistance" chapter.

"Merger date" refers to October 1, 1999, which is the effective date of the merging of the Section 8 Certificate and Voucher programs into the Housing Choice Voucher Program.

See Glossary for other terminology.

Deleted: 1995

Deleted: Copyright 2000 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates
Unlimited copies may be made for internal use

Deleted: 2/01/2009 ADMIN PLAN

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

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

The HACFM shall not discriminate any family or individual the equal opportunity to apply for or receive assistance under the Section 8 Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial **or marital** status, handicap or disability **or sexual orientation**.

To further its commitment to full compliance with applicable Civil Rights laws, the HACFM will provide Federal/State/local information to Voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Voucher holder's briefing packet and available upon request at the front desk.

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

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the HACFM's facilities are inaccessible to or unusable by persons with disabilities. Posters and housing information are displayed in locations throughout the HACFM's office in such a manner as to be easily readable from a wheelchair.

The Housing Authority of the City of Fort Myers' office is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the **TTD/TDY telephone line (239) 332-6111**.

H. REASONABLE ACCOMMODATIONS POLICY [24 CFR 100.202]

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

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before the HACFM will treat a person differently than anyone else. The HACFM's policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation will be made known by including notices on HACFM forms and letters. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when a family initiates contact with the HACFM, when the HACFM initiates contact with a family including when a family applies, and when the HACFM schedules or reschedules appointments of any kind.

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

Deleted: A physical or mental impairment that substantially limits one or more of the major life activities of an individual;¶
¶
A record of such impairment; or¶
¶
Being regarded as having such an impairment¶
¶
Note: This is not the same as the HUD definition used for purposes of determining allowances.¶
¶
Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 5.403, individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.¶
¶
Once the person's status as a qualified person with a disability is confirmed, the HACFM will require that a professional third party competent to make the assessment provides written verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.¶

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/01/2009 ADMIN PLAN

If the HACFM finds that the requested accommodation creates an undue administrative or financial burden, the HACFM will deny the request and/or present an alternate accommodation that will still meet the need of the person.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of the HACFM (i.e., waiving a family obligation).

An undue financial burden is one that when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on the PHA.

The HACFM will provide a written decision to the person requesting the accommodation within **10 days**. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the PHA's decision.

Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

All HACFM mailings will be made available in an accessible format upon request, as a reasonable accommodation.

Verification of Disability

The HACFM will verify disabilities under definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, and Americans with Disabilities Act.

Outreach

Outreach efforts will include notification of the PHA's 504 Advisory Board as well as all other media and agencies listed in the PHA's Administrative Plan regarding public notices (see section on opening and closing the waiting list in "Applying for admission" chapter.)

Applying for Admission

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

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

Deleted: .

Deleted: written format].

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

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/01/2009 ADMIN PLAN

I. MANAGEMENT ASSESSMENT OBJECTIVES

The PHA operates its housing assistance program with efficiency and can demonstrate to HUD auditors that the HACFM is using its resources in a manner that reflects its commitment to quality and service. The HACFM policies and practices are consistent with the areas of measurement for the following HUD SEMAP indicators.

K. RECORDS FOR MONITORING HACFM PERFORMANCE

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

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

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

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

Any and all information which would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder and marked "confidential" or returned to the family member after its use. The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests

Deleted: <#>**TRANSLATION OF DOCUMENTS¶**

¶
The Housing Authority has bilingual staff to assist non-English speaking families in Spanish and translates documents into Spanish.¶

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

¶
Number of applicants and participants in the jurisdiction who do not speak English and speak the other language.¶

¶
Estimated cost to PHA per client of translation of English written documents into the other language.¶

¶
The availability of local organizations to provide translation services to non English speaking families.¶

¶
Availability of bi-lingual staff to provide translation for non-English speaking families.¶

¶
Improving Access to Services for Persons with Limited English Proficiency (LEP)¶

¶
Language for Limited English Proficiency Persons (LEP) can be a barrier for accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the public housing program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Notice of Guidance to Federal Assistance Recipients regarding Title VI Prohibition Affecting Limited English Proficient persons, published December 19, 2003 in the Federal Register.¶

Deleted: Selection from the
Waiting List Reasonable Rent¶
Determination of Adjusted Income
Utility Allowance Schedule¶
HQS Quality Control Inspections
HQS Enforcement¶
Expanding Housing Opportunities
Payment Standards¶
Annual Re-examinations¶

Deleted: 7

Deleted: In addition to the required SEMAP documentation, supervisory staff audits the following functions:¶

¶
Not less than **5% percent** of reexaminations Not less than **5% percent** of new applications¶

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/01/2009 ADMIN PLAN

for access and granting of accommodations based on this information must be approved by the Section 8 Coordinator or higher.

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

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

M. FAMILY OUTREACH

The HACFM will publicize and disseminate information to make known the availability of housing assistance and related services for very low income families on a regular basis. When the HACFM's waiting list is open, the HACFM will publicize the availability and nature of housing assistance for very low income families in a newspaper of general circulation, minority media, and by other suitable means. Notices will also be provided in **Spanish**.

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

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

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

The PHA encourages owners of decent, safe and sanitary housing units to lease to Section 8 families.

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

The PHA conducts **regular** meetings with participating owners to improve owner relations and to recruit new owners.

The current housing list will be provided to at voucher orientation and upon request.

The PHA will actively recruit property owners with property located outside areas of minority and poverty concentration and apply for exception payment standards if the PHA determines it is necessary to make the program more accessible in the PHA's jurisdiction.

Deleted: media, and

Deleted: community, and

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

Deleted: annual

Deleted: The PHA maintains a list of units available for the Section 8 Program and updates this list at least weekly. When listings from owners are received, they will be compiled by the PHA staff by bedroom size.¶

Deleted: The PHA will maintain lists of available housing submitted by owners in all neighborhoods within the Housing Authority's jurisdiction to ensure greater mobility and housing choice to very¶ low income households. The lists of units will be [provided at the front desk or mailed on request and provided at briefings.¶

¶ The staff of the PHA initiates personal contact with private property owners and managers by conducting formal and informal discussions and meetings.¶

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

¶ The PHA has active participation in a community based organization(s) comprised of private property and apartment owners and managers.

Deleted: The PHA encourages program participation by owners of units located outside areas of poverty or minority concentration. The PHA periodically evaluates the demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. The purpose of these activities is to provide choices and better housing opportunities to families. Voucher holders are informed of a broad range of areas where they may lease units inside the PHA's jurisdiction and given a list of landlords or other parties who are willing to lease units or help families who desire to live outside areas of poverty or minority concentration.¶

¶ The PHA works with a nonprofit agency through the regional counseling program who contacts others in the area, identifies families in the program, and counsels the families on their prospective move and services available in the areas in which the family is interested.¶

¶ The PHA shall periodically:¶

Deleted: Copyright 2000 by Nan McKay & Associates¶ To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/01/2009 ADMIN PLAN

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay &
Associates Unlimited copies may be made for internal use¶

Deleted: 2/01/2009 ADMIN PLAN

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

A. ELIGIBILITY FACTORS [982.201(b)]

The HACFM 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 HACFM.

The HUD eligibility criteria are:

An applicant must be a "family"

An applicant must be within the appropriate Income Limits

An applicant must furnish Social Security Numbers for all family members

An applicant must furnish declaration of Citizenship or Eligible Immigrant Status and verification where required

At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before the HACFM may provide any financial assistance.

Reasons for denial of admission are addressed in the "Denial or Termination of Assistance" chapter. These reasons for denial constitute additional admission criteria.

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

The applicant must qualify as a Family. A Family may be a single person or a group of persons.

A family includes a family with or without a child or children. A group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family. The HACFM determines if any other group of persons qualifies as a family.

A single person family may be:

- An elderly person
- A displaced person
- A person with a disability

Any other single person

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

A family also includes:

- Two or more persons who intend to share residency whose income and resources are available to meet the family's needs.

Deleted: The Family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors.¶
¶ Eligibility factors will be verified before the family is placed on the waiting list.¶
¶ 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, [unless the HACFM determines that such eligibility is in question, whether or not the family is at or near the top of the waiting list].¶

Deleted: Afamily@ includes

Deleted: Individuals may not be considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence.¶

Deleted: home, and

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: <object>

Two or more persons who intend to share residency whose income and resources are available to meet the family's needs and who have a history as a family unit or show evidence of a stable family relationship.

Two or more elderly or disabled persons living together, or one or more elderly, near elderly or disabled persons living with one or more live-in aides is a family.

Head of Household

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

Spouse of Head

Spouse means the husband or wife of the head.

For proper application of the Non-citizens Rule, the definition of spouse **is** the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Deleted: is:

Co-Head

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

Live-in Attendants

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

Is determined by the HACFM to be essential to the care and **wellbeing** of an elderly person, a near-elderly person, or a person with disabilities,

Deleted: well being

Is not obligated for the support of the person(s), and

Would not be living in the unit except to provide care for the person(s).

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

Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.

Live-in aides are not subject to Non-Citizen Rule requirements.

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use

Deleted: <object>

Live-in aides may not be considered as a remaining member of the tenant family.

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

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

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

24 CFR 982.316 At any time, the PHA will refuse to approve a particular person as a live-in aide or may withdraw such approval if:

The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

Deleted: program;

The person commits drug-related criminal activity or violent criminal activity; or

The person currently owes rent or other amounts to the PHA or to another HACFM in connection with Section 8 or public housing assistance under the 1937 Act.

Split Households Prior to Voucher Issuance

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the PHA will make the decision taking into consideration the following factors:

Which family member applied as head of household.

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

Restrictions that were in place at the time the family applied.

Role of domestic violence in the split.

Recommendations of social service agencies or qualified professionals such as children's protective services.

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use

Deleted: <object>

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.

In cases where domestic violence played a role, the standard used for verification will be the same as that required for the "domestic violence" preference.

The HACFM will require evidence that the family has been displaced as a result of fleeing violence in the home. Families are also eligible for this preference if there is proof that the family is currently living in a situation where they are being subjected to or victimized by violence in the home (See "Establishing Preferences and Maintaining the Waiting List" chapter).

Multiple Families in the Same Household

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

Joint Custody of Children

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

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

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

To be eligible for assistance, an applicant must:

Have an Annual Income at the time of admission that does not exceed the **very low income** limits for occupancy established by HUD.

To be income eligible the applicant must be a family in the very low income category, which is a family whose income does not exceed 50 percent of the area median income. The HACFM will not admit families whose income exceeds 50 percent of the area median income except those families included in 24 CFR 982.201(b).

To be income eligible the family may be under the low-income limit in any of the following categories: [24 CFR 982.201(b)]

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use

Deleted: <object>

A very low-income family.

A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within **60** days of voucher issuance. Programs include any housing federally assisted under the 1937 Housing Act.

A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.

A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.

A low-income non-purchasing family residing in a project subject to a home-ownership program under 24 CFR 248.173.

A low-income family or moderate income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.

A low-income family that qualifies for Voucher assistance as a non-purchasing family residing in a project subject to a resident home ownership program.

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

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

Multijurisdictional PHAs: The applicable income limit used for initial issuance of a voucher is the highest income limit within the PHA's jurisdiction.

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.

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.

Deleted: 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.¶

Deleted: Copyright 2001 by Nan McKay & Associates¶ To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: <object>

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

Deleted: ineligible

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

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

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.

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

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

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

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

The family must not have violated any family obligation during a previous participation in the Section 8 program for 5 years prior to final eligibility determination.

The PHA will make an exception, if the family member who violated the family obligation is not a current member of the household on the application.

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use

Deleted: <object>

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 10 days of PHA notice to repay.

The family must be in good standing regarding any current payment agreement made with another PHA for a previous debt incurred, before this PHA will allow participation in its Section 8 program.

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

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

G. TENANT SCREENING [24 CFR 982.307)]

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

The HACFM will screen for eligibility criteria including criminal background but will NOT screen for unit suitability.

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.

The owner is responsible for screening families based on their tenancy histories, including such factors as: [24 CFR 982.307(a)(3)]

Payment of rent and utility bills

Caring for a unit and premises

Respecting the rights of other residents to the peaceful enjoyment of their housing

Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others; and

Compliance with other essential conditions of tenancy.

Upon request, the HACFM will give the owner:

The family's current and prior address as shown in the HACFM's records; and

The name and address (if known by the HACFM) of the landlord at the family's current and prior address.

Deleted: The HACFM **will** screen family behavior or suitability for tenancy. The PHA will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

Deleted: T

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use

Deleted: <object>

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

The PHA will advise families how to file a complaint if they have been discriminated against by an owner. The PHA will advise the family to make a Fair Housing complaint. The PHA may also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing Organization.

Qualified and Unqualified Applicants

Information that has been verified by the HACFM will be analyzed and a determination will be made with respect to determining eligibility as

- a family
- income limits for admission status.
- citizenship or eligible immigration status,
- non-criminal background requirements
- Preference category

Assistance to a family may not be delayed, denied or terminated on the basis of the family’s ineligible immigration status unless and until the family completes all the verification and appeals process to which they are entitled under both INS and PHA procedures, except for a pending PHA hearing.

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

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

I. INELIGIBLE FAMILIES

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

J. PROHIBITED ADMISSIONS CRITERIA [982.202(b)]

Admission to the program may not be based on:

Deleted: status;

Deleted: Admission to the program may not be based on where the family lives before admission to the program.¶

Deleted: Copyright 2001 by Nan McKay & Associates¶ To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: <object>

Where a family lives prior to admission to the program.

Where the family will live with assistance under the program.

Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock.

Discrimination because a family includes children.

Whether a family decides to participate in a family self-sufficiency program; or

Other reasons as listed in the "Statement of Policies and Objectives" chapter under the Fair Housing and Reasonable Accommodations sections.

Deleted: self sufficiency

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use

Deleted: <object>

Chapter 3

APPLYING FOR ADMISSION

[24 CFR 982.204]

INTRODUCTION

The policy of the HACFM 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 HACFM 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.

Deleted: apply, and

A. OVERVIEW OF THE APPLICATION TAKING PROCESS

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

Families who wish to apply for any one of the HACFM's programs must apply online at www.hacfm.org and complete application form when application-taking is open. Applications will be made available in an accessible format upon request from a person with a disability.

When the waiting list is open, any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to apply online at www.hacfm.org.

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

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

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

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use

Deleted: 2/1/2009 ADMIN PLAN

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

The HACFM will utilize the following procedures for opening the waiting list:

When the HACFM opens the online waiting list, the HACFM will advertise through the HACFM website, local news publications serving diverse populations and those least likely apply, and notices to community partners serving substantially the same families.:

Deleted: public notice to the following agencies and or media entities, location(s), and program(s) for which applications are being accepted

Deleted: teh

The notice will contain:

The dates, times, and the online address where families may apply.

The programs for which applications will be taken.

A brief description of the program.

A statement that public housing residents must submit a separate application if they want to apply for section 8.

Deleted: <#>Fort Myers News-Press¶
The Community Voice¶
Goodwill Industries¶
Senior Friendship Center¶
All Social Service Agencies¶

The length of time that the waiting list will remain open.

Limitations, if any, on who may apply. i.e., if the waiting list is open for a specific type of voucher the HACFM will specify as such in the notice.

Deleted: i.e.

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

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

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

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

Closing the Waiting List

The HACFM will close the waiting list at that designated time and date included in the notice of waiting list opening. Limits on Who May Apply

When the waiting list is open:

- Any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application.
- Depending upon the composition of the waiting list with regard to family types and preferences and to better serve the needs of the community, the HACFM may only accept applications from any family claiming preference(s).

When the application is submitted to the HACFM:

- It establishes the family's date and time of application for placement order on the waiting list.

Deleted: The HACFM may stop applications if there are enough applicants to fill anticipated openings for the next **12** months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.¶

¶ The HACFM will announce the closing of the waiting list by public notice.¶

¶ The open period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over the next **12** months. The HACFM will give at least three days' notice prior to closing the list. When the period for accepting applications is over, the HACFM will add the new applicants to the list by:¶

¶ Preference, date and time.

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

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

The HACFM will utilize an online **pre-application form**. The information is to be filled out by the applicant whenever possible. To provide specific accommodation for persons with disabilities, the information may be completed by a staff person over the telephone. **It may also be mailed to the applicant and, if requested, it will be mailed in an accessible format**

The purpose of the online pre-application is to permit the HACFM to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list.

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

Online Pre-applications **will not** require an interview. The information on the application **will not** be verified until the applicant has been selected for final eligibility determination. Final eligibility will be determined when the full application process is **completed**, and all information is verified.

Commented [S6]: We will migrate a lot online and use upload procedures, but we are still having appointments and I can see on occasion we will have to mail.

Deleted: The online pre- application will contain at least the following information:¶
¶ Names of head of household, spouse or Co-head¶
¶ Names of all members including age and date of birth¶
¶ Number of family members (used to determine bedroom size needed)¶
¶ Physical street address and phone numbers¶
¶ Mailing address (if different from physical address)¶
¶ Monthly (or annual) Income¶
¶ Source of income received by all household members¶
¶ Social Security Numbers¶
¶ Race/Ethnicity¶
¶ Arrests/Convictions for Drug-Related or Violent Criminal Activity¶
¶ Questions regarding previous participation in HUD programs...

Deleted: Ineligible families **will not** be placed on the waiting list.¶

Deleted: completed

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

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

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

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

This written notification of preliminary eligibility will be:

- mailed to the applicant by first class mail

If the family is determined to be ineligible based on the information provided in the pre-application, the HACFM will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as an accommodation. See "Complaints and Appeals" chapter.

E. TIME OF SELECTION [24 CFR 982.204]

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

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

Based on the HACFM's turnover and the availability of funding, groups of families will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on /completion of verification.

Commented [S7]:

Commented [S8]: We are migrating online.

Commented [TR9]: This is highlighted because we aren't communicating preliminary eligibility currently

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use

Deleted: 2/1/2009 ADMIN PLAN

F. COMPLETION OF A FULL APPLICATION

All preferences claimed on the pre-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.

Deleted: <#>Whenever the family claims a preference¶

After the preference is verified, when the HACFM is ready to select applicants, applicants will be required to:

- Complete a full application in their own handwriting, unless assistance is needed, or a request for accommodation is made by a person with a disability. Applicant will then be interviewed by HACFM staff to review the information on the full application form.
- Participate in a full application interview with a HACFM representative during which the applicant will be required to furnish complete and accurate information verbally as requested by the interviewer. The HACFM interviewer will complete the full application form with answers supplied by the applicant. The applicant will sign and certify that all information is complete and accurate.

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

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

Requirement to Attend Interview

The HACFM utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other HACFM services or programs which may be available.

- The head of household is required to attend the interview.
- If the head of household cannot attend the interview, the spouse may attend to complete the application and certify for the family. The head of household, however, will be required to attend an interview within 10 days to review the information and to certify by signature that all of the information is complete and accurate.
- It is the applicant's responsibility to reschedule the interview if s/he misses the appointment. If the applicant does not reschedule or misses 2 scheduled meetings, the HACFM will reject the application.
- Applicants who fail to appear and want to reschedule a missed appointment must make the request to reschedule no later than 3 days from the original appointment date except in cases of emergencies. The request must be made to the staff person who scheduled the appointment.
- If an applicant fails to appear for their interview without prior approval of the HACFM, their application will be denied unless they can provide acceptable documentation to the HACFM that an emergency prevented them from calling.

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

Deleted: <#>All adult family members are required to attend the interview and sign the housing application.¶

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

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal review. (See "Complaints and Appeals" chapter.) n

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

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

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

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

G. VERIFICATION [24 CFR 982.201(e)]

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

The HACFM will verify information through these five methods of verification acceptable to HUD in the following order:

1. **Upfront Income Verification (UIV):** The verification of income at admission or before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals. HUD's **Enterprise Income Verification System (EIV)** is considered to be this method
2. **Third-Party Written:** This method used to verify information directly with the source to substantiate claims made by the family. This verification form is to be sent and received directly from the source and not to be handled by the applicant or participant.
3. **Third-Party Oral:** Oral third-party verification will be used when written third-party verification is delayed or not possible. The most common method will be by telephone.

4. Review of Documents: The HACFM will review documents, when relevant to substantiate the claim of an applicant or participant.
5. Self-Certification/Declaration: When verification cannot be made by the first four methods, families will be required to submit self-certification. This is to be a notarized statement; or a statement written and signed by the family member in the presence and witnessed by an authorized HACFM representative.

If third-party verification is not received directly from the source, HACFM staff will document the file as to why third-party verification was impossible to obtain and another method was used (such as reviewing documents families provide)

The HACFM will not delay the processing of an application beyond ten (10) working days because a third party information provider does not return the verification in a timely manner.

Regardless of these timeframes, criminal history reports will be used as a valid verification for no longer than six (6) months.

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

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

Chapter 4

ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST

[24 CFR Part 5, Subpart D; 960.206, 982.54(d)(1); 982.204, 982.205, 982.206, 982.207]

INTRODUCTION

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

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

A. WAITING LIST [24 CFR

982.204] The HACFM uses the

following waiting lists:

1. Housing Choice Voucher (HCV) Program
2. Project Based Voucher Program
 - [Individual developments where PBV program applies](#)
 - [RAD PBV or PBRA developments](#)

Except for Special Admissions, applicants will be selected from the HACFM waiting lists in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan.

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

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

Applicant name

Family unit size (number of bedrooms family qualifies for under HACFM subsidy standards)

Date and time of application

Qualification for any local preference

Racial or ethnic designation of the head of household

*Annual (gross) family income

*Number of persons in family

4-1

2/

Deleted: Copyright 2000 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates
Unlimited copies may be made for internal use

Deleted: 1/2009 ADMIN PLAN

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

If HUD awards HACFM program funding that is targeted for specific families living in specified units, the HACFM 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 HACFM maintains separate records of these admissions.

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

A family displaced because of demolition or disposition of a public or Indian housing project.

Deleted: project;

A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project.

Deleted: project;

For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990.

Deleted: 1990;

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; and

A non-purchasing family residing in a HOPE I, HOPE II, or HOPE VI project.

Applicants, who are admitted under Special Admissions, rather than from the waiting list, **are not** maintained on separate lists.

Witness Relocation Program

Summary:

The Witness Relocation Program provides rental assistance in the form of Section 8 housing vouchers for the relocation of witnesses in connection with efforts to combat violent crimes that occur in and around public, Indian, and other HUD-assisted housing. Since its inception in 1996, HUD's Office of Inspector General (OIG) has used this program to successfully relocate hundreds of witnesses and their families throughout the United States.

Purpose:

The Witness Relocation Program is designed to offer protection to persons who are cooperating as witnesses in the government's efforts to combat violent crimes occurring in and around public, Indian, and other HUD-assisted housing. Law enforcement agencies, with the written concurrence of the appropriate prosecutorial entity, may request the emergency relocation of a witness (and their immediate family) that is assisting law enforcement in a criminal matter and fears retribution, or has been threatened as a result of the assistance and/or testimony provided.

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

The OIG facilitates the protection of witnesses by removing them and their immediate families from potential danger and relocating them to a secure area selected by the OIG in cooperation with the relevant federal, state, tribal, or local law enforcement agencies.

Eligible Customers:

Witnesses to violent crimes occurring in or around public, Indian, or other HUD-assisted housing that cooperate with the relevant governmental law enforcement and prosecutorial agencies in their investigation and prosecution of the perpetrators are eligible for the program. The witness (and their immediate family) is not required to be a current resident of the aforementioned HUD-assisted housing in order to be considered eligible for the Witness Relocation ~~Program but~~ must be otherwise eligible to receive Section 8 housing voucher assistance. Final determination of program eligibility is made by the OIG and HUD's Office of Public and Indian Housing.

Deleted: Program, but

EMERGENCY HOUSING VOUCHERS (PIH-2021-15)

Emergency Housing Vouchers (EHVs) were authorized under the American Rescue Plan signed into law on March 11, 2021, which provides relief to address the continued impact of the COVID 19 pandemic on the economy, public health, State and local governments, individuals and businesses.

Eligibility for these EHVs is limited to individuals and families who are (1) homeless; (2) at risk of homelessness; (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or (4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability. After September 30, 2023, a PHA may not reissue any previously leased EHV, regardless of when the assistance for the formerly assisted family ends or ended.

Eligibility

In order to be eligible for an EHV, an individual or family must meet one of four ~~eligibilities~~ categories:

Deleted: eligibility

Homeless

At risk of homelessness

Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking

Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

In general, the verification that the individual or family meets one of these four ~~eligibilities~~ categories ~~are~~ conducted by the CoC or another partnering agency that makes direct referrals to the PHA. The CoC or other direct referral partner must provide supporting documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance.

Deleted: eligibility

Deleted: is

The following definitions always apply with respect to EHV eligibility, regardless of whether the PHA may have established another definition for any of these terms elsewhere in this administrative plan

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

a. Individuals and families who are homeless

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 24 CFR 578.3 and reads as follows:

Homeless means:

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

(i) 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.

(ii) 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

(iii) 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.

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

(i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance.

(ii) No subsequent residence has been identified; and

(iii) 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.

(3) 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:

(i) 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. 14043e-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).

(ii) 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.

(iii) 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

(iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental

Commented [S10]: Since this is pasted in, we need to format to margin.

Deleted: McKinney Vento

Deleted: ground;

Deleted: including

Deleted: assistance;

Deleted:);

Deleted: assistance;

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

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.

Deleted: disability;

b. Individuals or families who are at-risk of homelessness

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 24 CFR 578.3 and reads as follows:

At risk of homelessness. (1) An individual or family who:

(i) Has an annual income below 30 percent of median family income for the area, as determined by HUD.

Deleted: HUD;

(ii) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “Homeless” definition above; and

(iii) Meets one of the following conditions:

(A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance.

Deleted: assistance;

(B) Is living in the home of another because of economic hardship.

Deleted: hardship;

(C) Has been notified in writing that their right to occupy their

19 current housing or living situation will be terminated within 21 days of the date of application for assistance.

Deleted: assistance;

(D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals.

Deleted: individuals;

(E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau.

Deleted: Bureau;

(F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.

(2) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or
(3) A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

c. Individuals or families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking

This category is composed of any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking. This includes cases where a HUD-assisted tenant reasonably believes that there is a threat of imminent harm from further violence if they remain within the same dwelling unit, or in the case of sexual assault, the HUD-assisted tenant reasonably believes there is a threat of imminent harm from further violence if they remain within the same dwelling unit that they are currently occupying, or the sexual assault occurred on the premise during the 90-day period preceding the date of the request for transfer.

20

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.

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:

1. The length of the relationship,

2. The type of relationship; and

3. The frequency of interaction between the persons involved in the relationship.

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

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.

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). These are

Deleted: relationship;

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay &
Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

defined as:

Sex trafficking means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of

21

age; (and)

Labor trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

d. Individuals or families who are recently homeless

This category is composed of individuals and families determined by the CoC or its designee to meet the following definition.

Recently homeless is defined as individuals and families who have previously been classified by a member agency of the CoC as homeless but are not currently homeless as a result of homeless assistance (financial assistance or services), temporary rental assistance or some type of other assistance, and where the CoC or its designee determines that the loss of such assistance would result in a return to homelessness or the family having a high risk of housing instability. Examples of households that may be defined as recently homeless by the CoC include, but are not limited to, participants in rapid rehousing, and permanent supportive housing.

Individuals and families classified as recently homeless must be referred by the CoC or its designee.

Selection

Pursuant to PIH 2021-15 all EH vouchers will be awarded to families who meet the eligibility criteria and are referred but the local Continuum of Care and/or Domestic Violence providers in accordance with Memorandums of Understand established with the partners.

If a waiting list is required for the issuance of EHV's the HACFM will issue place referrals on the waiting list in chronological order from the date of the referral. Preferences established for other TBVs will not apply to EHV's.

9. Waivers and Alternative Requirements.

EHVs are tenant-based vouchers under Section 8(o) of the United States Housing Act of 1937. Unless expressly waived, all statutory and regulatory requirements and HUD directives regarding the HCV program are applicable to EHV's, including the use of all HUD required contracts and other forms.

The administrative policies adopted in the PHA's written administrative plan apply to the EHV's vouchers unless such local policy conflicts with the requirements of the ARP.

These waivers and alternative requirements have been determined by the Secretary to be necessary to expedite and facilitate the use of the EHV funding. These waivers or alternative

requirements are exceptions to the normal HCV requirements, which otherwise apply to the administration of the EHV.

a. COVID-19 waivers (waivers authorized for the regular HCV program under the CARES Act)

The Coronavirus Aid, Relief and Economic Security (CARES) Act (Public Law 116-136) provides HUD with broad authority to waive or establish alternative requirements for numerous statutory and regulatory requirements for the HCV program. However, the CARES Act waiver authority does not cover EHV funding appropriated by the ARP. HUD recognizes that the challenges the COVID-19 pandemic has created for the regular HCV program will likewise apply to the administration of the EHV. Consequently, HUD is exercising its waiver authority under the ARP to provide some of the same menu of HCV-applicable CARES Act waivers to PHAs for administration of the EHV assistance. The use of these COVID-19-related EHV waivers is at the discretion of the individual PHA. A PHA may choose to apply all, some, or none of the waivers to the EHV assistance.

Unlike the other ARP waivers provided through this notice, these EHV COVID-19 waivers have limited periods of availability that currently match the same periods of availability for the CARES Act waivers. The period of availability for these EHV COVID-19 waivers/alternative requirements, collectively or individually, may be further extended by PIH notice should HUD determine that such similar extension is necessary for the CARES Act waivers, or if HUD otherwise determines it necessary to further extend these waivers for the EHV. PHAs that implement these waivers are not required to keep the waiver/alternative requirement in-place for the full period of availability (Including any extension) but may at any time choose to revert to regular program requirements and operations.

Deleted: including

Attachment 1 of this notice provides the list of COVID-19 related waivers that the PHA may apply to the EHV. PHAs should refer to Notice PIH 2021-14 or its successor notice(s) for detailed information on the individual waivers listed in Attachment 1.

b. Required partnerships with the CoC and other organizations for direct referrals and services EHV are one of several resources that communities can use to house individuals and families who are experiencing homelessness or have unstable housing. To ensure that the EHV assist families who are most in need, PHAs are required to work with community partners to determine the best use and targeting for the vouchers along with other resources available in the community.

c. Admissions process - Direct referrals from the CoC and other partnering organizations

PHAs must accept referrals for EHV directly from the CE System. Accepting direct referrals from the CE System will help ensure families are able to get assistance quickly and eliminate the administrative burden on the PHA regarding the determination as to whether the family meets the definition of a qualifying individual or family for EHV assistance. CoC partners may also support applicants through the application process and attend meetings with applicants and PHAs to aid individuals and families through the admissions process

d. Required housing search assistance

Housing search assistance can help EHV participants successfully move to areas of higher opportunity, as well as broaden the pool of landlords participating in the EHV program.

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

including culturally or racially diverse landlords and landlords with smaller numbers of units. HUD has established as an alternative requirement that the PHA must ensure housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by the PHA or through the CoC or another partnering agency or entity.

Housing search assistance is a broad term which can include many activities, but with respect to this requirement it must at a minimum (1) help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods, (2) provide transportation assistance and directions to potential units, (3) conduct owner outreach, (4) assist with the completion of rental applications and PHA forms, and (5) help expedite the EHV leasing process for the family

e. Separate waiting list for EHV's

The HCV program regulations at § 982.204(f) provide that a PHA must use a single waiting list for admission to its HCV program. HUD is waiving § 982.204(f) to establish an alternative requirement under which the PHA shall maintain a separate waiting list for EHV referrals/applicants to help expedite the leasing process, both at initial leasing and for any turnover vouchers that may be issued prior to the September 30, 2023, turnover voucher cut-off date.

Deleted: 2023

Because the EHV waiting list is based on direct referrals or requests through the PHA's VAWA emergency transfer plan and not applications from the general public, HUD is also waiving § 982.206, which requires the PHA to give public notice when opening and closing the waiting list. Under this alternative requirement, the PHA will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.

Deleted: ¶

C. WAITLIST PREFERENCES [24 CFR 982.207]

PREFERENCE DEFINED

The preferences recognized by HACFM are: (All preferences will be verified)

Public Housing Resident Relocation, including RAD relocation – 100 points

A family currently resident in a PHA owned Public Housing Community that is repositioned to a Section 8 Housing Choice Voucher Program. The family will be eligible for this preference providing:

The family resides in the unit at the time of the conversion and/or resided in the unit in accordance with conversion eligibility requirements defined by HUD.

The family is in good standing with the PHA

The PHA does not owe any debts to the PHA during the term of public housing tenancy or is not in good standing with an existing repayment agreement.

1. Project Based Voucher Client requesting a Housing Choice Voucher – 90 Points

A family Currently residing in a Project Based unit may request, in writing, a Housing

4-9

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

Choice Voucher after successfully fulfilling the first year of tenancy in the Project based unit.

A family who successfully fulfilled the lease and gave proper notice to vacate will also be eligible as long as the family requested, in writing, a Housing choice voucher prior to vacating

[RAD Project Based Voucher client request a Housing Choice Voucher – 90 points](#)

Deleted: To be eligible for the voucher, the Family:
Must have completed the first-year lease at the Project Based Unit
Must be in good standing with the landlord
Does not owe any debt to the landlord for rent, utilities or damages.

Deleted: ¶

2. Emergency/Federally Displaced Preference - 40 Points

The HACFM shall grant preferences to families of federally declared disasters who are public housing residents from another jurisdiction and other eligible disaster-affected families who are income eligible. This preference will remain in place until the emergency no longer exists, or the displaced status (of the family) no longer exists.

Deleted: exists

Families that apply under this preference when the waitlist is closed and upon eligibility verification reveal they no longer qualify as displaced for the preference, will be removed from the waitlist.

Families that were on the waitlist PRIOR to requesting the preference, and no longer qualify for the preference, will have the preference points removed but remain on the waitlist in the original date/time order.

Deleted: Copyright 2000 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use

Deleted: 2/1/2009 ADMIN PLAN

3. **Displaced Person by State/Local Government Action or HOPE VI/Subsidized Housing Demolition - 30 Points**

Individuals or families displaced by State/Local Government action or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Relief Laws.

4. **Veterans Status - 20 Points**

Preference shall be given to Veterans or servicemen as defined by Florida Statutes (FL295.01): A "veteran" or a "serviceman" means a person who has served in the Armed Forces of the United States at any time and, in the case of a veteran, has been discharged or released there from under conditions other than dishonorable, or in the case of a serviceman, is presently in the Armed Forces of the United States. The preference granted to Veterans or servicemen as defined by FL S315.300, shall be extended to include families of veterans and servicemen. A family of a veteran or serviceman is therefore further defined as follows:

The veteran or serviceman is (a) either the Head of Household or is related to the Head of Household; or (b) deceased and was related to the Head of Household, and was a family member at the time of death or (c) the veteran or serviceman, unless deceased, is living with the family or is only temporary absent unless he/she was (1) formerly the Head of Household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided the family has not remarried; or (2) not the Head of Household but is permanently hospitalized, provided that he/she was a family member at the time of hospitalization and there remains in the family at least two (2) related persons.

5. **Mainstream Vouchers - 18 Points**

HACFM will offer a preference to Any Household that Includes one or more non-elderly person (age 18 to 62) with disabilities that are.

- **Transitioning out of institutional or other segregated settings** that include, but are not limited to:

- (1) congregate settings populated exclusively or primarily with individuals with disabilities.
- (2) congregate settings characterized by regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, or limits on individuals' ability to engage freely in community activities and to manage their own activities of daily living; or
- (3) settings that provide for daytime activities primarily with other individuals with disabilities.

- **At serious risk of institutionalization or other segregated settings**; Includes an individual with a disability who as a result of a public entity's failure to provide

Deleted: anytime

Deleted: he

Deleted: hospitalized;

Deleted: are;

Deleted: disabilities;

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

community services or it's cut to such services will likely cause a decline in health, safety, or welfare that would lead to the individual's eventual placement in an institution. This includes individuals experiencing lack of access to supportive services for independent living, long waiting lists for or lack of access to housing combined with community-based services, individuals currently living under poor housing conditions or homeless with barriers to geographic mobility, and/or currently living alone but requiring supportive services for independent living. A person cannot be considered at serious risk of institutionalization unless the person has a disability. An individual may be designated as at serious risk of institutionalization either by a health and human services agency, by a community-based organization, or by self-identification.

- **Homeless**

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

(i) 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.

(ii) 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

(iii) 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.

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

(i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance.

(ii) No subsequent residence has been identified

- **At risk of becoming homeless** Meets one of the following conditions:

(1) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance.

(2) Is living in the home of another because of economic hardship; 9 of 32

(3) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance.

(4) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals.

(5) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau.

(6) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction

Deleted: its

Deleted: ground;

Deleted: institution;

Deleted: assistance;

Deleted: assistance;

Deleted: assistance;

Deleted: individuals;

Deleted: Bureau;

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

program or institution); or

(7) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness

HACFM will except the coordinated referral from partner agencies and local HMIS as well as individuals claiming a preference. HACFM will require documentation to verify preference.

6. **Homeless Preference – 15 Points**

HACFM will issue not more than 50 Homeless Preference Vouchers to homeless families per year pending funding availability. A family that is considered to be homeless as defined by Lee County Department of Human Services Lift Program and or The Salvation Army and must be a client of Lee County Department of Human Services Lift Program or the Salvation Army homeless population. These households require initial, intermittent or ongoing supportive services from one or more community based service providers to obtain and retain stable, adequate and safe housing.

Homeless means a family who lacks a fixed, regular, and adequate nighttime residence or a family who has a primary nighttime residence that is:

- (a) A Supervised publically or privately operated shelter designed to provide temporary living accommodations, including congregate shelters and transitional housing.
- (b) An institution that provides a temporary residence for individuals intended to be institutionalized; or
- (c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

The term Homeless does not refer to any individual imprisoned or otherwise detained pursuant to state or federal laws.

7. **Victims of Domestic Violence (VAWA) - 10 Points**

HACFM will offer a preference to families/persons that have been subjected to or a victim of domestic violence, dating violence, sexual assault, or stalking. HACFM will require documentation that the family has been displaced as a result of fleeing domestic violence, dating violence, sexual assault, or stalking. Families are also eligible for this preference if there is proof that the family is currently living in a situation where they are being subjected to or victimized by violence in the home.

- 1. Actual or threatened physical violence directed against the applicant or the applicant's family, spouse or other household member who lives in the unit with the family. The actual violence must have occurred within the past six (6) months or be of a continuing nature.
- 2. An applicant who lives in a violent neighborhood or is fearful of other violence outside the household is NOT considered involuntarily displaced.
- 3. To qualify for this preference, the abuser must still reside in the unit from which the victim was displaced. The applicant must certify that the abuser WILL NOT reside with the applicant. If the abuser returns to live with the family without approval,

Deleted: housing;

Deleted: Copyright 2000 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use

Deleted: 2/1/2009 ADMIN PLAN

HACFM will deny and or terminate assistance for breach of the certification.

4. Acceptable forms of documentation you are or have been a victim of domestic violence, dating violence, sexual assault or stalking:
 1. All requests must be in writing and provided to HACFM within 14 business days from the day you receive the request to provide the documentation. Failure or refusal to provide one of the documents listed below within 14 days of the request will result in no preference given. If HACFM receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault or stalking has been committed, HACFM will request that you provide third-party documentation within 30 calendar days in order to resolve the conflict. If you fail or refuse to supply third-party documentation where there is conflicting evidence HACFM will not provide you the preference.
 2. Completed HUD form 5382 – Certification of Domestic Violence, Dating Violence, Sexual Assault or ~~Stalking~~. OR
 3. A Federal, State, Tribal or Local law enforcement agency, court, or administrative agency that documents domestic violence, dating violence, sexual assault or ~~stalking~~ (police reports, protective order, and restraining orders); OR
 4. A statement which you must sign along with a signature of an employee, agent or volunteer of a victim service provider, an attorney, a medical professional or mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he/she believes that the incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
 5. Certified letter from the Abuse, Counseling and Treatment Center (ACT).

Deleted: Stalking;

Deleted: stalking(

Deleted:) ;

8. Local Preference – 5 Points

1. Persons and or families must reside in Lee County or who are working or have been hired to work in Lee County.
2. Applicant must provide proof of residency to HACFM upon request and before Voucher issuance. Example of proof of Lee County residency or Lee County employment would be:
 - Signed lease agreement and utility bill in ~~applicant's~~ name
 - School or graduation records for applicant
 - Voter registration Card
 - ~~Driver's~~ License and Proof of Current home address
 - Employment records that document employment in Lee County
 - Letter from Employer stating your current or future hire date in Lee County

Deleted: applicants

Deleted: Drivers

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

9. All Other Applicants - 0 Points

No preference

*****The qualification for any of the above mentioned preferences MUST exist at the time the preference is verified regardless of the length of time an applicant has been on the waitlist. The preference is based on current status of the family at the time of determination of eligibility.**

D. INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year the HACFM will reserve a minimum of seventy-five percent (**75%**) of its Section 8 new admissions for families whose income does not exceed 30 percent of the area median income. HUD refers to these families as "extremely low-income families." The HACFM will admit families who qualify under the Extremely Low Income limit to meet the income targeting requirement, regardless of preference.

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

The HACFM is also exempted from this requirement where the HACFM is providing assistance to low income or moderate income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

E. TARGETED FUNDING [24 CFR 982.203]

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.

Applicants who are admitted under targeted funding which are not identified as a Special Admission the HACFM has the following "Targeted" Programs:

The PHA does not have any targeted programs.

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

Change in Circumstances

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

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

Other Housing Assistance [24 CFR 982.205(b)]

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

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

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

However, the HACFM may remove the applicant from the waiting list for tenant-based assistance if the HACFM has offered the applicant assistance under the HCV program.

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

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

- HCV Program - Preference Date and Time
- PBV Program - Bedroom Size, Preference, Date and Time

Special purpose vouchers – according to individual program rules

Deleted: ~~Cross-Listing of Different Housing Programs and Section 8~~ [24 CFR 982.205(a)]¶
¶
The HACFM does have other housing programs.¶
¶
Public Housing Developments¶
Housing Choice Voucher Program¶
Project Based Voucher Program¶
Neighborhood Stabilization Program Developments (NSP)¶

Deleted: qualified;

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶
Deleted: 2/1/2009 ADMIN PLAN

H. FINAL VERIFICATION OF PREFERENCES [24 CFR 982.207]

Preference information on applications will be updated as applicants are selected from the waiting list. At that time, the HACFM will:

Obtain necessary verifications of preference at the interview and by third party verification.

I. PREFERENCE DENIAL [24 CFR 982.207]

If HACFM denies a preference, HACFM will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for a review. Applicant will have 10 working days to request a review with the Section 8 Director or their designee. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference (if the family was on the waiting list prior to claiming the preference). Applicants may exercise other rights if they believe they have been discriminated against.

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

Deleted: <#>REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204(c)]¶
¶
The Waiting List will be purged at least one time each year by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for confirmation of continued interest.¶
¶
Any mailings to the applicant which require a response will state that failure to respond within¶
[10] days will result in the applicant's name being dropped from the waiting list.¶
¶
An extension of [10] days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability.¶
¶
If they fail to respond within [10] days, they will be removed from the waiting list.¶
¶
If the applicant did not respond to the HACFM request for information or updates because of a family member's disability, the HACFM will reinstate the applicant in the family's former position on the waiting list.¶
¶
If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file.¶
¶
If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless the Section 8 Director determines there were circumstances beyond the person's control.¶

Deleted: Copyright 2000 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

Chapter 5

SUBSIDY STANDARDS

[24 CFR 982.54(d)(9)]

INTRODUCTION

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

Deleted: changes

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

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

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

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

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

Deleted: <#>A single individual will be issued a 1-bedroom Voucher¶
A single individual with an infant will be issued a 1-bedroom until the child reaches age 2¶
¶
Separate bedrooms may be allocated for persons of the opposite sex (other than adults who have a spousal relationship and for children under the age of 5). Children of the opposite sex may share a bedroom if both are under age 5.¶
¶
Adults of different generations will have a separate bedroom.¶

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/23/2011 ADMIN PLAN

* Generally, the HACFM assigns one bedroom to two people within the following guidelines:

- The head of household will receive one bedroom and then additional bedrooms will be assigned at two persons per bedroom.
- Foster children will be included in determining unit size only if they will be in the unit for more than [6] months.
- Live-in attendants will be considered in determining bedroom size voucher following the same subsidy standards. No additional bedrooms are provided for the attendant’s family.
- Space will not be provided for a child who is away at school.
- A single pregnant woman with no other family members must be treated as a two-person family for occupancy standards only.
- Single person families shall be allocated [one] bedroom.

If the unit size for which the family is eligible changes during the term of the HAP contract, the “new” unit size is applicable at the first regular reexamination following the change.

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

Deleted: 2

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/23/2011 ADMIN PLAN

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

The HACFM shall grant exceptions from the subsidy standards if the family requests and the HACFM determine the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances.

The HACFM will grant an exception upon request as an accommodation for persons with disabilities. Circumstances may dictate a larger size than the subsidy standards permit when persons cannot share a bedroom because of a need, such as a:

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

Request for Exceptions to Subsidy Standards

* **The family may request a larger sized voucher than indicated by the HACFM's subsidy standards. Such request must be made in writing within [10] days of the HACFM's determination of bedroom size. The request must explain the need or justification for a larger bedroom. Documentation verifying the need or justification will be required as appropriate.**

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

Requests based on health related reasons must be verified by a [doctor/medical/professional/social service professional].

Deleted: HACFM Error
¶
If the HACFM errs in the bedroom size designation, the family will be issued a Voucher of the appropriate size.¶

Deleted: Changes for Applicants
¶
The voucher size is determined prior to the briefing by comparing the family composition to the HACFM subsidy standards. If an applicant requires a change in the voucher size, based on the requirements of the HACFM subsidy standards, the above-referenced guidelines will apply.¶

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/23/2011 ADMIN PLAN

Changes for Participants

The members of the family residing in the unit must be approved by the HACFM. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the HACFM within [10] days. The above referenced guidelines will apply.

Underhoused and Over housed Families

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

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

- * **If a family with a disability is under housed in an accessible unit.**
- * **If a family requires the additional bedroom because of a health problem which has been verified by the HACFM.**
- * **The HACFM and family have been unable to locate a unit within [60] days.**

Deleted: ~~Overhoused~~

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶
Deleted: 2/23/2011 ADMIN PLAN

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

Deleted: The family may select a larger size dwelling unit than that listed on the Voucher Size. There are three criteria to consider: The family may select a smaller size unit in accordance with HQS standards.¶

¶

A family which receives a housing voucher can select a unit with a rent that is below or above the payment standard. The housing voucher family must pay 30% of its monthly adjusted gross income for rent and utilities, and if the unit rent is greater than the payment standard the family is required to pay the additional amount. By law, whenever a family moves to a new unit where the rent exceeds the payment standard, the family may not pay more than 40 percent of its adjusted monthly income for rent. This is known as the 40% CAP.¶

¶

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

¶

The payment standard amount for the family unit size; or¶

¶

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

¶

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

¶

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

¶

¶

HQS GUIDELINES FOR UNIT SIZE SELECTED

Unit Size

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/23/2011 ADMIN PLAN

Chapter 6

INCOME AND SUBSIDY DETERMINATIONS

[24 CFR Part 5, Subparts E and F; 24 CFR 982]

INTRODUCTION

A family's income determines eligibility for assistance and is also used to calculate the family's payment and the HACFM's subsidy. The HACFM will use the policies and methods described in this chapter to ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the regulations. This chapter describes HUD regulations and HACFM policies related to these topics in three parts as follows:

- Part I: Annual Income. HUD regulations specify the sources of income to include and exclude to arrive at a family's annual income. These requirements and HACFM policies for calculating annual income are found in Part I.
- Part II: Adjusted Income. Once annual income has been established HUD regulations require the HACFM to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and HACFM policies for calculating adjusted income are found in Part II.
- Part III: Calculating Family Share and HACFM Subsidy. This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining HACFM subsidy and required family payment.

Deleted: PART I: ANNUAL INCOME¶
6-I.A. OVERVIEW¶

<object>The general regulatory definition of *annual income* shown below is from 24 CFR 5.609.¶

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets. The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:¶

Annual Income Inclusions (Exhibit 6-1)¶

Annual Income Exclusions (Exhibit 6-2)¶

Treatment of Family Assets (Exhibit 6-3)¶

Earned Income Disallowance for Persons with Disabilities (Exhibit 6-4)¶

The Effect of Welfare Benefit Reduction (Exhibit 6-5)¶

Sections 6-I.B and 6-I.C discuss general requirements and methods for calculating annual income. The rest of this section describes how each source of income is treated for the purposes of determining annual income. HUD regulations present income inclusions and exclusions separately [24 CFR 5.609(b) and 24 CFR 5.609(c)]. In this plan, however, the discussions of income inclusions and exclusions are integrated by topic (e.g., all policies affecting earned income are discussed together in section 6-I.D). Verification requirements for annual income are discussed in Chapter 7.¶

6-I.B. HOUSEHOLD COMPOSITION AND INCOME¶

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.¶

¶

¶

Summary of Income Included and Excluded by Person ...

Temporarily Absent Family Members

The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit [HCV GB, p. 5-18].

Absent Full-Time Students

HACFM Policy

When someone who has been considered a family member attends school away from home and has established housing elsewhere, the person will not be considered a family member in determining voucher size and occupancy standards.

Court-Ordered Absences

HACFM Policy

If a member of the family is subject to a court order that restricts the member from the home, the HACFM will determine whether the person will be considered temporarily or permanently absent. If the court order specifies a permanent restriction or if the court restriction exceeds 180 days, the person will no longer be considered a family member. If the individual intends to return to the unit at the end of the restriction, the individual is subject to the eligibility and screening requirements discussed in Chapter 3 of this plan.

Absences Due to Placement in Foster Care

Children temporarily absent from the home as a result of placement in foster care are considered members of the family [24 CFR 5.403].

HACFM Policy

If a child has been placed in foster care, the HACFM will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absences Due to Incarceration

HACFM Policy

If a family member is expected to be incarcerated for more than 180 consecutive days, the person will not be considered a family member. If the individual intends to return to the unit following incarceration, the individual is subject to the eligibility and screening requirements discussed in Chapter 3 of this plan.

Family Members Permanently Confined for Medical Reasons

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted [HCV GB, p. 5-22].

HACFM Policy

The HACFM will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

When an individual who has been counted as a family member is determined permanently absent, the family is eligible for the medical expense deduction only if the remaining head, spouse, or co head qualifies as an elderly person or a person with disabilities.

Joint Custody of Children

HACFM Policy

In the case of joint custody, only one family may claim a child as a dependent. When two assisted families could conceivably claim the child, the two families must resolve the issue and declare which household will receive the dependent deduction. If the two households are unable to resolve the issue, the HACFM will make the determination on the basis of such factors as who claimed the child as a dependent on the most recent income tax filing and how much time the child spends in each household.

Caretakers for a Child

HACFM Policy

If neither a parent nor a designated guardian remains in a household receiving HCV assistance, the HACFM will take the following actions.

- (1) If a responsible agency has determined that another adult is to be brought into the assisted unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.
- (2) If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 60 days. After the 60 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases the HACFM will extend the caretaker's status as an eligible visitor.
- (3) At any time that custody or guardianship legally has been awarded to a caretaker, the housing choice voucher will be transferred to the caretaker.
- (4) During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

6-I.C. ANTICIPATING ANNUAL INCOME

The HACFM is required to count all income “anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date” [24 CFR 5.609(a)(2)]. Policies related to anticipating annual income are provided below.

Basis of Annual Income Projection

The HACFM generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes the HACFM to use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected [HCV GB, p. 5-17]
- It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]
- The HACFM believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

HACFM Policy

When the HACFM cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the HACFM will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income. Anytime current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to the HACFM to show why the historic pattern does not represent the family’s anticipated income.

Known Changes in Income

If the HACFM verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

Example: An employer reports that a full-time employee who has been receiving \$6/hour will begin to receive \$6.25/hour in the eighth week after the effective date of the reexamination. In such a case the HACFM would calculate annual income as follows: $(\$6/\text{hour} \times 40 \text{ hours} \times 7 \text{ weeks}) + (\$6.25 \times 40 \text{ hours} \times 45 \text{ weeks})$.

Using Up-Front Income Verification (UIV) to Project Income

HACFM Policy

HACFM procedures for anticipating annual income will include the use of EIV/UIV methods approved by HUD in conjunction with family-provided documents dated within the last 60 days of the HACFM interview date.

The HACFM will follow “HUD Guidelines for Projecting Annual Income When Up-Front Income Verification (UIV) Data Is Available” in handling differences between UIV and family-provided income data. The guidelines depend on whether a difference is substantial or not. HUD defines *substantial difference* as a difference of \$200 or more per month.

No Substantial Difference. If UIV information for a particular income source differs from the information provided by a family by less than \$200 per month, the HACFM will follow these guidelines:

If the UIV figure is less than the family’s figure, the HACFM will use the family’s information.

If the UIV figure is more than the family’s figure, the HACFM will use the UIV data unless the family provides documentation of a change in circumstances to explain the discrepancy (e.g., a reduction in work hours). Upon receipt of acceptable family-provided documentation of a change in circumstances, the HACFM will use the family-provided information.

Substantial Difference. If UIV information for a particular income source differs from the information provided by a family by \$200 or more per month, the HACFM will follow these guidelines:

The HACFM will request written third-party verification from the discrepant income source in accordance with 24 CFR 5.236(b)(3)(i).

When the HACFM cannot readily anticipate income (e.g., in cases of seasonal employment, unstable working hours, or suspected fraud), the HACFM will review historical income data for patterns of employment, paid benefits, and receipt of other income.

The HACFM will analyze all UIV, third-party, and family-provided data and attempt to resolve the income discrepancy.

The HACFM will use the most current verified income data and, if appropriate, historical income data to calculate anticipated annual income.

Deleted: © Copyright 2004 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Rev. 04/216 ADMIN PLAN

6-1.D. EARNED INCOME

Types of Earned Income Included in Annual Income

Wages and Related Compensation. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services is included in annual income [24 CFR 5.609(b)(1)].

HACFM Policy

For persons who regularly receive bonuses or commissions, the HACFM will verify, and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, the HACFM will use the prior year amounts. In either case the family may provide, and the HACFM will consider, a credible justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, the HACFM will count only the amount estimated by the employer.

Deleted: verify

Some Types of Military Pay. All regular pay, special pay and allowances of a member of the Armed Forces are counted [24 CFR 5.609(b)(8)] except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(c)(7)].

Types of Earned Income Not Counted in Annual Income

Temporary, Nonrecurring, or Sporadic Income [24 CFR 5.609(c)(9)]. Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed. Such income is not counted.

Children's Earnings. Employment income earned by children (including foster children) under the age of 18 years is not included in annual income [24 CFR 5.609(c)(1)]. (See Eligibility chapter for a definition of *foster children*.)

Certain Earned Income of Full-Time Students. Earnings in excess of \$480 for each full-time student 18 years old or older (except for the head, spouse, or co head) are not counted [24 CFR 5.609(c)(11)]. To be considered "full-time," a student must be considered "full-time" by an educational institution with a degree or certificate program [HCV GB, p. 5-29].

Income of a Live-in Aide. Income earned by a live-in aide, as defined in [24 CFR 5.403], is not included in annual income [24 CFR 5.609(c)(5)]. (See Eligibility chapter for a full discussion of live-in aides.)

Deleted: © Copyright 2004 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Rev. 04/216 ADMIN PLAN

Income Earned under Certain Federal Programs. Income from some federal programs is specifically excluded from consideration as income [24 CFR 5.609(c)(17)], including:

- Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
- Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b))
- Awards under the federal work-study program (20 U.S.C. 1087 uu)
- Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

Resident Service Stipend. Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed \$200 per individual per month) received by a resident for performing a service for the HACFM or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the HACFM's governing board. No resident may receive more than one such stipend during the same period of time [24 CFR 5.600(c)(8)(iv)].

State and Local Employment Training Programs. Incremental earnings and benefits to any family member resulting from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program [24 CFR 5.609(c)(8)(v)].

HACFM Policy

The HACFM defines *training program* as “a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period to time. It is designed to lead to a higher level of proficiency, and it enhances the individual’s ability to obtain employment. It may have performance standards to measure proficiency. Training may **include but** is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education” [expired Notice PIH 98-2, p. 3].

The HACFM defines *incremental earnings and benefits* as the difference between (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp. 3–4].

In calculating the incremental difference, the HACFM will use as the pre-enrollment income the total annualized amount of the family member’s welfare assistance and earnings reported on the family’s most recently completed HUD-50058.

End of participation in a training program must be reported in accordance with the HACFM's interim reporting requirements.

Deleted: include, but

Deleted: © Copyright 2004 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Rev. 04/216 ADMIN PLAN

HUD-Funded Training Programs. Amounts received under training programs funded in whole or in part by HUD [24 CFR 5.609(c)(8)(i)] are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Section 8 administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.

HACFM Policy

To qualify as a training program, the program must meet the definition of *training program* provided above for state and local employment training programs.

Earned Income Tax Credit. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)), are excluded from annual income [24 CFR 5.609(c)(17)]. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee’s payroll check.

Earned Income Disallowance. The earned income disallowance for persons with disabilities is discussed in section 6-~~I~~. ~~E~~ below.

Deleted: I.E

Deleted: © Copyright 2004 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Rev. 04/216 ADMIN PLAN

**Deleted: 6-I.E. EARNED INCOME
DISALLOWANCE FOR PERSONS WITH
DISABILITIES [24 CFR 5.617]¶**

The earned income disallowance (EID) encourages people with disabilities to enter the work force by not including the full value of increases in earned income for a period of time. The full text of 24 CFR 5.617 is included as Exhibit 6-4 at the end of this chapter. Eligibility criteria and limitations on the disallowance are summarized below.¶

Eligibility¶

This disallowance applies only to individuals in families already participating in the HCV program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:¶

Employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment. *Previously unemployed* includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.¶

Increased earnings by a family member who is a person with disabilities and whose earnings increase during participation in an economic self-sufficiency or job-training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].¶

New employment or increased earnings by a family member who is a person with disabilities and who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as one-time payments, wage subsidies, or transportation assistance, the total amount received over the six-month period must be at least¶

\$500.¶

Calculation of the Disallowance¶

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her "prior income."¶

HACFM Policy¶

The HACFM defines *prior income*, or *prequalifying income*, as the family member's last certified income prior to qualifying for the EID.¶

The family member's prior, or prequalifying, income remains constant throughout the period that he or she is

...

Deleted: © Copyright 2004 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Rev. 04/216 ADMIN PLAN

6-III.C. APPLYING PAYMENT STANDARDS [24 CFR 982.505]

Overview

HACFM's schedule of payment standards is used to calculate housing assistance payments for HCV families. This section covers the application of the HACFM's payment standards. The establishment and revision of the HACFM's payment standard schedule are covered in Chapter 15.

Payment standard is defined as “the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family)” [24 CFR 982.4(b)].

The payment standard for a family is the **lower** of (1) the payment standard for the family unit size, which is defined as the appropriate number of bedrooms for the family under the HACFM's subsidy standards [24 CFR 982.4(b)], or (2) the payment standard for the size of the dwelling unit rented by the family.

If the HACFM has established an exception payment standard for a designated part of an FMR area and a family's unit is located in the exception area, the HACFM must use the appropriate payment standard for the exception area.

The HACFM is required to pay a monthly housing assistance payment (HAP) for a family that is the lower of (1) the payment standard for the family minus the family's TTP or (2) the gross rent for the family's unit minus the TTP.

If during the term of the HAP contract for a family's unit, the owner lowers the rent, the HACFM will recalculate the HAP using the lower of the initial payment standard or the gross rent for the unit [HCV GB, p. 7-8].

Changes in Payment Standards

When the HACFM revises its payment standards during the term of the HAP contract for a family's unit, it will apply the new payment standards in accordance with HUD regulations.

Decreases

If the amount on the payment standard schedule is decreased during the term of the HAP contract, the lower payment standard generally will be used beginning at the effective date of the family's second regular reexamination following the effective date of the decrease in the payment standard. The HACFM will determine the payment standard for the family as follows:

Step 1: At the first regular reexamination following the decrease in the payment standard, the HACFM will determine the payment standard for the family using the lower of the payment standard for the family unit size or the size of the dwelling unit rented by the family.

Step 2: The HACFM will compare the payment standard from step 1 to the payment standard last used to calculate the monthly housing assistance payment for the family. The payment standard used by the HACFM at the first regular reexamination following the decrease in the payment standard will be the higher of these two payment standards. The HACFM will advise the family that the application of the lower payment standard will be deferred until the second regular reexamination following the effective date of the decrease in the payment standard.

Deleted: © Copyright 2004 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Rev. 04/216 ADMIN PLAN

Step 3: At the second regular reexamination following the decrease in the payment standard, the lower payment standard will be used to calculate the monthly housing assistance payment for the family unless the HACFM has subsequently increased the payment standard, in which case the payment standard will be determined in accordance with procedures for increases in payment standards described below.

Increases

If the payment standard is increased during the term of the HAP contract, the increased payment standard will be used to calculate the monthly housing assistance payment for the family beginning on the effective date of the family’s first regular reexamination on or after the effective date of the increase in the payment standard.

Families requiring or requesting interim reexaminations will not have their HAP payments calculated using the higher payment standard until their next annual reexamination [HCV GB, p. 7-8].

Changes in Family Unit Size

Irrespective of any increase or decrease in the payment standard, if the family unit size increases or decreases during the HAP contract term, the new family unit size must be used to determine the payment standard for the family beginning at the family’s first regular reexamination following the change in family unit size.

Reasonable Accommodation

If a family requires a higher payment standard as a reasonable accommodation for a family member who is a person with disabilities, HACFM will establish a higher payment standard for the family within the basic range.

Deleted: © Copyright 2004 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.
Deleted: Rev. 04/216 ADMIN PLAN

6-III.D. UTILITY ALLOWANCES [24 CFR 982.517]

Overview

HACFM-established utility allowance schedule is used in determining family share and HACFM subsidy.

The utility allowance must include the utilities and services that are necessary in the locality to provide housing that complies with housing quality standards. HACFM will maintain a utility allowance schedule for (1) all tenant-paid utilities, (2) the cost of tenant-supplied refrigerators and ranges, and (3) other tenant-paid housing services such as trash collection. Costs for telephone, cable/satellite TV, and Internet services are not included in the utility allowance schedule.

The cost of each utility and housing service is stated separately by unit size and type.

HACFM Policy

HACFM uses the utility allowance of the lower utility allowance amount for the family unit size of the utility allowance amount for the actual unit size rented by the family.

Air-Conditioning

HACFM Policy

HACFM has included an allowance for air-conditioning in its schedule. Central air-conditioning or a portable air conditioner must be present in a unit before the HACFM will apply this allowance to a family’s rent and subsidy calculations.

Reasonable Accommodation

HACFM Policy

The family must request the higher allowance and provide HACFM with an explanation of the need for the reasonable accommodation and information about the amount of additional allowance required [HCV GB, p. 18-8]. HACFM will approve a utility allowance amount higher than shown on the HACFM’s schedule if a higher allowance is needed as a reasonable accommodation for a family member with a disability.

Utility Allowance Revisions

HACFM will review its schedule of utility allowances each ~~year and~~ will revise the schedule if there has been a change of 10 percent or more in any utility rate since the last time the allowance for that utility was revised.

Revised utility allowances will be applied to a family’s rent and subsidy calculations at the next annual reexamination that is effective after the allowance is adopted [HCV GB, p. 18-9].

Deleted: year, and

Deleted: © Copyright 2004 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Rev. 04/216 ADMIN PLAN

Deleted: 6-III.E. PRORATED ASSISTANCE FOR MIXED FAMILIES [24 CFR 5.520)]¶

¶ HUD regulations prohibit assistance to ineligible family members. A *mixed family* is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. HACFM must prorate the assistance provided to a mixed family. HACFM will first determine assistance as if all family members were eligible and then prorate the assistance based upon the percentage of family members that actually are eligible. For example, if the HACFM subsidy for a family is calculated at \$500 and two of four family members are ineligible, the HACFM subsidy would be reduced to \$250.¶

EXHIBIT 6-1: ANNUAL INCOME INCLUSIONS

Deleted: 24 CFR 5.609¶

Annual income means all amounts, monetary or not, which:¶

Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or¶

Are anticipated to be received from a source outside the family during the 12-month period following admission or

annual reexamination effective date; and¶

Which are not specifically excluded in paragraph (c) of this section.¶

Annual income also means amounts derived (during the 12-

month period) from assets to which any member of the family has access.¶

Annual income includes, but is not limited to:¶

The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and

bonuses, and other compensation for personal services;¶

The net income from the operation of a business or profession. Expenditures for business expansion or

amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for

depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided

in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession

will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in

the operation by the family.¶

..... Column Break

Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of

capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is

permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an

investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested

by the family. Where the family has net family assets in excess of¶

<object>\$5,000, annual income shall include the greater of the actual income derived from all net family assets or a

percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.¶

The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds,

pensions, disability or death benefits, and other similar types of periodic receipts, including a lump- sum amount or

prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of

this section).¶

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and

severance pay (except as provided in paragraph (c)(3) of this section).¶

Welfare assistance payments.¶

Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are

included in annual income only to the extent such payments.¶

Qualify as assistance under the TANF program definition[...

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

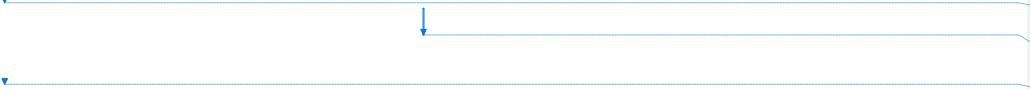
.....

.....

|

Deleted: © Copyright 2004 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Rev. 04/216 ADMIN PLAN



**Deleted: Chapter 7
VERIFICATION PROCEDURES**

Deleted: ¶

Deleted: [24 CFR Part 5, Subparts B, D, E and F; 24 CFR 982.158; 24 CFR 5.617]¶
¶
INTRODUCTION¶
¶
HUD regulations require that the factors of eligibility and Total Tenant Payment/Family Share be verified by HACFM. PHA staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible as to why third party verification was impossible to obtain.¶
¶
Applicants and program participants must provide true and complete information to HACFM whenever information is requested. HACFM's verification requirements are designed to maintain program integrity. This chapter explains HACFM's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. HACFM will obtain proper authorization from the family before requesting information from independent sources.¶
<object>METHODS OF VERIFICATION AND TIME ALLOWED [24 CFR 982.516]¶
¶
HACFM will verify information through the four methods of verification acceptable to HUD in the following order:¶
¶
Enterprise Income Verification (EIV)¶
¶
Third-Party Written¶
¶
Third-Party Oral¶
¶
Review of Documentations¶
¶
Certification/Self-Declaration¶
¶
HACFM will allow **two weeks** for return of third-party verifications and **two weeks** to obtain other types of verifications before going to the next method. HACFM will document the file as to why third party written verification was not used.¶
¶
For applicants, verifications may not be more than 60 days old at the time of Voucher issuance.¶
For participants, they are valid for 120 days from date of receipt.¶
Third-Party Written Verification¶

...

Deleted: Copyright 2004 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN



7-22

Deleted: Copyright 2004 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay &
Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

Chapter 8

VOUCHER ISSUANCE AND BRIEFINGS

[24 CFR 982.301, 982.302]

INTRODUCTION

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

A. ISSUANCE OF VOUCHERS [24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, HACFM will issue vouchers to applicants whose eligibility has been determined. The number of vouchers issued must ensure that HACFM stays as close as possible to 100 percent lease-up. HACFM performs a monthly calculation **electronically** to determine whether applications can be processed, the number of vouchers that can be issued, and to what extent HACFM can over-issue (issue more vouchers than the budget allows to achieve lease-up).

HACFM may over-issue vouchers only to the extent necessary to meet leasing goals. All vouchers which are over-issued must be honored. If HACFM finds it is over-leased, it must adjust future issuance of vouchers in order not to exceed the ACC budget limitations over the fiscal year.

B. BRIEFING TYPES AND REQUIRED ATTENDANCE [24 CFR 982.301]

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in **group meetings**. Families who attend group briefings and still have the need for individual assistance will be referred to **Intake Specialist**.

Briefings will be conducted in English. **Briefings will also be conducted in Spanish on an as needed basis.**

The purpose of the briefing is to explain how the program works and the documents in the voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

HACFM will not issue a voucher to a family unless the household representative has attended a briefing and signed the voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend 2 scheduled briefings, without prior notification and approval of HACFM, may be denied admission based on failure to supply information needed for certification. HACFM will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation.

Move Briefing

A move briefing will be held for participants who will be reissued a voucher to move, and who have been recertified within the last 120 days and have given notice of intent to vacate to their landlord. This briefing includes incoming and outgoing portable families.

Owner Briefing

New owners are brief on a one-on-one basis as needed. All new owners receive a personal invitation and current owners are notified by mail. Prospective owners are also welcome. The purpose of the briefing is to assure successful owner participation in the program. The briefing covers the responsibilities and roles of the three parties.

Signature Briefing

All new owners will be required to attend a signature briefing with the family head at the office to execute contracts and leases. Other owners will be encouraged to attend signature briefings to reduce future conflict between the owner and tenant. The PHA will provide details on the program rules and relationships and responsibilities of all parties.

HACFM provides group briefings for new owners and any other owners who wish to attend at least 1 per year and more frequently on a one-on-one basis, as needed.

**C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR
MINORITY CONCENTRATION**

At the briefing, families are encouraged to search for housing in non-impacted areas.

HACFM has maps that show various areas and information about facilities and services in neighboring areas such as schools, transportation, and supportive and social services.

HACFM will investigate and analyze when voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration.

The assistance provided to such families includes:

- Direct contact with landlords.
- Counseling with the family.
- Providing information about services in various non-impacted areas.
- Meeting with neighborhood groups to promote understanding.
- Formal or informal discussions with landlord groups
- Formal or informal discussions with social service agencies
- Meeting with rental referral companies or agencies
- Meeting with fair housing groups or agencies

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

The PHA will give participants a copy of HUD Form 903 to file a complaint.

E. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]

Leases Effective Prior to October 2, 1995

The amount of Security Deposit which could have been collected by owners under contracts effective prior to October 2, 1995, is:

Under the pre-merger Certificate Program, the owner could have collected a Security Deposit in an amount not to exceed Total Tenant Payment or \$50.00, whichever is greater, for non-lease-in-place families.

For the pre-merger voucher program, the owner, at his/her discretion could have collected a Security Deposit in an amount not to exceed PHA policy:

The amount charged to unassisted tenants up to a maximum of one month rent.

Leases Effective on or after October 2, 1995

The owner is not required to but may collect a security deposit from the tenant.

Security deposits charged to families may be any amount the owner wishes to charge, **subject to the following conditions:**

- **Security deposits charged by owners may not exceed those charged to unassisted tenants (nor the maximum prescribed by State or local law.**

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

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

During the briefing session, each household will be issued a voucher which represents a contractual agreement between the PHA and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program which occurs when the lease and contract become effective.

Expirations

The voucher is valid for a period of at least 60 calendar days from the date of issuance. The family must submit a Request for Approval of the Tenancy and Lease within the 60 day period unless an extension has been granted by the HACFM.

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

Suspensions

HACFM must provide for suspension of the initial or any extended term of the voucher from the date that the family submits a request for HACFM approval of the tenancy until the date HACFM notifies the family in writing whether the request has been approved or denied. When a Request for Approval of Tenancy is received, HACFM **will** deduct the number of days required to process the request from the 60 day term of the voucher.

Deleted: expired, and

Deleted: Copyright 2004 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Extensions

A family may request a written request for an extension of the voucher time period. All requests for extensions must be received prior to the expiration date of the voucher.

Extensions are permissible at the discretion of HACFM up to a maximum of an additional 60 days primarily for these reasons:

- Extenuating circumstances such as hospitalization or a family emergency for an extended period of time which has affected the family's ability to find a unit within the initial sixty-day period. Verification is required.
- HACFM is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of HACFM, throughout the initial 60 day period. A completed search record is not required.
- The family was prevented from finding a unit due to disability accessibility requirements or large size 3 & 4 bedroom unit requirement. The Search Record is not part of the required verification.
- If the family needs and request an extension of the initial voucher term as a reasonable accommodation, in accordance with part 8 of this title, to make the program accessible to a family member who is a person with disabilities, HACFM must extend the voucher term up to the term reasonably required for that purpose.
- If the vacancy rate for rental housing in the jurisdiction is less than 20%, 2 of extensions will be granted automatically on request up to a total of 120 days.
- HACFM extends in one or more increments. Unless approved by the Section 8 Director or higher, no more than 2 extensions of 30 days or less will be granted and never for a total of more than an additional sixty days.

HACFM will extend the term up to 120 days from the beginning of the initial term if the family needs and request an extension as a reasonable accommodation to make the program accessible to and usable by a family member with a disability. If the family needs an extension in excess of 120 days, HACFM will extend the voucher term for the amount of time reasonably required for said reasonable accommodation.

Moved down [1]: HACFM will extend the term up to 120 days from the beginning of the initial term if the family needs and request an extension as a reasonable accommodation to make the program accessible to and usable by a family member with a disability. If the family needs an extension in excess of 120 days, HACFM will extend the voucher term for the amount of time reasonably required for said reasonable accommodation.¶

Moved (insertion) [1]

Deleted: Copyright 2004 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Assistance to Voucher Holders

Families who require additional assistance during their search may call HACFM to request assistance. Voucher holders will be notified at their briefing session that HACFM recommends the use of GoSection8.com for listing of available units and how the updated list may be obtained.

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

After the first 60 days of the search, the family is required to maintain a search record and report to HACFM every 15 days.

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

In those instances when a family assisted under the Section 8 program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the Section 8 Supervisor or higher shall consider the following factors to determine which of the families will continue to be assisted:

- Which of the two new family units has custody of dependent children.
- Which family member was the head of household when the voucher was initially issued (listed on the initial application).
- The composition of the new family units, and which unit contains elderly or disabled members.
- Whether domestic violence was involved in the breakup.
- Which family members remain in the unit.

Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, HACFM will terminate assistance on the basis of failure to provide information necessary for a recertification.

H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER

[24 CFR 982.315]

To be considered the remaining member of the tenant family, the person must have been previously approved by HACFM to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

- The court has to have awarded emancipated minor status to the minor, or
- HACFM 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.

Reserved

The HACFM will provide the following information, based on documentation in its possession:

- Eviction history
- Damage to rental units
- Drug trafficking by family members

the information will be provided for the last 2 years.

The information will be provided in writing.

Only the Section 8 Director or higher may provide this information. The HACFM's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

Deleted: Chapter 9¶

¶
REQUEST FOR APPROVAL OF TENANCY AND CONTRACT EXECUTION¶

¶
[24 CFR 982.302]¶

¶
INTRODUCTION [24 CFR 982.305(a)]¶

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

¶
After families are issued a voucher, they may search for a unit anywhere within the jurisdiction of the HACFM, or outside of the HACFM's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments Contract with the HACFM. This chapter defines the types of eligible housing, the HACFM's policies which pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests for Tenancy Approval (RFTA).¶

¶
REQUEST FOR APPROVAL OF TENANCY [24 CFR 982.302, 982.305(b)]¶

¶
The Request for Approval of Tenancy (RFTA) and a copy of the proposed lease, including the HUD prescribed tenancy addendum, must be submitted by the family during the term of the voucher. The family must submit the Request for Approval of Tenancy in the form and manner required by the HACFM.¶

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

¶
The HACFM will not permit the family to submit more than one RFTA at a time.¶

Deleted: The

Deleted: -----Section Break (Next Page)-----

OWNER DISAPPROVAL [24 CFR 982.306]¶

OWNER DISAPPROVAL [24 CFR 982.306]¶

¶
See chapter on Owner Disapproval and Restriction.¶

¶
<object>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 ...

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: 2/1/2009 ADMIN PLAN

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

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

The HACFM 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 HACFM representative(s) is/are authorized to execute a contract on behalf of the HACFM: Executive Director and/or **designee**.

Deleted: Assistant Director

Owners must provide the current address of their residence (not a Post Office box). If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

Owners must provide an employer identification number or social security number

Owners must also submit proof of ownership of the property, such as a grant deed or tax bill, and a copy of the management agreement if the property is managed by a management agent.

The owner must provide a home telephone number and business number if applicable.

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

C. CHANGE IN OWNERSHIP

See "Owner Disapproval and Restriction" chapter.

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use

Deleted: 2/1/2009 ADMIN PLAN

Reserved

9-15

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶
Deleted: 2/1/2009 ADMIN PLAN

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 HACFM will inspect each unit under contract at least annually. The HACFM will also have an inspection supervisor perform quality control inspections on the number of files required for file sampling by SEMAP annually to maintain the HACFM's required standards and to assure consistency in the HACFM's program. This chapter describes the HACFM's procedures for performing HQS and other types of inspections, and HACFM 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 HACFM requirements. (See additions to HQS).

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

The HACFM has adopted local requirements of acceptability in addition to those mandated by the HUD Regulations.

All units must meet the minimum standards set forth in the County of Lee Building/Housing Code. In cases of inconsistency between the Code and these HQS, the stricter of the two shall prevail.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards. The HACFM 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 must be in service prior to the effective date of the HAP contract. If the utilities are not in service at the time of inspection, the inspector will have owner certify that all utilities are in proper working condition.

If the tenant is responsible for supplying the stove and/or the refrigerator, the HACFM 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.

There are five types of inspections the HACFM will perform:

1. Initial/Move-in: Conducted upon receipt of Request for Approval of Tenancy.
2. Annual: Must be conducted within twelve months of the last annual inspection.
3. Move-Out/Vacate (for pre 10/2/95 contracts where there could be damage claims)
4. Special/Complaint: At request of owner, family or an agency or third-party.
5. Quality Control

B. INITIAL HOS INSPECTION [24 CFR 982.401(a), 982.305(b)(2)]

Timely Initial HOS Inspection

The HACFM will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination within 15 days unless the **HACFM** determines that it is unable to do so in the stated timeframe, in which case the file will be appropriately documented.

The HACFM 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 as to assist in future evaluations 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 owner will be advised to notify the HACFM once repairs are completed.

On an initial inspection, the owner will be given up to 15 days to correct the items noted as Fail, at the inspector's discretion, depending on the amount and complexity of work to be done.

The owner will be allowed up to 2 re-inspections for repair work to be completed.

If the time period given by the inspector to correct the repairs has elapsed, or the maximum number of failed re-inspections has occurred, the family must select another unit.

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

The HACFM conducts an inspection in accordance with Housing Quality Standards **at least biennially**, 10 days prior to the last annual inspection, so that the inspections are conducted at as required by HUD. The HACFM reserves the right to inspect any and all units more frequently when, at its sole discretion, the Authority determines it to be in the best interest of the resident and/or program.

HQS deficiencies which cause a unit to fail must be corrected by the landlord unless it is a **failure** for which the tenant is responsible.

The family must allow the HACFM to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.551(d)]

- Inspections will be conducted on business days only.
- Reasonable hours to conduct an inspection are between 8:00 am and 4:30 p.m.
- The HACFM will notify the family in writing or by phone at least 15 days prior to the inspection.

Inspection: The family is notified of the date and time of the inspection appointment by mail or phone. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within 5 days.

If the family does not contact the HACFM to reschedule the inspection, or if the family misses 2 inspection appointments, the HACFM will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the Plan. The family will be allowed to miss 1 appointment without violating a family obligation.

Deleted: ANNUAL

Deleted: annually

Deleted:

Deleted: least annually,

Deleted: SEMAP

Deleted: Special inspections may be scheduled between anniversary dates.

Deleted: fail

Re-inspection: The family and owner are provided a notice of the inspection appointment by mail. If the family is not at home for the re-inspection appointment, a card will be left at the unit and another appointment is automatically scheduled. The appointment letter contains a warning of abatement (in the case of owner responsibility), and a notice of the owner's responsibility to notify the family.

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

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.)

For non-emergency items, repairs must be made within 30 days.

For major repairs, the **Section 8 Director** may approve an extension beyond 30 days.

Rent Increases

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

D. MOVE OUT/VACATE

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

Deleted: landlords

Commented [TR15]: ???

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

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

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

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

If the annual inspection date is within 120 days of a special inspection, and as long as all items are inspected that are included in an annual inspection, the special inspection will be categorized as annual, and all annual procedures will be followed.

Deleted: annual

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

Quality Control inspections will be performed by the HCVP, Director or designee on the number of files required by SEMAP. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

Deleted: Section 8

The sampling of files will include recently completed inspections (within the prior 3 months), a cross-section of neighborhoods, and a cross-section of inspectors.

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

G. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401 (a)]

Commented [TR16]: Accurate???

The HACFM adheres to the acceptability criteria in the program regulations **and local codes**.

Local Codes [24 CFR 982.401(a)(4)]

The City of Fort Myers HACFM has adopted in its policy to comply with Fort Myers and or Lee County building codes.

Additions

Walls:

- In areas where plaster or drywall is sagging, severely cracked or otherwise damaged, it must be repaired or replaced.
- Any exterior or interior surfaces with peeling or chipping paint must be scraped and painted with two coats of unleaded paint or other suitable material.

Windows:

- All window sashes must be in good condition, solid and intact, and fit properly in the window frame. Damaged or deteriorated sashes must be replaced.
- Windows must be weather-stripped as needed to ensure a watertight seal.
- Window screens must be in good condition
- Any room for sleeping must have a window.

Doors:

- All exterior doors must be weather-tight to avoid any air or water infiltration, be lockable, have no holes, have all trim intact, and have a threshold.
- All interior doors must have no holes, have all trim intact, and be able to open without the use of a key.
- All sleeping rooms must lock from the inside.

Floors:

- All wood floors must be sanded to a smooth surface and sealed. Any loose or warped boards must be re-secured and made level. If they cannot be leveled, they must be replaced.
- All floors must be in a finished state (no plywood).
- All floors should have some type of base, trim, or sealing for a "finished look." Vinyl base may be used for kitchens and bathrooms.

Sinks:

- All sinks and commode water lines must have shut off valves, unless faucets are wall mounted.
- All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.
- All sinks and tubs must have functioning stoppers.

Security:

- If window security bars or security screens are present on emergency exit window, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.
- Owners are responsible for providing and replacing old batteries for battery powered units. Tenants will be instructed not to tamper with smoke detectors or remove batteries.

Bedrooms:

- Bedrooms in basements or attics are not allowed unless they meet local code requirements and must have adequate ventilation and emergency exit capability.
- Minimum bedroom ceiling height is 7'6" or local code, whichever is greater. Sloping ceilings may not slope to lower than five feet in the 70 square foot area.

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. HACFM will allow execution of the HAP contract if unit meets all requirements and the modifications do not affect the livability of the unit.

H **EMERGENCY REPAIR ITEMS** [24 CFR 982.404(a)]

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

- **Lack of security for the unit**
- **Waterlogged ceiling in imminent danger of falling**
- **Major plumbing leaks or flooding**
- **Natural gas leak or fumes**
- **Electrical problem which could result in shock or fire**
- **Utilities not in service**
- **No heat when the outside temperature is below 60 degrees Fahrenheit and the temperature inside the unit is below 60 degrees Fahrenheit**
- **No running hot water**
- **Broken glass where someone could be injured**
- **Obstacle which prevents tenant's entrance or exit**
- **Lack of functioning toilet**

The HACFM may give a short extension (not more than 48 additional hours) whenever the responsible party cannot be notified, or it is impossible to make the repair within the twenty four (24) hour period.

Deleted: notified

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 HACFM.

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

Deleted: abated

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

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 HACFM, the assistance payment to the owner will be **abated**.

Abatement

A Notice of Abatement will be sent to the owner, and the abatement will be effective from the day after the date of the failed inspection. The notice is generally for **30** days, depending on the nature of the repair(s) needed.

The HACFM will inspect abated units within **5** days of the owner's notification that the work has been completed.

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

The HACFM will advise owners of their responsibility to notify the tenant of when the re-inspection will take place.

The family will be notified of the re-inspection date and requested to inform the owner.

No retroactive payments will be made to the owner for the period of time the rent was abated, and the unit did not comply with HQS. The notice of abatement states that the tenant is not responsible for the HACFM's portion of rent that is abated.

Deleted: abated

The HACFM will grant an extension in lieu of abatement in the following cases:

- The owner has a good history of HQS compliance.
- The failed items are minor in nature.
- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
- The repairs must be delayed due to climate conditions.

The extension will be made for a period of time not to exceed 30 days. At the end of that time, at the HACFM's discretion, if the work is not completed the HACFM will begin the /termination of assistance.

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 sent a HAP Contract Proposed Termination Notice. 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 HACFM if the tenant chooses to remain in the unit. **Only one** Housing Quality Standards inspections will be conducted after the termination notice is issued.

Deleted: repairs, and

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

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

Certain HQS deficiencies are considered the responsibility of the family:

Tenant-paid utilities not in service

Failure to provide or maintain family-supplied appliances

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

- **"Normal wear and tear" are defined as items which could not be charged against the tenant's security deposit under state law or court practice.**

Deleted: is

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 HACFM may terminate the family's assistance on that basis.

The inspector will make a determination of owner or family responsibility during the inspection. The owner or tenant may appeal this determination to a mediator within 5 days of the inspection.

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.

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

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

If emergency or non-emergency violations of HQS is determined to be the responsibility of the family, the HACFM will require the family make any repair(s) or corrections within **15** of days. If the repair(s) or correction(s) are not made in this time period, the HACFM will terminate assistance to the family, after providing an opportunity for an informal hearing. Extensions in these cases must be approved by Section 8 Coordinator or higher. The owner's rent will not be abated for items which are the family's responsibility.

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

Deleted: are

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Chapter 11

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

[24 CFR 982.502, 982.503, 982.504, 982.505, 982.507]]

INTRODUCTION

The policies in this chapter reflect the amendments to the HUD regulations, which were implemented by the Quality Housing and Work Responsibility Act of 1998 for the Section 8 Tenant-Based Assistance Program. These amendments became effective on October 1, 1999, which is referred to as the "merger date". These amendments complete the merging of the Section 8 Certificate and Voucher Programs into one program, called the Housing Choice Voucher Program.

In accordance with the regulations, effective 10/1/99, for those Section 8 participant families where there is a HAP contract in effect entered into prior to October 1, 1999, the HACFM will:

Continue to uphold the rent calculation methods of the pre-merger certificate (regular) tenancies until the 2nd regular reexamination of family income and composition following the "merger date."

Utilize the Housing Choice Voucher rent calculation methods described at 24 CFR 982.502 and 982.505 for pre-merger voucher [and OFTO] tenancies.

However, all new leases, moves and new admissions taking effect on or after October 1, 1999, will be subject to the regulations of the new Housing Choice Voucher Program.

Deleted: 1999

The HACFM will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is the HACFM's responsibility to ensure that the rents charged by owners are reasonable based upon unassisted comparable in the rental market, using the criteria specified in 24 CFR 982.507(b).

Deleted: comparables

This chapter explains the HACFM's procedures for determination of rent-reasonableness, payments to owners, adjustments to the payment standards, and rent adjustments.

A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM

The rent to owner is limited only by rent reasonableness. The HACFM must demonstrate that the rent to owner is reasonable in comparison to rent for other comparable unassisted units.

The only other limitation on rent to owner is the maximum rent standard at initial occupancy (24 CFR 982.508). At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is a new admission or a move to a different unit, if the gross rent for the unit exceeds the applicable payment standard for the family, the family share may not exceed 40 percent of the family's monthly adjusted income.

Deleted: Copyright 2000 by Nan McKay & Associates

Deleted: 10/26/2011 ADMIN PLAN Revision

Deleted: To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

During the initial term of the lease, the owner may not raise the rent to owner.

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the HAP contract is executed, the HACFM begins processing payments to the landlord. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made manually to the HAP Register for the following month. Checks are disbursed by the Housing Authority of the City of Fort Myers to the owner each month. Checks may not be picked up by owner at the HACFM. Checks will only be disbursed on the first day of the month. Exceptions may be made with the approval of Section 8 Coordinator or higher in cases of hardship.

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

Excess Payments

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

Owners who do not return excess payments will be subject to penalties as outlined in the "Owner or Family Debts to the HACFM" chapter of this Administrative Plan.

Late Payments to Owners

It is a local business practice in Lee County for property managers and owners to charge tenants a reasonable late fee for rents not received by the owner or property manager by the due date, notwithstanding any grace period which is typically 5 days past the first of the month.

Therefore, in keeping with generally accepted practices in the local housing market, the HACFM must make housing assistance payments to the owner promptly and in accordance with the HAP contract.

Deleted: not withstanding

Deleted: Copyright 2000 by Nan McKay & Associates

Deleted: 10/26/2011 ADMIN PLAN Revision

Deleted: To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Proof of "Mailed to" date will be the:

- *date indicated on the HAP Register and the date on the copy of the check

Proof of "Received by Owner" will be:

- if no complaint of not receiving the check within 14 days and the check has cleared the HACFM's account.

To assist the HACFM in its outreach efforts to owners, and to provide better customer service, the HACFM will offer to make automatic monthly HAP deposits into the bank account of the owner. If the owner agrees to such an arrangement with the HACFM, the date the bank shows as the deposit date, will be the official date of record and will be the determining factor in cases involving late payment penalties.

The HACFM will not be obligated to pay any late payment penalty if HUD determines that late payment is due to factors beyond the HACFM's control, such as a delay in the receipt of program funds from HUD. The HACFM will use administrative fee income or the administrative fee reserve as its only source for late payment penalty.

The HACFM will not use any program funds for the payment of late fee penalties to the owner.

Deleted: agree

Deleted: Copyright 2000 by Nan McKay & Associates

Deleted: 10/26/2011 ADMIN PLAN Revision

Deleted: To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

C. **RENT REASONABLENESS DETERMINATIONS** [24 CFR 982.507]

The HACFM will determine and document on a case-by-case basis that the approved rent is reasonable in comparison to rent for other comparable unassisted units in the market. This applies to all programs.

The HACFM will not approve a lease until the HACFM determines that the initial rent to owner is a reasonable rent. The HACFM must re-determine the reasonable rent before any increase in the rent to owner, and if there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary.

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

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

If requested, the owner must give the HACFM information on rents charged by the owner for other units in the premises or elsewhere. The HACFM will only request information on the owner's units elsewhere if the HACFM has cause to demonstrate that the owner has a ~~tendency to~~ charge higher rents to program participants or if needed for rent reasonableness ~~comparable~~.

Deleted: tendency to

Deleted: comparables

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

The market areas for rent reasonableness are **zip codes, subdivisions, and neighborhood** within the HACFM's jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

Deleted: Copyright 2000 by Nan McKay & Associates

Deleted: 10/26/2011 ADMIN PLAN Revision

Deleted: To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

The following items will be used for rent reasonableness documentation:

- Size (number of Bedrooms/square footage)
- Location
- Quality
- Amenities (bathrooms, dishwasher, air conditioning, etc.)
- Housing Services
- Age of unit
- Unit Type
- Maintenance
- Utilities

Deleted: Copyright 2000 by Nan McKay & Associates

Deleted: 10//26/2011 ADMIN PLAN Revision

Deleted: To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Rent Reasonableness Methodology

The HACFM utilizes a rent reasonableness system through GoSection.com which includes and defines the HUD factors listed above. The system has a total point count which is divided into rating categories.

Information is gathered on rental units in the Housing Authority of the City of Fort Myers Agency market area, and each unit is rated, using the HACFM's rent reasonableness system. The HACFM also relies on the Internet and various websites to gather rental market studies. Using an automated method, the average rents are identified for units of like size and type within the same market area. Each defined factor of the items listed above on the unit to be assisted will be compared, using a point adjustment system, to those factors of comparable unassisted units in the database. The average will be adjusted up or down based on the dollar value of all HUD required comparable items in comparison with the total database.

GoSection8.com uses an "appraisal" method and tests the subject unit against selected units in the same area with similar characteristics. Adjustments are made for favorable and unfavorable differences between the subject unit and the comparable. Each of the HUD factors is given a point value.

Deleted: Using an

Deleted: comparables

Deleted: values

Deleted: Copyright 2000 by Nan McKay & Associates

Deleted: 10/26/2011 ADMIN PLAN Revision

Deleted: To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment for a family. In accordance with HUD regulation, and at the HACFM's discretion, the Voucher Payment Standard amount is set by the HACFM between 90 percent and 110 percent of the HUD published FMR. This is considered the basic range. The HACFM reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, the HACFM will ensure that the Payment Standard is always within the range of 90 percent to 110 percent of the new FMR, unless an exception payment standard has been approved by HUD.

The HACFM will establish a single voucher payment standard amount for each FMR area in the HACFM jurisdiction. For each FMR area, the HACFM will establish payment standard amounts for each "unit size". The HACFM may have a higher payment standard within the HACFM's jurisdiction if needed to expand housing opportunities outside areas of minority or poverty concentration, as long as the payment standard is within the 90-110% of FMR range.

The HACFM may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities.

As a result of the Housing Authority of the City of Fort Myers being awarded HUD-VASH Vouchers, it must now assist homeless veterans in jurisdictions outside of Lee County. For purposes of establishing payment standards outside of Lee County, the HACFM has set the Payment Standards between 90 -100% of the FMR for all bedroom sizes for the counties listed below:

- **HIGHLANDS COUNTY**
- **GLADES COUNTY**
- **HENDRY COUNTY**
- **OKEECHOBEE COUNTY**

Commented [S17]:

Commented [S18]: Lee County too?

Commented [TR19]: These are counties in ADDITION to Lee

Deleted: Copyright 2000 by Nan McKay & Associates

Deleted: 10/26/2011 ADMIN PLAN Revision

Deleted: To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

E. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.503]

Payment Standards may be adjusted, within HUD regulatory limitations, to increase Housing Assistance Payments in order to keep families' rents affordable. The HACFM will not raise Payment Standards solely to make "high end" units available to Voucher holders. The HACFM may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

Assisted Families' Rent Burdens

The HACFM will review its voucher payment standard amounts at least annually to determine whether more than 40 percent of families in a particular unit size are paying more than 30% of their annual adjusted income for rent.

If it is determined that particular unit sizes in the HACFM's jurisdiction have payment standard amounts that are creating rent burdens for families, the HACFM will modify its payment standards for those particular unit sizes.

The HACFM will increase its payment standard within the basic range for those particular unit sizes to help reduce the percentage of annual income that participant families in the HACFM's jurisdiction are paying.

The HACFM will establish a separate voucher payment standard, within the basic range, for designated parts its jurisdiction if it determines that a higher payment standard is needed in these designated areas to provide families with quality housing choices and to give families an opportunity to move outside areas of high poverty and low income.

Deleted: Copyright 2000 by Nan McKay & Associates

Deleted: 10/26/2011 ADMIN PLAN Revision

Deleted: To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Quality of Units Selected

The HACFM will review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

HACFM Decision Point

The HACFM will review the average percent of income of families on the program. If more than (percent B 25%) of families are paying more than 30% of monthly adjusted income, the HACFM will determine whether there is a difference by voucher size, whether families are renting units larger than their voucher size, and whether families are renting units which exceed HUD's HQS, and any additional standards added by the HACFM in the Administrative Plan.

Deleted: HQS

If families are paying more than 30% of their income for rent due to the selection of larger bedroom size units or luxury units, the HACFM may decline to increase the payment standard. If these are not the primary factors for families paying higher rents, the HACFM will continue increasing the payment standard.

Rent to Owner Increases

The HACFM may review a sample of the units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

Time to Locate Housing

The HACFM may consider the average time period for families to lease up under the Voucher program. If more than **25%** of Voucher holders are unable to locate suitable housing within the term of the voucher and the HACFM determines that this is due to **30%** of rents in the jurisdiction being unaffordable for families even with the presence of a voucher the Payment Standard may be adjusted.

Lowering of the Payment Standard

Lowering of the FMR may require an adjustment of the Payment Standard. Additionally, statistical analysis may reveal that the Payment Standard should be lowered. In any case, the Payment Standard will not be set below 90 percent of the FMR without authorization from HUD.

Deleted: Copyright 2000 by Nan McKay & Associates

Deleted: 10/26/2011 ADMIN PLAN Revision

Deleted: To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Financial Feasibility

Before increasing the Payment Standard, the HACFM may review the budget to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, the HACFM will compare the number of families who could be served under a higher Payment Standard with the number assisted under current Payment Standards.

File Documentation

A file will be retained by the HACFM for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

Deleted: Copyright 2000 by Nan McKay & Associates

Deleted: 10//26/2011 ADMIN PLAN Revision

Deleted: To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

F. EXCEPTION PAYMENT STANDARDS

If the dwelling unit is located in an exception area, the HACFM must use the appropriate payment standard amount established by the HACFM for the exception area in accordance with regulation at 24 CFR 982.503(c).

G. OWNER PAYMENT IN THE PREMERGER REGULAR CERTIFICATE PROGRAM [24 CFR 982.502(d), 982.519, 982.520]

The HUD regulations relating to owner rent adjustments applicable to the regular tenancy (certificate) program will be used until the HAP contract is no longer effective which will be no later than the second regular reexamination of the family after the merger date.

The HACFM **will** notify owners of their right to request a rent adjustment.

Owners must request the rent increase in writing **on the form provided by the HACFM**. Any increase will be effective the later of (1) the anniversary date of the contract, or (2) at least 60 days after the owner's request is received.

The approval or disapproval decision regarding the adjustment will be based on HUD-required calculations and a rent reasonableness determination. The adjustment may be an increase or a decrease.

The notice of rent change does not affect the automatic renewal of the lease and does not require a new lease or contract or even an executed amendment.

For terminations of Pre-merger Regular Certificate HAPs, see "Contract Terminations" chapter.

To receive an increase resulting from the annual adjustment for an annual anniversary date, the owner must request the increase at least sixty days before the next annual anniversary date.

The rent to owner for a unit will not be increased at the annual anniversary date unless, during the year before the anniversary date, the owner has complied with all requirements of the HAP contract, including compliance with HQS.

I. OWNER PAYMENT IN THE HOUSING CHOICE VOUCHER PROGRAM [(24CFR 982.308(g))]

The owner is required to notify the HACFM, in writing, at least sixty days before any change in the amount of rent to owner is scheduled to go into effect. Any requested change in rent to owner will be subject to rent reasonableness requirements. See 24 CFR 982.503.

Deleted: Copyright 2000 by Nan McKay & Associates

Deleted: 10/26/2011 ADMIN PLAN Revision

Deleted: To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Chapter 12

REEXAMINATIONS

INTRODUCTION

The PHA is required to reexamine each family's income and composition at least annually, and to adjust the family's level of assistance accordingly. Interim reexaminations are also needed in certain situations. This chapter discusses both annual and interim reexaminations, and the recalculation of family share and subsidy that occurs as a result. HUD regulations and PHA policies concerning reexaminations are presented in three parts:

Part I: Annual Reexaminations. This part discusses the process for conducting annual reexaminations.

Part II: Interim Reexaminations. This part details the requirements for families to report changes in family income and composition between annual reexaminations.

Part III: Recalculating Family Share and Subsidy Amount. This part discusses the recalculation of family share and subsidy amounts based on the results of annual and interim reexaminations.

Policies governing reasonable accommodation, family privacy, required family cooperation, and program abuse, as described elsewhere in this plan, apply to both annual and interim reexaminations.

PART I: ANNUAL REEXAMINATIONS [24 CFR 982.516]

12-I.A. OVERVIEW

The PHA must conduct a reexamination of family income and composition at least annually. This includes gathering and verifying current information about family composition, income, and expenses. Based on this updated information, the family's income and rent must be recalculated. This part discusses the schedule for annual reexaminations, the information to be collected and verified, and annual reexamination effective dates.

12-1.B. SCHEDULING ANNUAL REEXAMINATIONS

The PHA must establish a policy to ensure that the annual reexamination for each family is completed *within* a 12-month ~~period and~~ may require reexaminations more frequently [HCV GB p. 12-1].

Deleted: period, and

HACFM Policy

HACFM will begin the annual reexamination process 120 days in advance of its scheduled effective date. Generally, HACFM will schedule annual reexamination effective dates to coincide with the family's anniversary date.

Anniversary date is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission).

If the family moves to a new unit, HACFM will perform a new annual reexamination.

HACFM also may schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.

Notification of and Participation in the Annual Reexamination Process

The PHA is required to obtain the information needed to conduct annual reexaminations. How that information will be collected is left to the discretion of the PHA.

HACFM Policy

Families generally are required to participate in an annual reexamination interview, which must be attended by the head of household, spouse, or co-head. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact the HACFM to request a reasonable accommodation (see Chapter 2).

Notification of annual reexamination interviews will be sent by first-class mail and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview.

If the family is unable to attend a scheduled interview, the family should contact HACFM in advance of the interview to schedule a new appointment. If a family does not attend the scheduled interview, HACFM will send a second notification with a new interview appointment time.

If a family fails to attend two scheduled interviews without HACFM approval, or if the notice is returned by the post office with no forwarding address, a notice of termination (see Chapter 12) will be sent to the family's address of record, and to any alternate address provided in the family's file.

An advocate, interpreter, or other assistant may assist the family in the interview process. The family and HACFM must execute a certification attesting to the role and assistance of any such third party.

Deleted: 7/28/2010 ADMIN PLAN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Formatted: Indent: Left: 0"

12-I.C. CONDUCTING ANNUAL REEXAMINATIONS

As part of the annual reexamination process, families are required to provide updated information to the PHA regarding the family's income, expenses, and composition [24 CFR 982.551(b)].

HACFM Policy

Families will be asked to bring all required information (as described in the reexamination notice) to the reexamination appointment. The required information will include a HACFM-designated reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documentation related to the family's income, expenses, and family composition.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within 10 business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension.

If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be sent a notice of termination (See Chapter 12).

The information provided by the family generally must be verified in accordance with the policies. Unless the family reports a change, or the agency has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

- Legal identity
- Age
- Social security numbers
- A person's disability status
- Citizenship or immigration status

If adding a new family member to the unit causes overcrowding according to the Housing Quality Standards (HQS), HACFM must issue the family a new voucher, and the family must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, HACFM must terminate the HAP contract in accordance with its terms [24 CFR 982.403].

12-I.D. DETERMINING ONGOING ELIGIBILITY OF CERTAIN STUDENTS
[24 CFR 982.552(b)(5)]

Section 327 of Public Law 109-115 established new restrictions on the ongoing eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled in an institution of higher education is under the age of 24, is not a veteran, is not married, and does not have a dependent child, the student's eligibility must be reexamined along with the income eligibility of the student's parents on an annual basis. In these cases, both the student and the student's parents must be income eligible for the student to continue to receive HCV assistance. If, however, a student in these circumstances is determined independent from his or her parents in accordance with PHA policy, the income of the student's parents will not be considered in determining the student's ongoing eligibility.

Students who reside with parents in an HCV assisted unit are not subject to this provision. It is limited to students who are receiving assistance on their own, separately from their parents.

HACFM Policy

During the annual reexamination process, HACFM will determine the ongoing eligibility of each student who is subject to the eligibility restrictions in 24 CFR 5.612 by reviewing the student's individual income as well as the income of the student's parents. If the student has been determined "independent" from his/her parents based on the policies in Sections 3-II. E and 7-II. E, the parents' income will not be reviewed.

If the student is no longer income eligible based on his/her own income or the income of his/her parents, the student's assistance will be terminated in accordance with the policies in Section 12-I.D.

If the student continues to be income eligible based on his/her own income and the income of his/her parents (if applicable), HACFM will process a reexamination in accordance with the policies in this chapter.

Deleted: II.E

Deleted: II.E

12-I.E. EFFECTIVE DATES

The PHA must establish policies concerning the effective date of changes that result from an annual reexamination [24 CFR 982.516].

HACFM Policy

In general, an *increase* in the family share of the rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 days in advance.

If less than 30 days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.

If a family moves to a new unit, the increase will take effect on the effective date of the new lease and HAP contract, and no 30-day notice is required.

If HAVFM chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by HACFM, but will always allow for the 30-day notice period.

If the family causes a delay in processing the annual reexamination, *increases* in the family share of the rent **will be applied retroactively** to the scheduled effective date of the annual reexamination. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement in accordance with the policies

Deleted: will be applied retroactively.

In general, a *decrease* in the family share of the rent that results from an annual reexamination will take effect on the family's anniversary date.

If a family moves to a new unit, the decrease will take effect on the effective date of the new lease and HAP contract.

If HACFM chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by HACFM.

If the family causes a delay in processing the annual reexamination, *decreases* in the family share of the rent will be applied prospectively, from the first day of the month following completion of the reexamination processing.

Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by HACFM by the date specified, and this delay prevents HACFM from completing the reexamination as scheduled.

PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]

Commented [TR20]: Reporting increases?

12-II.A. OVERVIEW

Family circumstances may change throughout the period between annual reexaminations. HUD and PHA policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances the PHA must process interim reexaminations to reflect those changes. HUD regulations also permit the PHA to conduct interim reexaminations of income or family composition at any time. When an interim reexamination is conducted, only those factors that have changed are verified and adjusted [HCV GB, p. 12-10].

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition changes. The PHA must complete the interim reexamination within a reasonable time after the family's request.

This part includes HUD and PHA policies describing what changes families are required to report, what changes families may choose to report, and how the PHA will process both PHA- and family-initiated interim reexaminations.

12-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

The PHA must adopt policies prescribing when and under what conditions the family must report changes in family composition. However, due to family obligations under the program, the PHA has limited discretion in this area.

HACFM Policy

HACFM will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

New Family Members Not Requiring Approval

The addition of a family member as a result of birth, adoption, or court-awarded custody does not require HACFM approval. However, the family is required to promptly notify HACFM of the addition [24 CFR 982.551(h)(2)].

HACFM Policy

The family must inform the PHA of the birth, adoption or court-awarded custody of a child within 10 business days.

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: /28/2010 ADMIN PLAN

New Family and Household Members Requiring Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request PHA approval to add a new family member [24 CFR 982.551(h)(2)] or another household member (live-in aide or foster child) [24 CFR 982.551(h)(4)].

Deleted: other

When any new family member is added, the PHA must conduct a reexamination to determine any new income or deductions associated with the additional family member, and to make appropriate adjustments in the family share of the rent and the HAP payment [24 CFR 982.516(e)].

If a change in family size causes a violation of Housing Quality Standards (HQS) space standards, the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, the PHA must terminate the HAP contract in accordance with its terms [24 CFR 982.403].

HACFM Policy

Families must request HACFM approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than 30 consecutive days, or 90 cumulative days, within a twelve month period, and therefore no longer qualifies as a “guest.” Requests must be made in writing and approved by the HACFM prior to the individual moving in the unit.

HACFM will not approve the addition of a new family or household member unless the individual meets HACFM’s eligibility criteria.

HACFM will not approve the addition of a foster child or foster adult if it will cause a violation of HQS space standards.

If HACFM determines an individual meets HACFM’s eligibility criteria as defined in this Administrative Plan, HACFM will provide written approval to the family. If the approval of a new family member or live-in aide will cause overcrowding according to HQS standards, the approval letter will explain that the family will be issued another voucher and will be required to move.

If HACFM determines that an individual does not meet HACFM’s eligibility criteria, HACFM will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

HACFM will make its determination within 10 business days of receiving all information required to verify the individual’s eligibility.

Departure of a Family or Household Member

Families must promptly notify the PHA if any family member no longer lives in the unit [24 CFR 982.551(h)(3)]. Because household members are considered when determining the family unit (voucher) size [24 CFR 982.402], the PHA also needs to know when any live-in aide, foster child, or foster adult ceases to reside in the unit.

HACFM Policy

If a household member ceases to reside in the unit, the family must inform HACFM within 10 business days. This requirement also applies to a family member who has been considered temporarily absent at the point that the family concludes the individual is permanently absent.

If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform HACFM within 10 business days.

12 II.C. CHANGES AFFECTING INCOME OR EXPENSES

Interim reexaminations can be scheduled either because the PHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, the PHA may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.

PHA-Initiated Interim Reexaminations

PHA-initiated interim reexaminations are those that are scheduled based on circumstances or criteria defined by the PHA. They are not scheduled because of changes reported by the family.

HACFM Policy

HACFM will conduct interim reexaminations in each of the following instances:

For families receiving the Earned Income Disallowance (EID), HACFM will conduct an interim reexamination at the start and conclusion of the second 12 month exclusion period (50 percent phase-in period).

If the family has reported zero income, HACFM will conduct an interim reexamination every 3 months as long as the family continues to report that they have no income.

If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g., seasonal or cyclic income), HACFM will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.

If at the time of the annual reexamination, tenant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, HACFM will conduct an interim reexamination.

HACFM may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

Deleted: e.g.

Family-Initiated Interim Reexaminations [24 CFR 982.516(b)(2)].

Required Reporting

HACFM Policy

Families are required to report all increases in household income, including new employment, within 10 business days of the date the change takes effect in writing.

HACFM will conduct interim reexaminations if customer is temporarily off work for 8 weeks or more. A leave of absence under 8 weeks will not constitute an adjustment.

HACFM may conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

Optional Reporting

The family may request an interim reexamination any time the family has experienced a decrease in circumstances since the last determination [24 CFR 982.516(b)(2)]. HACFM will process the request if the family reports a change that will result in a reduced family income [HCV GB, p. 12-9].

If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family’s share of the rent will not be reduced [24 CFR 5.615]. For more information regarding the requirement to impute welfare income see Chapter 6.

HACFM Policy

If a family reports a change that was not required to report and that would result in an increase in the family share of the rent, HACFM will note the information in the tenant file, but will not conduct an interim reexamination.

If a family reports a change that it was not required to report and that would result in a decrease in the family share of rent, HACFM will conduct an interim reexamination. See Section 11-II.D. for effective dates.

Families may report changes in income or expenses at any time.

Deleted: will process

12-IL.D. PROCESSING THE INTERIM REEXAMINATION

Method of Reporting

HACFM Policy

The family must notify HACFM of changes in writing.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if HACFM determines that an interview is warranted, the family may be required to attend.

Based on the type of change reported, HACFM will determine the documentation the family will be required to submit. The family must submit any required information or documents within 10 business days of receiving a request from HACFM. This time frame may be extended for good cause with HACFM approval. HACFM will accept required documentation by mail, fax, or in person.

Commented [S21]: So, we need to generalize as we are also introducing the portal and off course can people email or call?

Commented [TR22]: Changes to have to be reported in writing but that could be via the portal when the conversion is complete. Reported changes have to be documented to have to be in writing.

Effective Dates

[24 CFR 982.516(d)]. The changes may be applied either retroactively or prospectively, depending on whether there is to be an increase or a decrease in the family share of the rent, and whether the family reported any required information within the required time frames [HCV GB, p. 12-10].

HACFM Policy

If the family share of the rent is to *increase*:

The increase generally will be effective on the first of the month following 30 days' notice to the family.

If a family fails to report a change within the required time frames or fails to provide all required information within the required time frames, the increase will be applied retroactively, to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement in accordance with the policies and procedures.

Deleted: frames, or

If the family share of the rent is to *decrease*:

The decrease will be effective on the first day of the month following the month in which the change was reported, and all required documentation was submitted. In cases where the change cannot be verified until after the date the change would have become effective, the change will be made retroactively.

Deleted: reported

Deleted: © Copyright 2006 Nan McKay & Associates, Inc. Unlimited copies may be made for internal use.

Deleted: /28/2010 ADMIN PLAN

PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT

12-III.A. OVERVIEW

After gathering and verifying required information for an annual or interim reexamination, the PHA must recalculate the family share of the rent and the subsidy ~~amount and~~ notify the family and owner of the changes [24 CFR 982.516(d)(2), HCV 12-6 and 12-10]. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

Deleted: amount, and

12-III.B. CHANGES IN PAYMENT STANDARDS AND UTILITY ALLOWANCES

In order to calculate the family share of the rent and HAP amount correctly, changes in payment standards, subsidy standards, or utility allowances may need to be updated and included in the PHA's calculations.

Specific policies governing how subsidy standards, payment standards, and utility allowances are applied are discussed below.

Payment Standards [24 CFR 982.505]

The family share of the rent and HAP calculations must use the correct payment standard for the family, taking into consideration the family unit size, the size of unit, and the area in which the unit is located [HCV GB, p. 12-5]. See Chapter 6 for information on how to select the appropriate payment standard.

When the PHA changes its payment standards or the family's situation changes, new payment standards are applied at the following times:

- If the PHA's payment standard amount changes during the term of the HAP contract, the date on which the new standard is applied depends on whether the standard has increased or decreased:
 - If the payment standard amount has *increased*, the increased payment standard will be applied at the *first annual* reexamination following the effective date of the increase in the payment standard.
 - If the payment standard amount has *decreased*, the decreased payment standard will be applied at the *second annual* reexamination following the effective date of the decrease in the payment standard.
- If the family moves to a new unit, or a new HAP contract is executed due to changes in the lease (even if the family remains in place) the current payment standard applicable to the family will be used when the new HAP contract is processed.

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: /28/2010 ADMIN PLAN

Subsidy Standards [24 CFR 982.505(c)(4)]

If there is a change in the family unit size that would apply to a family during the HAP contract term, either due to a change in family composition, or a change in the PHA's subsidy standards (see Chapter 5), the new family unit size must be used to determine the payment standard amount for the family at the family's *first annual* reexamination following the change in family unit size.

Utility Allowances [24 CFR 982.517(d)]

The family share of the rent and HAP calculations must reflect any changes in the family's utility arrangement with the owner, or in the PHA's utility allowance schedule [HCV GB, p. 12-5]. Chapter 16 discusses how utility allowance schedules are established.

When there are changes in the utility arrangement with the owner, the PHA must use the utility allowances in effect at the time the new lease and HAP contract are executed.

At reexamination, the PHA must use the PHA current utility allowance schedule [24 CFR 982.517(d)(2)].

HACFM Policy

Revised utility allowances will be applied to a family's rent and subsidy calculations at the first annual reexamination after the allowance is adopted.

12-III.C. NOTIFICATION OF NEW FAMILY SHARE AND HAP AMOUNT

The PHA must notify the owner and family of any changes in the amount of the HAP payment [HUD-52641, HAP Contract]. The notice must include the following information [HCV GB, p. 12-6]:

- The amount and effective date of the new HAP payment
- The amount and effective date of the new family share of the rent
- The amount and effective date of the new tenant rent to owner

The family must be given an opportunity for an informal hearing regarding the PHA's determination of their annual or adjusted income, and the use of such income to compute the housing assistance payment [24 CFR 982.555(a)(1)(i)].

HACFM Policy

The notice to the family will include the annual and adjusted income amounts that were used to calculate the family share of the rent and the housing assistance payment. The notice also will state the procedures for requesting an informal hearing.

12-III.D. DISCREPANCIES

During an annual or interim reexamination, the PHA may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, the PHA may discover errors made by the PHA. When errors resulting in the overpayment or underpayment of subsidy are discovered, corrections will be made in accordance with the policies.

Chapter 13

MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

INTRODUCTION

Freedom of choice is a hallmark of the housing choice voucher (HCV) program. In general, therefore, HUD regulations impose few restrictions on where families may live or move with HCV assistance. This chapter sets forth HUD regulations and PHA policies governing moves within or outside the PHA's jurisdiction in two parts:

Part I: Moving with Continued Assistance. This part covers the general rules that apply to all moves by a family assisted under the PHA's HCV program, whether the family moves to another unit within the PHA's jurisdiction or to a unit outside the PHA's jurisdiction under portability.

Part II: Portability. This part covers the special rules that apply to moves by a family under portability, whether the family moves out of or into the PHA's jurisdiction. This part also covers the special responsibilities that the PHA has under portability regulations and procedures.

PART I: MOVING WITH CONTINUED ASSISTANCE

10-1A. ALLOWABLE MOVES

HUD lists five regulatory conditions and the statutory condition under VAWA in which an assisted family is allowed to move to a new unit with continued assistance. Permission to move is subject to the restrictions set forth in section 10-1B.

- The family has a right to terminate the lease on notice to the owner (for the owner's breach or otherwise) and has given a notice of termination to the owner in accordance with the lease [24 CFR 982.314(b)(3)]. If the family terminates the lease on notice to the owner, the family must give the PHA a copy of the notice at the same time [24 CFR 982.314(d)(1)].
- The Violence Against Women Reauthorization Act of 2005 provides that "a family may receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has complied with all other obligations of the section 8 program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been a victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit" [Pub. L. 109-162]
- The lease for the family's unit has been terminated by mutual agreement of the owner and the family [24 CFR 982.314(b)(1)(ii)].

HACFM Policy

If the family and the owner mutually agree to terminate the lease for the family's unit, the family must give the HACFM a copy of the termination agreement.

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

- The owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family [24 CFR 982.314(b)(2)]. The family must give the HACFM a copy of any owner eviction notice [24 CFR 982.551(g)].
- The HACFM has terminated the assisted lease for the family's unit for the owner's breach [24 CFR 982.314(b)(1)(i)].
- The HACFM determines that the family's current unit does not meet the HQS space standards because of an increase in family size or a change in family composition. In such cases, the HACFM must issue the family a new voucher, and the family and HACFM must try to find an acceptable unit as soon as possible. If an acceptable unit is available for the family, the HACFM must terminate the HAP contract for the family's old unit in accordance with the HAP contract terms and must notify both the family and the owner of the termination. The HAP contract terminates at the end of the calendar month that follows the calendar month in which the HACFM gives notice to the owner. [24 CFR 982.403(a) and (c)]

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

10-I.B. RESTRICTIONS ON MOVES

A family's right to move is generally contingent upon the family's compliance with program requirements [24 CFR 982.1(b)(2)]. HUD specifies two conditions under which a PHA may deny a family permission to move and two ways in which a PHA may restrict moves by a family.

Denial of Moves

HUD regulations permit the PHA to deny a family permission to move under the following conditions:

Insufficient Funding

The PHA may deny a family permission to move if the PHA does not have sufficient funding for continued assistance [24 CFR 982.314(e)(1)].

HACFM Policy

The HACFM will deny a family permission to move on grounds that the HACFM does not have sufficient funding for continued assistance if (a) the move is initiated by the family, not the owner or the HACFM; (b) the HACFM can demonstrate that the move will, in fact, result in higher subsidy costs; and (c) the HACFM can demonstrate, in accordance with the policies in Part VIII of Chapter 16, that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs. This policy applies to moves within the HACFM's jurisdiction as well as to moves outside it under portability.

Grounds for Denial or Termination of Assistance

The PHA has grounds for denying or terminating the family's assistance [24 CFR 982.314(e)(2)]. VAWA creates an exception to these restrictions for families who are otherwise in compliance with program obligations but have moved to protect the health or safety of an individual who is or has been a victim of domestic violence, dating violence or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if they remained in the unit. [Pub. L. 109-162]

HACFM Policy

If the HACFM has grounds for denying or terminating a family's assistance, the HACFM will act on those grounds in accordance with the regulations and policies set forth in Chapters 3 and 12, respectively. In general, it will not deny a family permission to move for this reason; however, it retains the discretion to do so under special circumstances. Refer to sections 3-III.G and 12-II. E for VAWA provisions.

Deleted: obligations, but

Deleted: ILE

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Restrictions on Elective Moves [24 CFR 982.314(c)]

HUD regulations permit the PHA to prohibit any elective move by a participant family during the family's initial lease term. They also permit the PHA to prohibit more than one elective move by a participant family during any 12-month period.

HACFM Policy

The HACFM will deny a family permission to make an elective move during the family's initial lease term. This policy applies to moves within the HACFM's jurisdiction or outside it under portability.

The HACFM will also deny a family permission to make more than one elective move during any 12-month period. This policy applies to all assisted families residing in the HACFM's jurisdiction.

The HACFM will consider exceptions to these policies for the following reasons: to protect the health or safety of a family member (e.g., lead-based paint hazards, domestic violence, witness protection programs), to accommodate a change in family circumstances (e.g., new employment, school attendance in a distant area), or to address an emergency situation over which a family has no control.

In addition, the HACFM will allow exceptions to these policies for purposes of reasonable accommodation of a family member who is a person with disabilities (see Chapter 2).

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

10-I.C. MOVING PROCESS

Notification

If a family wishes to move to a new unit, the family must notify the PHA and the owner before moving out of the old unit or terminating the lease on notice to the owner [24 CFR 982.314(d)(2)]. If the family wishes to move to a unit outside the PHA's jurisdiction under portability, the notice to the PHA must specify the area where the family wishes to move [24 CFR 982.314(d)(2), Notice PIH 2004-12]. The notices must be in writing [24 CFR 982.5].

Approval

HACFM Policy

Upon receipt of a family's notification that it wishes to move, the HACFM will determine whether the move is approvable in accordance with the regulations and policies set forth in sections 10-I.A and 10-I.B. The HACFM will notify the family in writing of its determination within 10 business days following receipt of the family's notification.

Reexamination of Family Income and Composition

HACFM Policy

For families approved to move to a new unit within the HACFM's jurisdiction, the HACFM will perform a new annual reexamination in accordance with the policies set forth in Chapter 11 of this plan.

For families moving into or families approved to move out of the HACFM's jurisdiction under portability, the HACFM will follow the policies set forth in Part II of this chapter.

Voucher Issuance and Briefing

HACFM Policy

For families approved to move to a new unit within the HACFM's jurisdiction, the HACFM will issue a new voucher within 10 business days of the HACFM's written approval to move. No briefing is required for these families. The HACFM will follow the policies set forth in Chapter 5 on voucher term, extension, and expiration. If a family does not locate a new unit within the term of the voucher and any extensions, the family may remain in its current unit with continued voucher assistance if the owner agrees and the HACFM approves. Otherwise, the family will lose its assistance.

For families moving into or families approved to move out of the HACFM's jurisdiction under portability, the HACFM will follow the policies set forth in Part II of this chapter.

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Housing Assistance Payments [24 CFR 982.311(d)]

When a family moves out of an assisted unit, the PHA may not make any housing assistance payment to the owner for any month **after** the month the family moves out. The owner may keep the housing assistance payment for the month when the family moves out of the unit.

If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy.

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

PART II: PORTABILITY

10-II.A. OVERVIEW

Within the limitations of the regulations and this plan, a participant family or an applicant family that has been issued a voucher has the right to use tenant-based voucher assistance to lease a unit anywhere in the United States providing that the unit is located within the jurisdiction of a PHA administering a tenant-based voucher program [24 CFR 982.353(b)]. The process by which a family obtains a voucher from one PHA and uses it to lease a unit in the jurisdiction of another PHA is known as portability. The first PHA is called the **initial PHA**. The second is called the **receiving PHA**.

The receiving PHA has the option of administering the family's voucher for the initial PHA or absorbing the family into its own program. Under the first option, the receiving PHA bills the initial PHA for the family's housing assistance payments and the fees for administering the family's voucher. Under the second option, the receiving PHA pays for the family's assistance out of its own program funds, and the initial PHA has no further relationship with the family.

The same PHA commonly acts as the initial PHA for some families and as the receiving PHA for others. Each role involves different responsibilities. The PHA will follow the rules and policies in section 10-II.B when it is acting as the initial PHA for a family. It will follow the rules and policies in section 10-II.C when it is acting as the receiving PHA for a family.

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

10-IL.B. INITIAL PHA ROLE

Allowable Moves under Portability

A family may move with voucher assistance only to an area where there is at least one PHA administering a voucher program [24 CFR 982.353(b)]. If there is more than one PHA in the area, the initial PHA may choose the receiving PHA [24 CFR 982.355(b)].

Applicant families that have been issued vouchers as well as participant families may qualify to lease a unit outside the PHA's jurisdiction under portability. The initial PHA, in accordance with HUD regulations and PHA policy, determines whether a family qualifies.

Applicant Families

Under HUD regulations, most applicant families qualify to lease a unit outside the PHA's jurisdiction under portability. However, HUD gives the PHA discretion to deny a portability move by an applicant family for the same two reasons that it may deny any move by a participant family: insufficient funding and grounds for denial or termination of assistance.

HACFM Policy

In determining whether or not to deny an applicant family permission to move under portability because the HACFM lacks sufficient funding or has grounds for denying assistance to the family, the initial HACFM will follow the policies established in section 10-~~I. B~~ of this chapter.

In addition, the PHA may establish a policy denying the right to portability to nonresident applicants during the first 12 months after they are admitted to the program [24 CFR 982.353(c)].

HACFM Policy

If neither the head of household nor the spouse/cohead of an applicant family had a domicile (legal residence) in the HACFM's jurisdiction at the time the family's application for assistance was submitted, the family must live in the HACFM's jurisdiction with voucher assistance for at least 12 months before requesting portability.

HACFM will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2). However, any exception to this policy is subject to the approval of the receiving HACFM [24 CFR 982.353(c)(3)].

HACFM will allow applicants receiving a mainstream voucher to use portability prior to leasing in the jurisdiction.

Deleted: I.B

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Participant Families

The Initial PHA must not provide portable assistance for a participant if a family has moved out of its assisted unit in violation of the lease [24 CFR 982.353(b)]. VAWA creates an exception to this prohibition for families who are otherwise in compliance with program obligations but have moved to protect the health or safety of an individual who is or has been a victim of domestic violence, dating violence or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if they remained in the unit.

HACFM Policy

The HACFM will determine whether a participant family may move out of the HACFM's jurisdiction with continued assistance in accordance with the regulations and policies set forth here and in sections 10-I.A and 10-I.B of this chapter. The HACFM will notify the family of its determination in accordance with the approval policy set forth in section 10-I.C of this chapter.

Determining Income Eligibility

Applicant Families

An applicant family may lease a unit in a particular area under portability only if the family is income eligible for admission to the voucher program in that area [24 CFR 982.353(d)(3)]. The family must specify the area to which the family wishes to move [Notice 2004-12].

The initial PHA is responsible for determining whether the family is income eligible in the area to which the family wishes to move [24 CFR 982.355(c)(1)]. If the applicant family is not income eligible in that area, the PHA must inform the family that it may not move there and receive voucher assistance [Notice PIH 2004-12].

Participant Families

The income eligibility of a participant family is not redetermined if the family moves to a new jurisdiction under portability [24 CFR 982.353(d)(2), 24 CFR 982.355(c)(1)].

Reexamination of Family Income and Composition

No new reexamination of family income and composition is required for an applicant family.

HACFM Policy

For a participant family approved to move out of its jurisdiction under portability, the HACFM generally will conduct a reexamination of family income and composition only if the family's annual reexamination must be completed on or before the initial billing deadline specified on form HUD-52665, Family Portability Information.

The HACFM will make any exceptions to this policy necessary to remain in compliance with HUD regulations.

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Briefing

The regulations and policies on briefings set forth in Chapter 5 of this plan require the PHA to provide information on portability to all applicant families that qualify to lease a unit outside the PHA's jurisdiction under the portability procedures. Therefore, no special briefing is required for these families.

HACFM Policy

No formal briefing will be required for a participant family wishing to move outside the HACFM's jurisdiction under portability. However, the HACFM will provide the family with the same oral and written explanation of portability that it provides to applicant families selected for admission to the program (see Chapter 5). The HACFM will provide the name, address, and phone of the contact for the HACFM in the jurisdiction to which they wish to move. The HACFM will advise the family that they will be under the RHA's policies and procedures, including subsidy standards and voucher extension policies.

Voucher Issuance and Term

An applicant family has no right to portability until after the family has been issued a voucher [24 CFR 982.353(b)]. In issuing vouchers to applicant families, the PHA will follow the regulations and procedures set forth in Chapter 5. A new voucher is not required for portability purposes.

HACFM Policy

For families approved to move under portability, the HACFM will issue a new voucher within 10 business days of the HACFM's written approval to move.

The initial term of the voucher will be 60 days.

Voucher Extensions and Expiration

HACFM Policy

The HACFM will approve **no** extensions to a voucher issued to an applicant or participant family porting out of the HACFM's jurisdiction except under the following circumstances: (a) the initial term of the voucher will expire before the portable family will be issued a voucher by the receiving PHA, (b) the family decides to return to the initial PHA's jurisdiction and search for a unit there, or (c) the family decides to search for a unit in a third PHA's jurisdiction. In such cases, the policies on voucher extensions set forth in Chapter 5, section 5-**II.E**, of this plan will apply, including the requirement that the family apply for an extension in writing prior to the expiration of the initial voucher term.

To receive or continue receiving assistance under the initial PHA's voucher program, a family that moves to another PHA's jurisdiction under portability must be under HAP contract in the receiving PHA's jurisdiction within 60 days following the expiration date of the initial PHA's voucher term (including any extensions). (See below under "Initial Billing Deadline" for one exception to this policy.)

Deleted: ILE

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Initial Contact with the Receiving PHA

After approving a family's request to move under portability, the initial PHA must promptly notify the receiving PHA to expect the family [24 CFR 982.355(c)(2)]. This means that the initial PHA must contact the receiving PHA directly on the family's behalf [Notice PIH 2004-12]. The initial PHA must also advise the family how to contact and request assistance from the receiving PHA [24 CFR 982.355(c)(2)].

HACFM Policy

Because the portability process is time-sensitive, the HACFM will notify the receiving PHA by phone, fax, or e-mail to expect the family. The initial PHA will also ask the receiving PHA to provide any information the family may need upon arrival, including the name, fax, email and telephone number of the staff person responsible for business with incoming portable families and procedures related to appointments for voucher issuance. The PHA will pass this information along to the family. The PHA will also ask for the name, address, telephone number, fax and email of the person responsible for processing the billing information.

Sending Documentation to the Receiving PHA

The initial PHA is required to send the receiving PHA the following documents:

- Form HUD-52665, Family Portability Information, with Part I filled out [Notice PIH 2004-12]
- A copy of the family's voucher [Notice PIH 2004-12]
- A copy of the family's most recent form HUD-50058, Family Report, or, if necessary, in the case of an applicant family, family and income information in a format similar to that of form HUD-50058 [24 CFR 982.355(c)(4), Notice PIH 2004-12]
- Copies of the income verifications backing up the form HUD-50058 [24 CFR 982.355(c)(4), Notice PIH 2004-12]

HACFM Policy

In addition to these documents, the HACFM will provide the following information, if available, to the receiving PHA:

Social security numbers (SSNs)

Documentation of SSNs for all family members age 6 and over

Documentation of legal identity

Documentation of citizenship or eligible immigration status

Documentation of participation in the earned income disallowance (EID) benefit

Documentation of participation in a family self-sufficiency (FSS) program

The HACFM will notify the family in writing regarding any information provided to the receiving PHA [HCV GB, p. 13-3].

Deleted: necessary

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Initial Billing Deadline

Deleted: [Notice PIH 2004-12]

When the initial PHA sends form HUD-52665 to the receiving PHA, it specifies in Part I the deadline by which it must receive the initial billing notice from the receiving PHA. This deadline is 60 days following the expiration date of the voucher issued to the family by the initial PHA. If the initial PHA does not receive a billing notice by the deadline and does not intend to honor a late billing submission, it must contact the receiving PHA to determine the status of the family. If the receiving PHA reports that the family is not yet under HAP contract, the initial PHA may refuse to accept a late billing submission. If the receiving PHA reports that the family is under HAP contract and the receiving PHA cannot absorb the family, the initial PHA must accept a late billing submission; however, it may report to HUD the receiving PHA's failure to comply with the deadline.

HACFM Policy

If the HACFM has not received an initial billing notice from the receiving PHA by the deadline specified on form HUD-52665, it will contact the receiving PHA by phone, fax, or e-mail on the next business day. If the PHA reports that the family is not yet under HAP contract, the PHA will inform the receiving PHA that it will not honor a late billing submission and will return any subsequent billings that it receives on behalf of the family. The HACFM will send the receiving PHA a written confirmation of its decision by mail.

The HACFM will allow an exception to this policy if the family includes a person with disabilities and the late billing is a result of a reasonable accommodation granted to the family by the receiving PHA.

Monthly Billing Payments [24 CFR 982.355(e),]

Deleted: Notice PIH 2004-12

If the receiving PHA is administering the family's voucher, the initial PHA is responsible for making billing payments in a timely manner. The first billing amount is due within 30 calendar days after the initial PHA receives Part II of form HUD-52665 from the receiving PHA. Subsequent payments must be **received** by the receiving PHA no later than the fifth business day of each month. The payments must be provided in a form and manner that the receiving PHA is able and willing to accept.

The initial PHA may not terminate or delay making payments under existing portability billing arrangements as a result of over leasing or funding shortfalls. The PHA must manage its tenant-based program in a manner that ensures that it has the financial ability to provide assistance for families that move out of its jurisdiction under portability and are not absorbed by receiving PHAs as well as for families that remain within its jurisdiction.

HACFM Policy

The initial PHA will utilize direct deposit to ensure that the payment is received by the deadline unless the receiving PHA notifies the initial PHA that direct deposit is not acceptable to them.

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Annual Updates of Form HUD-50058

If the initial PHA is being billed on behalf of a portable family, it should receive an updated form HUD-50058 each year from the receiving PHA. If the initial PHA fails to receive an updated 50058 by the family's annual reexamination date, the initial PHA should contact the receiving PHA to verify the status of the family.

Subsequent Family Moves

Within the Receiving PHA's Jurisdiction [24 CFR 314(e)(1),]

The initial PHA has the authority to deny subsequent moves by portable families whom it is assisting under portability billing arrangements if it does not have sufficient funding for continued assistance.

HACFM Policy

If the PHA determines that it must deny moves on the grounds that it lacks sufficient funding (see section 10 ~~I. B~~), it will notify all receiving PHAs with which it has entered into portability billing arrangements that they, too, must deny moves to higher cost units by portable families from the PHA's jurisdiction.

The PHA will allow exceptions to this policy for purposes of reasonable accommodation of a family member who is a person with disabilities.

Outside the Receiving PHA's Jurisdiction []

If the initial PHA is assisting a portable family under a billing arrangement and the family subsequently decides to move out of the receiving PHA's jurisdiction, the initial PHA is responsible for issuing the family a voucher while the family is either being assisted or has a voucher from the receiving PHA and, if the family wishes to port to another jurisdiction, sending form HUD-52665 and supporting documentation to the new receiving PHA. Any extensions of the initial PHA voucher necessary to allow the family additional search-time to return to the initial PHA's jurisdiction or to move to another jurisdiction would be at the discretion of the initial PHA.

Denial or Termination of Assistance [24 CFR 982.355(c)(9)]

If the initial PHA has grounds for denying or terminating assistance for a portable family that has not been absorbed by the receiving PHA, the initial PHA may act on those grounds at any time. (For PHA policies on denial and termination, see Chapters 3 and 12, respectively.)

Deleted: Notice PIH 2005-1

Deleted: I.B

Deleted: Notice PIH 2004-12

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

10-II.C. RECEIVING PHA ROLE

If a family has a right to lease a unit in the receiving PHA's jurisdiction under portability, the receiving PHA must provide assistance for the family [24 CFR 982.355(10)].

The receiving PHA's procedures and preferences for selection among eligible applicants do not apply, and the receiving PHA's waiting list is not used [24 CFR 982.355(10)]. However, the family's unit, or voucher, size is determined in accordance with the subsidy standards of the receiving PHA [24 CFR 982.355(7)], and the amount of the family's housing assistance payment is determined in the same manner as for other families in the receiving PHA's voucher program [24 CFR 982.355(e)(2)].

Initial Contact with Family

When a family moves into the PHA's jurisdiction under portability, the family is responsible for promptly contacting the PHA and complying with the PHA's procedures for incoming portable families [24 CFR 982.355(c)(3)].

If the voucher issued to the family by the initial PHA has expired, the receiving PHA does not process the family's paperwork but instead refers the family back to the initial PHA [Notice PIH 2004-12].

When a portable family requests assistance from the receiving PHA, the receiving PHA must promptly inform the initial PHA whether the receiving PHA will bill the initial PHA for assistance on behalf of the portable family or will absorb the family into its own program [24 CFR 982.355(c)(5)]. If the PHA initially bills the initial PHA for the family's assistance, it may later decide to absorb the family into its own program [Notice PIH 2004-12]. (See later under "Absorbing a Portable Family" for more on this topic.)

HACFM Policy

Within 10 business days after a portable family requests assistance, the receiving PHA will notify the HACFM whether it intends to bill the HACFM on behalf of the portable family or absorb the family into its own program.

If for any reason the receiving PHA refuses to process or provide assistance to a family under the portability procedures, the family must be given the opportunity for an informal review or hearing [Notice PIH 2004-12]. (For more on this topic, see later under "Denial or Termination of Assistance.")

Briefing

HUD allows the receiving PHA to require a briefing for an incoming portable family as long as the requirement does not unduly delay the family's search [Notice PIH 2004-12].

HACFM Policy

The HACFM will not require the family to attend a briefing. The HACFM will provide the family with a briefing packet (as described in Chapter 5) and, in an individual briefing, will orally inform the family about the HACFM's payment and subsidy standards, procedures for requesting approval of a unit, the unit inspection process, and the leasing process. The HACFM will suggest that the family attend a full briefing at a later date.

Income Eligibility and Reexamination

HUD allows the receiving PHA to conduct its own income reexamination of a portable family [24 CFR 982.355(c)(4)]. However, the receiving PHA may not delay voucher issuance or unit approval until the reexamination process is complete unless the reexamination is necessary to determine that an applicant family is income eligible for admission to the program in the area where the family wishes to lease a unit [Notice PIH 2004-12, 24 CFR 982.201(b)(4)]. The receiving PHA does not re-determine income eligibility for a portable family that was already receiving assistance in the initial PHA's voucher program [24 CFR 982.355(c)(1)].

HACFM Policy

For any family moving into its jurisdiction under portability, the HACFM will conduct a new reexamination of family income and composition. However, the HACFM will not delay issuing the family a voucher for this reason. Nor will the HACFM delay approving a unit for the family until the reexamination process is complete unless the family is an applicant and the HACFM cannot otherwise confirm that the family is income eligible for admission to the program in the area where the unit is located.

In conducting its own reexamination, the HACFM will rely upon any verifications provided by the initial PHA to the extent that they (a) accurately reflect the family's current circumstances and (b) were obtained within the last 120 days. Any new information may be verified by documents provided by the family and adjusted, if necessary, when third party verification is received.

Voucher Issuance

When a family moves into its jurisdiction under portability, the receiving PHA is required to issue the family a voucher [24 CFR 982.355(b)(6)]. The family must submit a request for tenancy approval to the receiving PHA during the term of the receiving PHA's voucher [24 CFR 982.355(c)(6)].

Timing of Voucher Issuance

HUD expects the receiving PHA to issue the voucher within two weeks after receiving the family's paperwork from the initial PHA if the information is in order, the family has contacted the receiving PHA, and the family complies with the receiving PHA's procedures [Notice PIH 2004-12].

HACFM Policy

When a family ports into its jurisdiction, the HACFM will issue the family a voucher based on the paperwork provided by the initial PHA unless the family's paperwork from the initial PHA is incomplete, the family's voucher from the initial PHA has expired or the family does not comply with the PHA's procedures. The HACFM will update the family's information when verification has been completed.

Voucher Term

The term of the receiving PHA's voucher may not expire before the term of the initial PHA's voucher [24 CFR 982.355(c)(6)].

HACFM Policy

The receiving PHA's voucher will expire on the same date as the initial PHA's voucher.

Voucher Extensions [24 CFR 982.355(c)(6), Notice 2004-12]

The receiving PHA may provide additional search time to the family beyond the expiration date of the initial PHA's voucher; however, if it does so, it must inform the initial PHA of the extension. It must also bear in mind the billing deadline provided by the initial PHA. Unless willing and able to absorb the family, the receiving PHA should ensure that any voucher expiration date would leave sufficient time to process a request for tenancy approval, execute a HAP contract, and deliver the initial billing to the initial PHA.

HACFM Policy

The HACFM generally will not extend the term of the voucher that it issues to an incoming portable family unless the HACFM plans to absorb the family into its own program, in which case it will follow the policies on voucher extension set forth in section 5-II.E.

The HACFM will consider an exception to this policy as a reasonable accommodation to a person with disabilities (see Chapter 2).

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Notifying the Initial PHA

The receiving PHA must promptly notify the initial PHA if the family has leased an eligible unit under the program or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the receiving PHA's voucher [24 CFR 982.355(c)(8)]. The receiving PHA is required to use Part II of form HUD-52665, Family Portability Information, for this purpose [24 CFR 982.355(e)(5), Notice PIH 2004-12]. (For more on this topic and the deadline for notification, see below under "Administering a Portable Family's Voucher.")

If an incoming portable family ultimately decides not to lease in the jurisdiction of the receiving PHA but instead wishes to return to the initial PHA's jurisdiction or to search in another jurisdiction, the receiving PHA must refer the family back to the initial PHA. In such a case the voucher of record for the family is once again the voucher originally issued by the initial PHA. Any extension of search time provided by the receiving PHA's voucher is only valid for the family's search in the receiving PHA's jurisdiction. [Notice PIH 2004-12]

Administering a Portable Family's Voucher

Initial Billing Deadline

If a portable family's search for a unit is successful and the receiving PHA intends to administer the family's voucher, the receiving PHA must submit its initial billing notice (Part II of form HUD-52665) (a) no later than 10 business days following the date the receiving PHA **executes** a HAP contract on behalf of the family **and** (b) in time that the notice will be **received** no later than 60 days following the expiration date of the family's voucher issued by the initial PHA [Notice PIH 2004-12]. A copy of the family's form HUD-50058, Family Report, completed by the receiving PHA must be attached to the initial billing notice. The receiving PHA may send these documents by mail, fax, or e-mail.

HACFM Policy

The HACFM will send its initial billing notice by fax or e-mail, if necessary, to meet the billing deadline but will also send the notice by regular mail.

If the receiving PHA fails to send the initial billing within 10 business days following the date the HAP contract is executed, it is required to absorb the family into its own program unless (a) the initial PHA is willing to accept the late submission or (b) HUD requires the initial PHA to honor the late submission (e.g., because the receiving PHA is over leased) [Notice PIH 2004-12].

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Ongoing Notification Responsibilities [Notice PIH 2004-12, HUD-52665]

Annual Reexamination. The receiving PHA must send the initial PHA a copy of a portable family's updated form HUD-50058 after each annual reexamination for the duration of time the receiving PHA is billing the initial PHA on behalf of the family, regardless of whether there is a change in the billing amount.

HACFM Policy

The HACFM will send a copy of the updated HUD-50058 by regular mail at the same time the PHA and owner are notified of the reexamination results.

Change in Billing Amount. The receiving PHA is required to notify the initial PHA, using form HUD-52665, of any change in the billing amount for the family as a result of:

- A change in the HAP amount (because of a reexamination, a change in the applicable payment standard, a move to another unit, etc.)
- An abatement or subsequent resumption of the HAP payments
- Termination of the HAP contract
- Payment of a damage/vacancy loss claim for the family
- Termination of the family from the program

The timing of the notice of the change in the billing amount should correspond with the notification to the owner and the family in order to provide the initial PHA with advance notice of the change. Under no circumstances should the notification be later than 10 business days following the effective date of the change in the billing amount.

Late Payments [Notice PIH 2004-12]

If the initial PHA fails to make a monthly payment for a portable family by the fifth business day of the month, the receiving PHA must promptly notify the initial PHA in writing of the deficiency. The notice must identify the family, the amount of the billing payment, the date the billing payment was due, and the date the billing payment was received (if it arrived late). The receiving PHA must send a copy of the notification to the Office of Public Housing (OPH) in the HUD area office with jurisdiction over the receiving PHA. If the initial PHA fails to correct the problem by the second month following the notification, the receiving PHA may request by memorandum to the director of the OPH with jurisdiction over the receiving PHA that HUD transfer the unit in question. A copy of the initial notification and any subsequent correspondence between the PHAs on the matter must be attached. The receiving PHA must send a copy of the memorandum to the initial PHA. If the OPH decides to grant the transfer, the billing arrangement on behalf of the family ceases with the transfer, but the initial PHA is still responsible for any outstanding payments due to the receiving PHA.

Overpayments [Notice PIH 2004-12]

In all cases where the receiving PHA has received billing payments for billing arrangements no longer in effect, the receiving PHA is responsible for returning the full amount of the overpayment (including the portion provided for administrative fees) to the initial PHA.

In the event that HUD determines billing payments have continued for at least three months because the receiving PHA failed to notify the initial PHA that the billing arrangement was terminated, the receiving PHA must take the following steps:

- Return the full amount of the overpayment, including the portion provided for administrative fees, to the initial PHA.
- Once full payment has been returned, notify the Office of Public Housing in the HUD area office with jurisdiction over the receiving PHA of the date and the amount of reimbursement to the initial PHA.

At HUD's discretion, the receiving PHA will be subject to the sanctions spelled out in Notice PIH 2004-12.

Denial or Termination of Assistance

At any time, the receiving PHA may make a determination to deny or terminate assistance to a portable family for family action or inaction [24 CFR 982.355(c)(9), 24 CFR 982.355(c)(10)].

In the case of a termination, the PHA should provide adequate notice of the effective date to the initial PHA to avoid having to return a payment. In no event should the receiving PHA fail to notify the initial PHA later than 10 business days following the effective date of the termination of the billing arrangement. [Notice PIH 2004-12]

HACFM Policy

If the HACFM elects to deny or terminate assistance for a portable family, the HACFM will notify the initial PHA within 10 business days after the informal review or hearing if the denial or termination is upheld. The HACFM will base its denial or termination decision on the policies set forth in Chapter 3 or Chapter 12, respectively. The informal review or hearing will be held in accordance with the policies in Chapter 16. The receiving PHA will furnish the HACFM with a copy of the review or hearing decision.

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Absorbing a Portable Family

The receiving PHA may absorb an incoming portable family into its own program when the PHA executes a HAP contract on behalf of the family or at any time thereafter providing that (a) the PHA has funding available under its annual contributions contract (ACC) and (b) absorbing the family will not result in over leasing [24 CFR 982.355(d)(1), Notice PIH 2004-12].

If the receiving PHA absorbs a family from the point of admission, the admission will be counted against the income targeting obligation of the receiving PHA [24 CFR 982.201(b)(2)(vii)].

If the receiving PHA absorbs a family after providing assistance for the family under a billing arrangement with the initial PHA, HUD encourages the receiving PHA to provide adequate advance notice to the initial PHA to avoid having to return an overpayment. The receiving PHA must specify the effective date of the absorption of the family. [Notice PIH 2004-12]

HACFM Policy

If the HACFM decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, the HACFM will notify the initial PHA by the initial billing deadline specified on form HUD-52665. The effective date of the HAP contract will be the effective date of the absorption.

If the HACFM decides to absorb a family after that, it will provide the initial PHA with 30 days' advance notice.

Following the absorption of an incoming portable family, the family is assisted with funds available under the consolidated ACC for the receiving PHA's voucher program [24 CFR 982.355(d)], and the receiving PHA becomes the initial PHA in any subsequent moves by the family under portability.

Deleted: 2/1/2009 ADMIN

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Chapter 14

OWNERS

INTRODUCTION

Owners play a central role in the HCV program by supplying decent, safe, and sanitary housing for participating families.

The term “owner” refers to any person or entity with the legal right to lease or sublease a unit to a participant in the HCV program [24 CFR 982.4(b)]. The term “owner” includes a principal or other interested party [24 CFR 982.453; 24 CFR 982.306(f)], such as a designated agent of the owner.

Owners have numerous responsibilities under the program, including screening and leasing to families, maintaining the dwelling unit, enforcing the lease, and complying with various contractual obligations. However, this chapter is not meant to be an overview of all aspects of owner participation in the HCV program.

The chapter is organized in two parts:

Part I: Owners in the HCV Program. This part discusses the role of an owner in the PHA’s HCV program and highlights key owner rights and responsibilities.

Part II: HAP Contracts. This part explains provisions of the HAP contract and the relationship between the PHA, and the owner as expressed in the HAP contract.

For detailed information about HCV program responsibilities and processes, including PHA policies in key areas, owners will need to refer to several other chapters in this plan. Where appropriate, Chapter 13 will reference the other chapters.

Deleted: PHA

Deleted: © Copyright 2006 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use

Deleted: 2/1/2009 ADMIN PLAN

PART I. OWNERS IN THE HCV PROGRAM

14-I.A. OWNER RECRUITMENT AND RETENTION [HCV GB, pp. 2-4 to 2-6]

Deleted: Recruitment¶

PHAs are responsible for ensuring that very low income families have access to all types and ranges of affordable housing in the PHA's jurisdiction, particularly housing outside areas of poverty or minority concentration. A critical element in fulfilling this responsibility is for the PHA to ensure that a sufficient number of owners, representing all types and ranges of affordable housing in the PHA's jurisdiction, are willing to participate in the HCV program.¶

To accomplish this objective, PHAs must identify and recruit new owners to participate in the program.¶

HACFM Policy¶

The HACFM will conduct owner outreach to ensure that owners are familiar with the program and its advantages. The HACFM will actively recruit property owners with property located outside areas of poverty and minority concentration. These outreach strategies will include:¶

Distributing printed material about the program to property owners and managers
Contacting property owners and managers by phone or in-person¶

Holding owner recruitment/information meetings at least once a year¶

Participating in community based organizations comprised of private property and apartment owners and managers¶

Developing working relationships with owners and real estate brokers associations¶

Outreach strategies will be monitored for effectiveness, and adapted accordingly.¶

Retention¶

In addition to recruiting owners to participate in the HCV program, the PHA must also provide the kind of customer service that will encourage participating owners to remain active in the program.¶

HACFM Policy¶

All HACFM activities that may affect an owner's ability to lease a unit will be processed as rapidly as possible, in order to minimize vacancy losses for owners.¶

The HACFM will provide owners with a handbook that explains the program, including HUD and HACFM policies and procedures, in easy-to-understand language.¶

The HACFM will give special attention to helping new owners succeed through activities such as:¶

Providing the owner with a designated HACFM contact person.¶

Coordinating inspection and leasing activities between the HACFM, the owner, and the family.¶

Initiating telephone contact with the owner to explain the inspection process, and providing an inspection booklet and other resource materials about HUD housing quality standards.¶

Providing other written information about how the program operates, including answers to frequently asked questions.¶

Additional services may be undertaken on an as-needed basis, and as resources permit.¶

14-I.B. BASIC HCV PROGRAM REQUIREMENTS¶

HUD requires the PHA to aid families in their housing search by providing the family with a list of landlords or other parties known to the PHA who may be willing to lease a unit to the family, or to help the family find a unit.

Although the PHA cannot maintain a list of owners that are pre-qualified to participate in the program, owners may indicate to the PHA their willingness to lease a unit to an eligible HCV family, or to help the HCV family find a unit [24 CFR 982.301(b)(11)].¶

Chapter 15

TERMINATION OR DENIAL OF ASSISTANCE AND TENANCY

HUD regulations specify the reasons for which a HACFM can terminate or deny a family's assistance and the ways in which such terminations and denials must take place. They also dictate the circumstances under which an owner may terminate the tenancy of an assisted family. This chapter presents the policies that govern voluntary and involuntary terminations or denial of assistance and termination of tenancy by the owner. It is presented in three parts:

Part I: Grounds for Termination or denial of Assistance. This part discusses various reasons that a family's assistance may be terminated or denied, including voluntary termination by the family, termination because the family no longer qualifies to receive subsidy, and termination or denial by the HACFM based on the family's behavior.

Part II: Approach to Termination or denial of Assistance. This part describes the policies that govern how an involuntary termination takes place. It specifies the alternatives that the HACFM may consider in lieu of termination or denial, the criteria the HACFM must use when deciding what action to take, and the steps the HACFM must take when terminating or denying a family's assistance.

Part III: Termination of Tenancy by the Owner. This part presents the policies that govern the owner's right to terminate an assisted tenancy.

PART I: GROUNDS FOR TERMINATION OR DENIAL OF ASSISTANCE

OVERVIEW

HUD requires the HACFM to terminate or deny assistance for certain offenses and when the family no longer requires assistance. HUD permits the HACFM to terminate assistance for certain other actions family members take or fail to take. In addition, a family may decide to stop receiving HCV assistance at any time by notifying the HACFM.

FAMILY NO LONGER REQUIRES ASSISTANCE [24 CFR 982.455]

HACFM Policy

As a family's income increases, the amount of HACFM's subsidy goes down. If the amount of HCV assistance provided by HACFM drops to zero and remains at zero for 180 consecutive calendar days, the family's assistance terminates automatically.

If a participating family receiving zero assistance experiences a change in circumstances that would cause the HAP payment to rise above zero, the family must notify the HACFM of the changed circumstances and request an interim reexamination before the expiration of the 180-day period.

Deleted: days

Deleted: © Copyright 2007 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

FAMILY CHOOSES TO TERMINATE ASSISTANCE

The family may request that the HACFM terminate the family's assistance at any time.

HACFM Policy

The request to terminate assistance must be made in writing and signed by the head of household, spouse, or co-head

MANDATORY TERMINATION OF ASSISTANCE

HUD requires HACFM to terminate assistance in the following circumstances.

Eviction [24 CFR 982.552(b)(2)]

The HACFM must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease. Incidents of actual or threatened violence, dating violence, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking.

HACFM Policy

A family will be considered *evicted* if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.

If a family moves after the owner has given the family an eviction notice for serious or repeated lease violations but before a legal eviction order has been issued, termination of assistance is not mandatory. However, HACFM will determine whether the family has committed serious or repeated violations of the lease based on available evidence and may terminate assistance.

Serious and repeated lease violations will include, but are not limited to, nonpayment of rent, disturbance of neighbors, destruction of property, living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criteria to be used is whether the reason for the eviction was through no fault of the tenant or guests.

Failure to Provide Consent [24 CFR 982.552(b)(3)]

The HACFM must terminate or deny assistance if any family member fails to sign and submit any consent form, they are required to sign for an initial application or reexamination.

Failure to Document Citizenship [24 CFR 982.552(b)(4) and [24 CFR 5.514(c)]

HACFM must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family; or (3) a family member, as determined by the HACFM, has knowingly permitted another individual who is not eligible for assistance to reside in the unit. For (3) above, such termination must be for a period of at least 24 months.

This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated.

Deleted: are not be

Deleted: form

Deleted: a

Deleted: © Copyright 2007 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

Failure to Provide Social Security Documentation [24 CFR 5.218(c)]

HACFM must terminate or deny assistance if a participant family fails to provide the documentation or certification required for any family member who obtains a social security number, joins the family, or reaches 6 years of age.

Methamphetamine Manufacture or Production [24 CFR 982.553(b)(1)(ii)]

HACFM must terminate or deny assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR 982.552(b)(5) and FR 4/10/06]

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have dependent children, and is not residing with his/her parents in an HCV assisted household, HACFM must then terminate the student’s assistance if, at the time of reexamination, either the student’s income or the income of the student’s parents (if applicable) exceeds the applicable income limit.

If a participant household consists of both eligible and ineligible students, the eligible students shall not be terminated, but must be issued a voucher to move with continued assistance in accordance with program regulations and HACFM policies or must be given the opportunity to lease in place if the terminated ineligible student members elect to move out of the assisted unit.

Deleted: policies, or

MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS AND DENIALS

Mandatory Policies [24 CFR 982.553(b) and 982.551(l)]

HACFM has established policies that permit HACFM to terminate or deny assistance if HACFM determines that:

- Any household member is currently engaged in any illegal use of a drug or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Any household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Any household member that has violated the family’s obligation not to engage in any drug-related criminal activity.
- Any household member has violated the family’s obligation not to engage in violent criminal activity.

Deleted: drug, or

Deleted: residents;

Deleted: residents;

Deleted: activity;

Deleted: © Copyright 2007 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

Use of Illegal Drugs and Alcohol Abuse

HACFM Policy

The HACFM will terminate a family's assistance if any household member, live-in-aide or guests is currently engaged in any illegal use of a drug or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Currently engaged in is defined as any use of illegal drugs during the previous six months.

HACFM will terminate assistance if any household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

HACFM will deny assistance for any drug activity or abuse of alcohol within the past 5 years

HACFM will consider all credible evidence, including but not limited to, any record of arrests, convictions, or eviction of household members related to the use of illegal drugs or abuse of alcohol.

In making its decision to terminate or deny assistance, HACFM will consider alternatives on a case-by-case basis, choose not to terminate or deny assistance.

Deleted: drug, or

Drug and Violent Criminal Activity [24 CFR 5.100]

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

Drug-related criminal activity is defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

HACFM Policy

HACFM will terminate a family's assistance if any household member, live-in-aide or guests has violated the family's obligation not to engage in any drug-related or violent criminal activity during participation in the HCV program.

HACFM will consider all credible evidence and the preponderance of evidence, that the household member has engaged in, regardless of whether the household member has been arrested or convicted for such activity. The evident may or may not include record of arrests and/or convictions of household members related to drug-related or violent criminal activity, and any eviction or notice to evict based on drug-related or violent criminal activity.

Deleted: in ,

Deleted: © Copyright 2007 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

HACFM will deny assistance for any drug activity or violent criminal activity within the past 5 years.

In making its decision to terminate assistance, HACFM will consider alternatives on a case-by-case basis, choose not to terminate assistance.

Other Authorized Reasons for Termination or Denial of Assistance **[24 CFR 982.552(c)]**

HUD permits the HACFM to terminate or deny assistance under a number of other circumstances. It is left to the discretion of the HACFM whether such circumstances in general warrant consideration for the termination of assistance. The Violence Against Women Reauthorization Act of 2005 explicitly prohibits HACFMs from considering incidents or actual threatened domestic violence, dating violence, or stalking as reasons for terminating the assistance of a victim of such violence.

HACFM Policy

HACFM **will not** terminate a family's assistance because of the family's failure to meet its obligations under the Family Self-Sufficiency program, HACFM will terminate the family from the FSS program.

The HACFM **will** terminate or deny a family's assistance if:

The family has failed to comply with any family obligations under the program.

Any family member has been evicted from federally-assisted housing in the last five years.

Any PHA has ever terminated assistance under the program for any member of the family in the last five years.

Any family member has committed 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 any PHA in connection with the HCV, Certificate, Moderate Rehabilitation or public housing programs.

The family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

The family has breached the terms of a repayment agreement entered into with the HACFM or any other PHA.

A family member has engaged in or threatened violent or abusive behavior toward HACFM personnel.

Abusive or violent behavior towards HACFM personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Deleted: © Copyright 2007 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to terminate assistance, HACFM will consider alternatives on a case-by-case basis, choose not to terminate assistance.

Family Absence from the Unit [24 CFR 982.312]

The family may be absent from the unit for brief periods. The HACFM must establish a policy on how long the family may be absent from the assisted unit. However, the family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. Absence in this context means that no member of the family is residing in the unit.

HACFM Policy

HACFM will consider a family absent from the unit for more than 30 consecutive days without PHA approval or reasonable accommodation (such as hospitalization or rehabilitation) vacant and the family's assistance will be terminated.

If the family is absent from the unit for more than 180 consecutive calendar days for any circumstances, the family's assistance must be terminated. Notice of termination will be sent to the family.

Insufficient Funding [24 CFR 982.454]

The HACFM may terminate HAP contracts if the HACFM determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

HACFM Policy

HACFM will determine whether there is sufficient funding to pay for currently assisted families according to the policies in Chapter 21. If HACFM determines there is a shortage of funding, prior to terminating any HAP contracts, HACFM will determine if any other actions can be taken to reduce program costs. If after implementing all reasonable cost cutting measures there is not enough funding available to provide continued assistance for current participants, HACFM will terminate HAP contracts as a last resort.

Prior to terminating any HAP contracts, HACFM will inform the local HUD field office. HACFM will terminate the minimum number needed in order to reduce HAP costs to a level within the HACFM's annual budget authority.

If HACFM must terminate HAP contracts due to insufficient funding, HACFM will do so in accordance with the following criteria and instructions:

Refer to Chapter 21 - Cost Saving Options

PART II: APPROACH TO TERMINATION OR DENIAL OF ASSISTANCE

OVERVIEW

The HACFM is required by regulation to terminate or deny a family's assistance if certain program rules are violated. For other types of offenses, the regulations give the HACFM the discretion to either terminate or deny the family's assistance or to take another action. This part

discusses the various actions the HACFM may choose to take when it has discretion and outlines the criteria the HACFM will use to make its decision about whether or not to terminate or deny assistance. It also specifies the requirements for the notice that must be provided before terminating assistance.

Deleted: discretion, and

METHOD OF TERMINATION OR DENIAL [24 CFR 982.552(a)(3)]

The way in which the HACFM terminates denies assistance depends upon individual circumstances. HUD permits HACFM to terminate deny assistance by:

- Terminating housing assistance payments under a current HAP contract,
- Refusing to approve a request for tenancy or to enter into a new HAP contract, or
- Refusing to process a request for or to provide assistance under portability procedures.
- Deny listing on HACFM waitlist.
- Denying or withdrawing a voucher.
- Refusing to enter into a HAP Contract or approve a lease.

ALTERNATIVES TO TERMINATION DENYING OF ASSISTANCE

Change in Household Composition

As a condition of continued assistance, the HACFM may require that any household member who participated in or was responsible for an offense no longer resides in the unit [24 CFR 982.552(c)(2)(ii)].

HACFM Policy

As a condition of continued assistance, the head of household must certify that the culpable family member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former family member's current address upon HACFM request.

Repayment of Family Debts

HACFM Policy

If a family owes amounts to the HACFM, as a condition of continued assistance, HACFM will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from HACFM of the amount owed.

HACFM will deny assistance if an applicant currently owes money to any federally funded housing program or PHA unless the debt is paid in full within ten days of notification to the applicant.

CRITERIA FOR DECIDING TO TERMINATE OR DENY ASSISTANCE

Evidence

For criminal activity, HUD permits the HACFM to terminate or deny assistance if a preponderance of the evidence indicates that a household member has engaged in the activity,

Deleted: © Copyright 2007 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

regardless of whether the household member has been arrested or convicted [24 CFR 982.553(c)].

HACFM Policy

HACFM will use the concept of the preponderance of the evidence as the standard for making all termination decisions.

Preponderance of the 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.

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

Consideration of Circumstances [24 CFR 982.552(c)(2)(i)]

The HACFM is permitted, but not required, to consider all relevant circumstances when determining whether a family’s assistance should be terminated.

HACFM Policy

HACFM will consider the following factors when making its decision to terminate or deny assistance:

The seriousness of the case, especially with respect to how it would affect other residents.

Deleted: residents;

The effects that termination of assistance may have on other members of the family who were not involved in the action or failure.

Deleted: failure;

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities or a victim of domestic violence, dating violence, or stalking.

Deleted: stalking;

The length of time since the violation occurred, the family’s recent history and the likelihood of favorable conduct in the future.

Deleted: future;

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.

Deleted: successfully;

The HACFM will require the participant to submit evidence of the household member’s current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

Deleted: successfully;

In the case of program abuse, the dollar amount of the overpaid assistance and whether or not a false certification was signed by the family.

Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]

If the family includes a person with disabilities, the HACFM’s decision to terminate or deny the family’s assistance is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

Deleted: © Copyright 2007 Nan McKay & Associates, Inc. Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

HACFM Policy

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of assistance, HACFM will determine whether the behavior is related to the disability. If so, upon the family's request, HACFM will determine whether alternative measures are appropriate as a reasonable accommodation. HACFM will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed termination of assistance.

TERMINATING THE ASSISTANCE OF DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING VICTIMS AND PERPETRATORS

The Violence Against Women Reauthorization Act of 2005 (VAWA) provides that "criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be a cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking."

VAWA also gives HACFMs the authority to "terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant."

VAWA does not limit the authority of the HACFM to terminate the assistance of any participant if the HACFM "can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance."

Victim Documentation

HACFM Policy

When a participant family is facing assistance termination because of the actions of a participant, household member, guest, or other person under the participant's control and a participant or immediate family member of the participant's family claims that she or he is the victim of such actions and that the actions are related to domestic violence, dating violence, or stalking, HACFM will require the individual to submit documentation affirming that claim.

The documentation must include two elements:

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

One of the following:

A police or court record documenting the actual or threatened abuse, or

A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the

Deleted: © Copyright 2007 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

The required certification and supporting documentation must be submitted to HACFM within 14 business days after HACFM issues their written request. The 14-day deadline may be extended at HACFM's discretion. If the individual does not provide the required certification and supporting documentation within 14 business days, or the approved extension period, HACFM may proceed with assistance termination.

If HACFM can demonstrate an actual and imminent threat to other participants or those employed at or providing service to the property if the participant's tenancy is not terminated, HACFM will bypass the standard process and proceed with the immediate termination of the family's assistance.

Terminating the Assistance of a Domestic Violence Perpetrator

Although VAWA provides assistance termination protection for victims of domestic violence, it does not provide protection for perpetrators. VAWA gives the HACFM the explicit authority to "terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others...without terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant." This authority supersedes any local, state, or other federal law to the contrary. However, if the HACFM chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law regarding termination of assistance.

HACFM Policy

When the actions of a participant or other family member result in HACFM's decision to terminate the family's assistance and another family member claims that the actions involve criminal acts of physical violence against family members or others, HACFM will request that the victim submit the above required certification and supporting documentation in accordance with the stated time frame. If the certification and supporting documentation are submitted within the required time frame, or any approved extension period, HACFM will terminate the perpetrator's assistance. If the victim does not provide the certification and supporting documentation, as required, HACFM will proceed with termination of the family's assistance.

If HACFM can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the participant's tenancy is not terminated, HACFM will bypass the standard process and proceed with the immediate termination of the family's assistance.

HACFM Confidentiality Requirements

All information provided to HACFM regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared data base nor provided to any related

entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

TERMINATION OR DENIAL NOTICE

If a family's assistance is to be terminated or denied, whether voluntarily or involuntarily, the HACFM must give the family and the owner written notice that specifies:

- The reasons for which assistance has been terminated
- The effective date of the termination
- The family's right to an informal hearing or informal review.
- If a criminal record is the basis of the termination, a copy of the record must accompany the notice. A copy of the criminal record also must be provided to the subject of the record [24 CFR 982.553(d)].

Deleted: review..

HACFM Policy

- When termination is initiated by HACFM, the notice to terminate will be sent to the family and the owner at least 30 calendar days prior to the effective date of the termination. However, if a family vacates the unit without informing the HACFM, 30 days' notice will not be given. In these cases, the notice to terminate will be sent at the time HACFM learns the family has vacated the unit.
- When a family requests to be terminated from the program they must do so in writing to HACFM. HACFM will then send a confirmation notice to the family and the owner within 10 business days of the family's request, but no later than the termination effective date (as requested by the family).
- HACFM will give an applicant a notice of denial containing a brief statement of the PHA's decision to deny and how the applicant can request an informal review.

Deleted: days notice

Notice of Termination Based on Citizenship Status [24 CFR 5.514 (c) and (d)]

The HACFM must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or eligible immigration status; (2) evidence of citizenship and eligible immigration status is submitted timely, but USCIS primary and secondary verification does not verify eligible immigration status of a family; or (3) the HACFM determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. For (3) above, such termination must be for a period of at least 24 months.

HACFM Policy

The notice to terminate will be sent to the family and the owner at least 30 calendar days prior to the effective date of the termination.

The notice of termination must advise the family of the reasons their assistance is being terminated, that they may be eligible for proration of assistance, the criteria and procedures for obtaining relief under the provisions for preservation of families, that they have the right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in

Deleted: © Copyright 2007 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

support of the appeal, and that they have the right to request an informal hearing with HACFM either upon completion of the USCIS appeal or in lieu of the USCIS appeal. Informal hearing procedures are contained in Chapter 16.

HOW TERMINATION OF ASSISTANCE AFFECTS THE HAP CONTRACT AND LEASE

When the family's assistance is terminated, the lease and HAP contract terminate automatically. The owner may offer the family a separate unassisted lease.

PART III: TERMINATION OF TENANCY BY THE OWNER

OVERVIEW

Termination of an assisted tenancy is a matter between the owner and the family and HACFM is not directly involved. The owner is under some constraints when terminating an assisted tenancy. The reasons for which a tenancy is terminated will dictate whether assistance also will be terminated.

GROUND'S FOR OWNER TERMINATION OF TENANCY [24 CFR 982.310 , Tenancy Addendum

During the term of the lease, the owner is not permitted to terminate the tenancy except for serious or repeated violations of the lease, certain violations of state or local law, or other good cause.

Serious or Repeated Lease Violations

The owner is permitted to terminate the family's tenancy for serious or repeated violations of the terms and conditions of the lease, including failure to pay rent or other amounts due under the lease, except when the violations are related to incidents of actual or threatened domestic violence, dating violence, or stalking against that participant. This includes failure to pay rent or other amounts due under the lease. However, the HACFM's failure to make a HAP payment to the owner is not a violation of the lease between the family and the owner.

Violation of Federal, State, or Local Law

The owner is permitted to terminate the tenancy if a family member violates federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

Criminal Activity or Alcohol Abuse

The owner may terminate tenancy during the term of the lease if any covered person, meaning any member of the household, a guest or another person under the tenant's control commits any of the following types of criminal activity (for applicable definitions see 24 CFR 5.100):

- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including property management staff residing on the premises).
- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises.

Deleted:);

Deleted: premises;

Deleted: © Copyright 2007 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

- Any violent criminal activity on or near the premises; or
- Any drug-related criminal activity on or near the premises.

The owner may terminate tenancy during the term of the lease if any member of the household is:

- Fleeing to avoid prosecution, custody, or confinement after conviction for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or
- Violating a condition of probation or parole imposed under federal or state law.

The owner may terminate tenancy for criminal activity by a household member in accordance with this section if the owner determines that the household member has committed the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.

The owner may terminate tenancy during the term of the lease if any member of the household has engaged in abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Evidence of Criminal Activity

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person if the owner determines they have engaged in the criminal activity, regardless of arrest or conviction and without satisfying the standard of proof used for a criminal conviction, except in certain incidents where the criminal activity directly relates to domestic violence, dating violence, or stalking and the tenant or an immediate member of the tenant's family is the victim or threatened victim of the domestic violence, dating violence, or stalking.

Other Good Cause

During the initial lease term, the owner may not terminate the tenancy for "other good cause" unless the owner is terminating the tenancy because of something the family did or failed to do. During the initial lease term or during any extension term, other good cause includes the disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises.

After the initial lease term, "other good cause" for termination of tenancy by the owner includes:

- Failure by the family to accept the offer of a new lease or revision.
- The owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or
- A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rent).

After the initial lease term, the owner may give the family notice at any time, in accordance with the terms of the lease.

Deleted: revision;

Deleted: © Copyright 2007 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

EVICTIION [24 CFR 982.310(e) and (f), Tenancy Addendum]

The owner must give the tenant a written notice that specifies the grounds for termination of tenancy during the term of the lease. The tenancy does not terminate before the owner has given this notice, and the notice must be given at or before commencement of the eviction action.

The notice of grounds may be included in, or may be combined with, any owner eviction notices to the tenant.

Owner eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. The owner may only evict the tenant from the unit by instituting a court action

HACFM Policy

The owner must give HACFM a copy of any eviction notices at the same time the owner notifies the family. The family is also required to give HACFM a copy of any eviction notice.

If the eviction action is finalized in court, the owner must provide HACFM with documentation related to the eviction, including notice of the eviction date, as soon as possible, but no later than 5 business days following the court-ordered eviction.

DECIDING WHETHER TO TERMINATE TENANCY [24 CFR 982.310(h)]

An owner who has grounds to terminate a tenancy is not required to do so and may consider all of the circumstances relevant to a particular case before making a decision. These might include:

- The nature of the offending action.
- The seriousness of the offending action.
- The effect on the community of the termination, or of the owner's failure to terminate the tenancy.
- The extent of participation by the leaseholder in the offending action.
- The effect of termination of tenancy on household members not involved in the offending activity.
- The demand for assisted housing by families who will adhere to lease responsibilities.
- The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action.
- The effect of the owner's action on the integrity of the program.

The owner may require a family to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the owner may require the tenant to submit evidence of the household

Deleted:),

Deleted: notice

Deleted: notice

Deleted: so, and

Deleted: ;

Deleted: tenancy;

Deleted: action;

Deleted: activity;

Deleted: responsibilities;

Deleted: action;

Deleted: © Copyright 2007 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

The owner's termination of tenancy actions must be consistent with the fair housing and equal opportunity provisions in 24 CFR 5.105.

An owner's decision to terminate tenancy for incidents related to domestic violence, dating violence, or stalking is limited by the Violence Against Women Reauthorization Act of 2005 (VAWA).

EFFECT OF TENANCY TERMINATION ON THE FAMILY’S ASSISTANCE

If a termination is not due to a serious or repeated violation of the lease, and if the HACFM has no other grounds for termination of assistance, the HACFM may issue a new voucher so that the family can move with continued assistance.

Deleted: ¶
<object>¶
Following is a listing of a participant family’s obligations under the HCV program:¶
The family must supply any information that the HACFM or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.¶
The family must supply any information requested by the HACFM or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.¶
The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.¶
Any information supplied by the family must be true and complete.¶
The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.¶
The family must allow the HACFM to inspect the unit at reasonable times and after reasonable notice.¶
The family must not commit any serious or repeated violation of the lease.¶
The family must notify the HACFM and the owner before moving out of the unit or terminating the lease.¶
The family must promptly give the HACFM 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 HACFM. The family must promptly notify the HACFM in writing of the birth, adoption, or court- awarded custody of a child. The family must request HACFM approval to add any other family member as an occupant of the unit.¶
The family must promptly notify the HACFM in writing if any family member no longer lives in the unit.¶
If the HACFM has given approval, a foster child or a live-in aide may reside in the unit. The HACFM has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when HACFM consent may be given or denied. For policies related to the request and approval/disapproval of foster children, foster adults, and live-in aides, see Chapter 3 (Sections I.K and I.M), and Chapter 11 (Section II.B).¶
The family must not sublease the unit, assign the lease, or transfer the unit.¶
The family must supply any information requested by the HACFM to verify that the family is living in the unit or information related to family absence from the unit.¶
The family must promptly notify the HACFM when the family is absent from the unit.¶
¶
The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease [Form HUD-52646, Voucher].¶
The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured (...)

Deleted: © Copyright 2007 Nan McKay & Associates, Inc. Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

HACFM Policy

Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit.

HACFM will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction, or an owner's notice to evict.

Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criteria to be used is whether the reason for the eviction was through no fault of the tenant or guests.

The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to HACFM at the same time the owner is notified.

The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. HACFM will determine eligibility of the new member.

Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

Notice is required under this provision only when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. Written notice must be provided to the HACFM at the start of the extended absence.

Chapter 16

PROGRAM ADMINISTRATION

Deleted: © Copyright 2007 Nan McKay & Associates, Inc.¶

Page 15-17¶

Column Break

Column Break

Deleted: Revised 8.2014 ADMIN PLAN¶



INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this plan. The policies are discussed in seven parts as described below:

Part I: Administrative Fee Reserve. This part describes the PHA's policies with regard to oversight of expenditures from its administrative fee reserve.

Part II: Setting Program Standards and Schedules. This part describes what payment standards are, and how they are updated, as well as how utility allowances are established and revised.

Part III: Informal Reviews and Hearings. This part outlines the requirements and procedures for informal reviews and hearings, and for informal hearings regarding citizenship status.

Part IV: Owner or Family Debts to the PHA. This part describes policies for recovery of monies that the PHA has overpaid on behalf of families, or to owners, and describes the circumstances under which the PHA will offer repayment agreements to owners and families. Also discussed are the consequences for failure to make payments in accordance with a repayment agreement.

Part V: Section 8 Management Assessment Program (SEMAP). This part describes what the SEMAP scores represent, how they are established, and how those scores affect a PHA.

Part VI: Record-Keeping. All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies the PHA will follow.

Part VII: Reporting and Record Keeping for Children with Environmental Intervention Blood Lead Level. This part describes the PHA's responsibilities for reporting, data collection, and record keeping relative to children with environmental intervention blood lead levels that are less than six years of age and are receiving HCV assistance.

Deleted: age, and

Part VIII: Determination of Insufficient Funding. This part describes the PHA's policies for determining if there is sufficient funding to issue vouchers, to approve moves to higher cost units or areas, and to continue assistance for all participant families.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

PART I: ADMINISTRATIVE FEE RESERVE [24 CFR 982.155]

HACFM Policy

Expenditures from the administrative fee reserve will be made in accordance with all applicable Federal requirements. Expenditures will not exceed \$10,000 per occurrence without the prior approval of the HACFM's Board of Commissioners'

PART II: SETTING PROGRAM STANDARDS AND SCHEDULES

16-IL.A. OVERVIEW

Although many of the program's requirements are established centrally by HUD, the HCV program's regulations recognize that some flexibility is required to allow the PHA to adapt the program to local conditions. This part discusses how the PHA establishes and updates certain schedules and standards that are used to administer the program locally. Details about how these schedules are applied to individual families are provided in other chapters. The schedules and standards discussed here include:

- Payment Standards, which dictate the maximum subsidy a family can receive (application of the payment standards is discussed in Chapter 6); and
- Utility Allowances, which specify how a family's payment should be adjusted to account for tenant-paid utilities (application of utility allowances is discussed in Chapter 6).

HACFM Policy

Copies of the payment standard and utility allowance schedules are available for review in the HACFM's offices during normal business hours.

Families, owners, and members of the public may submit written comments on the schedules discussed in this part, at any time, for consideration during the next revision cycle.

The HACFM will maintain documentation to support its annual review of payment standards and utility allowance schedules. This documentation will be retained for at least 3 years.

16-IL.B. PAYMENT STANDARDS [24 CFR 982.503; HCV GB, Chapter 7]

The payment standard sets the maximum subsidy payment a family can receive from the PHA each month [24 CFR 982.505(a)]. Payment standards are based on fair market rents (FMRs) published annually by HUD. FMRs are set at a percentile within the rent distribution of standard quality rental housing units in each FMR area. For most jurisdictions FMRs are set at the 40th percentile of rents in the market area.

HACFM Policy

HACFM has establish a payment standard schedule that establishes payment standard amounts for each FMR area within HACFM's jurisdiction, and for each unit size within each of the FMR areas. For each unit size, HACFM has establish a single payment

standard amount for the whole FMR ~~area or~~ may set different payment standards for different parts of the FMR area. HACFM has establish a payment standard within a “basic range” established by HUD – between 90 and 110 percent of the published FMR for each unit size.

Deleted: area, or

Updating Payment Standards [24 CFR 982.503(b)].

HACFM Policy

HACFM will review the appropriateness of the payment standards on an annual basis when the new FMR is published. In addition to ensuring the payment standards are always within the “basic range” the HACFM will consider the following factors when determining whether an adjustment should be made to the payment standard schedule:

Funding Availability: The HACFM will review the budget to determine the impact projected subsidy adjustments will have on funding available for the program and the number of families served. The HACFM will compare the number of families who could be served under revised payment standard amounts with the number assisted under current payment standard amounts.

Rent Burden of Participating Families: Rent burden will be determined by identifying the percentage of families, for each unit size, that are paying more than 30 percent of their monthly adjusted income as the family share. When 40 percent or more of families, for any given unit size, are paying more than 30 percent of adjusted monthly income as the family share, the HACFM will consider increasing the payment standard. In evaluating rent burdens, the HACFM will not include families renting a larger unit than their family unit size.

Quality of Units Selected: The HACFM will review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that payment standard increases are only made when needed to reach the mid-range of the market.

Changes in Rent to Owner: The HACFM may review a sample of the units to determine how often owners are increasing or decreasing rents and the average percent of increases/decreases by bedroom size.

Unit Availability: The HACFM will review the availability of units for each unit size, particularly in areas with low concentrations of poor and minority families.

Lease-up Time and Success Rate: The HACFM will consider the percentage of families that are unable to locate suitable housing before the voucher expires and whether families are leaving the jurisdiction to find affordable housing.

Changes to payment standard amounts will be effective on December 1st of every year unless, based on the proposed FMRs, it appears that one or more of the HACFM's current payment standard amounts will be outside the basic range when the final FMRs are published. In that case, the PHAs payment standards will be effective October 1st instead of December 1st.

If HACFM has already processed reexaminations that will be effective on or after October 1st, and the effective date of the payment standards is October 1st, HACFM will make retroactive adjustments to any such reexaminations if the new payment standard

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

amount is higher than the one used by HACFM at the time the reexamination was originally processed.

Exception Payment Standards [982.503(c)]

HA FM will request HUD approval to establish payment standards that are higher than the basic range if needed.

At HUD's sole discretion, HUD may approve a payment standard amount that is higher than the basic range for a designated part of the FMR area. HUD may approve an exception payment standard amount (in accordance with program requirements) for all units, or for all units of a given size, leased by program families in the exception area. Any PHA with jurisdiction in the exception area may use the HUD-approved exception payment standard amount. The total population of all HUD-approved exception areas in an FMR area may not include more than 50 percent of the population of the FMR area.

Unit-by-Unit Exceptions [24 CFR 982.503(c)(2)(ii)]

When needed as a reasonable accommodation, the PHA may make an exception to the payment standard without HUD approval if the exception amount does not exceed 110 percent of the applicable FMR for the unit size [HCV GB 7-9]. The PHA may request HUD approval for an exception to the payment standard for a particular family if the required amount falls between 110 and 120 percent of the FMR.

HACFM Policy

A family that requires a reasonable accommodation (See Chapter 2 for a discussion of reasonable accommodations), may request a higher payment standard at the time the Request for Tenancy Approval (RFTA) is submitted. The family must document the need for the exception. In order to approve an exception, or request an exception from HUD, the HACFM must determine that:

- There is a shortage of affordable units that would be appropriate for the family.
- The family's TTP would otherwise exceed 40 percent of adjusted monthly income; and
- The rent for the unit is reasonable.

Deleted: family;

"Success Rate" Payment Standard Amounts [24 CFR 982.503(e)]

HACFM Policy

If HACFM finds a substantial percentage of families have difficulty finding a suitable unit, HACFM may request a "success rate payment standard" that applies to the entire jurisdiction. If approved by HUD, a success rate payment standard allows HACFM to set its payment standards at 90-110 percent of a higher FMR (the 50th, rather than the 40th percentile FMR). To support the request, HACFM must demonstrate that during the most recent 6-month period for which information is available:

- Fewer than 75 percent of families who were issued vouchers became participants.

Deleted: participants;

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

- The PHA had established payment standards for all unit sizes, and for the entire jurisdiction, at 110 percent of the published FMR; and
- The PHA had a policy of allowing voucher holders who made sustained efforts to locate units at least 90 days to search for a unit.

Although HUD approves the success rate payment standard for all unit sizes in the FMR area, HACFM may choose to adjust the payment standard for only some unit sizes in all, or a designated part, of the PHA's jurisdiction within the FMR area.

Decreases in the Payment Standard Below the Basic Range [24 CFR 982.503(d)]

HACFM Policy

HACFM will request HUD approval to establish a payment standard amount that is lower than the basic range. At HUD's sole discretion, HUD may approve establishment of a payment standard lower than the basic range. HUD will not approve a lower payment standard if the family share for more than 40 percent of program participants exceeds 30 percent of adjusted monthly income.

Deleted: _

Deleted: will request

16-II.C. UTILITY ALLOWANCES [24 CFR 982.517]

HACFM Policy

HACFM established utility allowance schedules are used in determining family share and HACFM subsidy. HACFM maintains a utility allowance schedule for (1) all tenant- paid utilities, (2) the cost of tenant-supplied refrigerators and ranges, and (3) other tenant- paid housing services such as trash collection.

Deleted: established utility

The utility allowance schedule is determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. HACFM uses a 3rd party vendor to determine normal patterns of consumption for the community as a whole, and current utility rates.

The utility allowance includes the utilities and services that are necessary in the locality to provide housing that complies with housing quality standards. Costs for telephone, cable/satellite television, and internet services are not included in the utility allowance schedule.

In the utility allowance schedule, HACFM classifies utilities and other housing services according to the following general categories: space heating; air conditioning; cooking; water heating; water; sewer; trash collection; other electric; cost of tenant-supplied refrigerator; cost of tenant-supplied range; and other specified housing services.

The cost of each utility and housing service must be stated separately by unit size and type.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

Air Conditioning

HACFM Policy

The HACFM has included an allowance for air-conditioning in its schedule. Central air-conditioning or a portable air conditioner must be present in a unit before the HACFM will apply this allowance to a family's rent and subsidy calculations. The utility allowance for the family is the lower of the voucher size issued or actual bedroom sized lease.

Reasonable Accommodation

HACFM Policy

HACFM will approve a utility allowance amount higher than shown on the HACFM's schedule if a higher allowance is needed as a reasonable accommodation for a family member with a disability. For example, if a family member with a disability requires such an accommodation, HACFM will approve an allowance for air-conditioning, even if the HACFM has determined that an allowance for air-conditioning generally is not needed.

Utility Allowance Revisions

HACFM Policy

HACFM will review its schedule of utility allowances each ~~year and~~ will revise the schedule if there has been a change of 10 percent or more in any utility rate since the last time the allowance for that utility was revised.

HACFM will maintain information supporting its annual review of utility allowance and any revisions made in its utility allowance schedule.

Deleted: year, and

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

PART III: INFORMAL REVIEWS AND HEARINGS

16-III.A. OVERVIEW

When the PHA makes a decision that has a negative impact on a family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal review; for participants, or for applicants denied admission because of citizenship issues, the appeal takes the form of an informal hearing.

PHAs are required to include in their administrative plans, informal review procedures for applicants, and informal hearing procedures for participants [24 CFR 982.54(d)(12) and (13)].

16-III.B. INFORMAL REVIEWS

Informal reviews are provided for program applicants. An applicant is someone who has applied for admission to the program but is not yet a participant in the program. Informal reviews are intended to provide a “minimum hearing requirement” [24 CFR 982.554] and need not be as elaborate as the informal hearing requirements. (Federal Register Volume 60, No. 127, p 36490).

Deleted: program, but

Deleted:], and

Decisions Subject to Informal Review

HACFM Policy

HACFM will give an applicant the opportunity for an informal review of a decision denying assistance [24 CFR 982.554(a)]. Denial of assistance may include any or all of the following [24 CFR 982.552(a)(2)]:

- Denying listing on HACFM waiting list
- Denying or withdrawing a voucher
- Refusing to enter into a HAP contract or approve a lease
- Refusing to process or provide assistance under portability procedures
- Denial of assistance based on an unfavorable history that may be the result of domestic violence, dating violence or stalking. (See Section 3-III.G.)

Informal reviews are not required for the following reasons [24 CFR 982.554(c)]:

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

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

The HACFM will only offer an informal review to applicants for whom assistance is being denied. Denial of assistance includes denying listing on the HACFM waiting list; denying or withdrawing a voucher; refusing to enter into a HAP contract or approve a lease; refusing to process or provide assistance under portability procedures.

Deleted: includes:

Notice to the Applicant [24 CFR 982.554(a)]

HACFM will give an applicant prompt notice of a decision denying assistance. The notice must contain a brief statement of the reasons for HACFM's decision and must also state that the applicant may request an informal review of the decision. The notice must describe how to obtain the informal review.

Deleted: decision, and

Scheduling an Informal Review

HACFM Policy

A request for an informal review must be made in writing and delivered to the HACFM either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the HACFM's denial of assistance.

HACFM must schedule and send written notice of the informal review within 10 business days of the family's request.

Informal Review Procedures [24 CFR 982.554(b)]

HACFM Policy

The informal review must be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person.

The applicant must be provided an opportunity to present written or oral objections to the decision of the HACFM.

The person conducting the review will make a recommendation to the HACFM, but the HACFM is responsible for making the final decision as to whether assistance should be granted or denied.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

Informal Review Decision [24 CFR 982.554(b)]

HACFM Policy

In rendering a decision, the HACFM will evaluate the following matters:

Whether or not the grounds for denial were stated factually in the Notice.

The validity of grounds for denial of assistance. If the grounds for denial are not specified in the regulations, then the decision to deny assistance will be overturned.

The validity of the evidence. The HACFM will evaluate whether the facts presented prove the grounds for denial of assistance. If the facts prove that there are grounds for denial, and the denial is required by HUD, the HACFM will uphold the decision to deny assistance.

If the facts prove the grounds for denial, and the denial is discretionary, the HACFM will consider the recommendation of the person conducting the informal review in making the final decision whether to deny assistance.

HACFM will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within 10 business days of the informal review, to the applicant and his or her representative, if any, along with proof of mailing.

If the decision to deny is overturned as a result of the informal review, processing for admission will resume.

If the family fails to appear for their informal review, the denial of admission will stand, and the family will be so notified.

Deleted: stand

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

**16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS [24 CFR 982.555,
Pub.L. 109-162]**

HACFM Policy

HACFM must offer an informal hearing for certain determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to HACFM's HCV program and is currently assisted in the program. The purpose of the informal hearing is to consider whether HACFM's decisions related to the family's circumstances are in accordance with the law, HUD regulations and HACFM policies.

HACFM is not permitted to terminate a family's assistance until the time allowed for the family to request an informal hearing has elapsed, and any requested hearing has been completed. Termination of assistance for a participant may include any or all of the following:

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

Decisions Subject to Informal Hearing

HACFM Policy

Circumstances for which the HACFM must give a participant family an opportunity for an informal hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the HACFM utility allowance schedule
- A determination of the family unit size under HACFM's subsidy standards
- A determination to terminate assistance for a participant family because of the family's actions or failure to act
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under HACFM policy and HUD rules
- A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR 984.303(i)]
- A determination to deny admission based on an unfavorable history that may be the result of domestic violence, dating violence, or stalking.

Circumstances for which an informal hearing is not required are as follows:

- Discretionary administrative determinations by HACFM
- General policy issues or class grievances
- Establishment of HACFM's schedule of utility allowances for families in the program
- HACFM determination not to approve an extension or suspension of a voucher term
- HACFM determination not to approve a unit or tenancy
- HACFM determination that a unit selected by the applicant is not in compliance with the HQS
- HACFM determination that the unit is not in accordance with HQS because of family size
- A determination by HACFM to exercise or not to exercise any right or remedy against an owner under a HAP contract

Informal Hearing Procedures

Notice to the Family [24 CFR 982.555(c)]

HACFM Policy

In cases where the HACFM makes a decision for which an informal hearing must be offered, the notice to the family will include all of the following:

The proposed action or decision of the HACFM.

A brief statement of the reasons for the decision including the regulatory reference.

The date the proposed action will take place.

A statement of the family's right to an explanation of the basis for the HACFM's decision.

A statement that if the family does not agree with the decision the family may request an informal hearing of the decision.

A deadline for the family to request the informal hearing.

To whom the hearing request should be addressed.

A copy of the HACFM's hearing procedures.

Scheduling an Informal Hearing [24 CFR 982.555(d)]

HACFM Policy

A request for an informal hearing must be made in writing and delivered to the HACFM either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the HACFM's decision or notice to terminate assistance.

The HACFM must schedule and send written notice of the informal hearing to the family within 10 business days of the family's request.

The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, the HACFM may request documentation of the "good cause" prior to rescheduling the hearing.

If the family does not appear at the scheduled ~~time and~~ was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact the HACFM within 24 hours of the scheduled hearing date, excluding weekends and holidays. The HACFM will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

Deleted: time, and

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

Pre-Hearing Right to Discovery [24 CFR 982.555(e)]

For the purpose of informal hearings, documents include records and regulations.

HACFM Policy

The family will be allowed to copy any documents related to the hearing at a cost per the Florida Statute 119. The family must request discovery of HACFM documents no later than 12:00 p.m. on the business day prior to the scheduled hearing date.

HACFM must be given an opportunity to examine at the HACFM offices before the hearing any family documents that are directly relevant to the hearing. Whenever a participant requests an informal hearing, the HACFM will automatically mail a letter to the participant requesting a copy of all documents that the participant intends to present or utilize at the hearing. The participant must make the documents available no later than 12:00 pm on the business day prior to the scheduled hearing date.

Participant's Right to Bring Counsel [24 CFR 982.555(e)(3)]

At its own expense, the family may be represented by a lawyer or other representative at the informal hearing.

Informal Hearing Officer [24 CFR 982.555(e)(4)]

HACFM Policy

The informal hearing shall be conducted by the hearing officer appointed by HACFM who is neither the person that made or approved the decision nor a subordinate of that person. HACFM appoints hearing officers who are HACFM management from departments other than the HCV program, HACFM employees trained as hearing officers in departments other than the HCV program. HACFM also used other PHA's to serve as hearing officers as needed.

Attendance at the Informal Hearing

HACFM Policy

Hearings may be attended by a hearing officer and the following applicable persons:

A HACFM representative(s) and any witnesses for the HACFM

The participant and any witnesses for the participant

The participant's counsel or other representative

Any other person approved by the HACFM as a reasonable accommodation for a person with a disability

Conduct at Hearings [24 CFR 982.555(4)(ii)]

HACFM Policy

The hearing officer is responsible to manage the order of business and to ensure that hearings are conducted in a professional and businesslike manner. Attendees are expected to comply with all hearing procedures established by the hearing officer and guidelines for conduct. Any person demonstrating disruptive, abusive or otherwise inappropriate behavior will be excused from the hearing at the discretion of the hearing officer.

Evidence [24 CFR 982.555(e)(5)]

HACFM Policy

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

Oral evidence: the testimony of witnesses

Documentary evidence: a writing which is relevant to the case, for example, a letter written to the HACFM. Writings include all forms of recorded communication or representation, including letters, words, pictures, sounds, videotapes or symbols or combinations thereof.

Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

Real evidence: A tangible item relating directly to the case.

Hearsay Evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the hearing officer's decision.

If either HACFM or the family fail to comply with the discovery requirements described above, the hearing officer will refuse to admit such evidence.

Other than the failure of a party to comply with discovery, the hearing officer has the authority to overrule any objections to evidence.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

Hearing Officer’s Decision [24 CFR 982.555(e)(6)]

HACFM Policy

In rendering a decision, the hearing officer will consider the following matters:

HACFM Notice to the Family: The hearing officer will determine if the reasons for the HACFM’s decision are factually stated in the Notice.

Discovery: The hearing officer will determine if the HACFM and the family were given the opportunity to examine any relevant documents in accordance with HACFM policy.

PHA Evidence to Support the PHA Decision: The evidence consists of the facts presented. Evidence is not conclusion, and it is not argument. The hearing officer will evaluate the facts to determine if they support the PHA’s conclusion.

Validity of Grounds for Termination of Assistance (when applicable): The hearing officer will determine if the termination of assistance is for one of the grounds specified in the HUD regulations and PHA policies. If the grounds for termination are not specified in the regulations or in compliance with PHA policies, then the decision of the PHA will be overturned.

The hearing officer will issue a written decision to the family and HACFM no later than 10 business days after the hearing. The report will contain the following information:

Hearing information:

Name of the participant.

Date, time and place of the hearing.

Name of the hearing officer.

Name of the PHA representative; and

Name of family representative (if any).

Background: A brief, impartial statement of the reason for the hearing.

Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

Findings of Fact: The hearing officer will include all findings of fact, based on a preponderance of the evidence. Preponderance of the 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. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Conclusions: The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold the PHA’s decision.

Deleted: conclusion

Deleted: participant;

Deleted:

Deleted: ;

Deleted: officer;

Deleted: © Copyright 2008 Nan McKay & Associates, Inc. Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

Order: The hearing report will include a statement of whether the PHA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct the PHA to change the decision in accordance with the hearing officer's determination. In the case of termination of assistance, the hearing officer will instruct the PHA to restore the participant's program status.

If the participant fails to appear at a scheduled hearing, the hearing officer, for good cause may make a determination to postpone the hearing for a period of time not to exceed five (5) working days (except for an expedited hearing) or may make a determination that the party has waived its right to a hearing. Both the participant and the HACFM will be notified of any such determination by the hearing officer, provided that determination that participant has waived their rights to a hearing shall not constitute a waiver of any right of the participant, may have to contest the PHA's disposition of grievance in an appropriate judicial proceeding.

Deleted:), or

Procedures for Rehearing or Further Hearing

HACFM Policy

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of the HACFM will take effect and another hearing will not be granted.

In addition, within 10 business days after the date the hearing officer's report is mailed to the HACFM and the participant, the HACFM or the participant may request a rehearing or a further hearing. Such request must be made in writing and postmarked or hand-delivered to the hearing officer and to the other party within the 10 business day period. The request must demonstrate cause, supported by specific references to the hearing officer's report, why the request should be granted.

A rehearing or a further hearing may be requested for the purpose of rectifying any obvious mistake of law made during the hearing or any obvious injustice not known at the time of the hearing.

It shall be within the sole discretion of the HACFM to grant or deny the request for further hearing or rehearing. A further hearing may be limited to written submissions by the parties, in the manner specified by the hearing officer.

PHA Notice of Final Decision [24 CFR 982.555(f)]

HACFM Policy

HACFM is not bound by the decision of the hearing officer for matters in which HACFM is not required to provide an opportunity for a hearing, decisions that exceed the authority of the hearing officer, decisions that conflict with or contradict HUD regulations, requirements, or are otherwise contrary to Federal, State or local laws.

If HACFM determines it is not bound by the hearing officer's decision in accordance with HUD regulations, HACFM must promptly notify the family of the determination and the reason for the determination.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

The HACFM will mail a “Notice of Final Decision” including the hearing officer’s report, to the participant and their representative. This Notice will be sent by first-class mail, postage pre-paid with an affidavit of mailing enclosed. The participant will be mailed the original “Notice of Final Decision” and a copy of the proof of mailing. A copy of the “Notice of Final Decision” along with the original proof mailing will be maintained in the HACFM’s file.

16-III.D. HEARING AND APPEAL PROVISIONS FOR NON-CITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. Applicants who are denied assistance due to immigration status are entitled to an informal hearing, not an informal review.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the PHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the PHA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

HACFM Policy

The notice of denial or termination of assistance for noncitizens must advise the family:

- That financial assistance will be denied or ~~terminated and~~ provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a participant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

Deleted: terminated, and

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

USCIS Appeal Process [24 CFR 5.514(e)]

HACFM Policy

The HACFM will notify the family in writing of the results of the USCIS secondary verification within 10 business days of receiving the results.

The family must provide the HACFM with a copy of the written request for appeal and proof of mailing within 10 business days of sending the request to the USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to HACFM, of its decision. When the USCIS notifies HACFM of the decision, HACFM must notify the family of its right to request an informal hearing.

The HACFM will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family's immigration status.

Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request that HACFM provide a hearing. The request for a hearing must be made either within 30 days of receipt of the PHA notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

Informal Hearing Officer

The PHA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

Evidence

HACFM Policy

The family will be allowed to copy any documents related to the hearing at a cost per the Florida Statute 119. The family must request discovery of HACFM documents no later than 12:00 p.m. on the business day prior to the hearing.

The family will be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family will be provided the opportunity to refute evidence relied upon by HACFM, and to confront and cross-examine all witnesses on whose testimony or information HACFM relies.

Deleted: 119 .

Representation and Interpretive Services

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family, or the PHA, as may be agreed upon by the two parties.

Recording of the Hearing

HACFM Policy

The HACFM will not provide a transcript of an audio taped hearing unless requested and paid for in advance by the client.

Hearing Decision

HACFM Policy

HACFM will provide the family with a written final decision, based solely on the facts presented at the hearing, within 10 business days of the date of the informal hearing. The decision must state the basis for the decision.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

Informal Hearing Procedures for Residents [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request that the PHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the PHA notice of termination, or within 30 days of receipt of the USCIS appeal decision.

For the informal hearing procedures that apply to participant families whose assistance is being terminated based on immigration status, see Section 16-III.C.

Retention of Documents [24 CFR 5.514(h)]

The PHA must retain for a minimum of 5 years the following documents that may have been submitted to the PHA by the family, or provided to the PHA as part of the USCIS appeal or the PHA informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

PART IV: OWNER OR FAMILY DEBTS TO THE PHA

16-IV.A. OVERVIEW 24 CFR 982.54

HACFM Policy

When an action or inaction of an owner or participant results in the overpayment of housing assistance, the HACFM holds the owner or participant liable to return any overpayments to HACFM.

The HACFM will enter into repayment agreements in accordance with the policies contained in this part as a means to recover overpayments.

When an owner or participant refuses to repay monies owed to HACFM, HACFM will utilize other available collection alternatives including, but not limited to, the following:

Collection agencies

small claims court

Civil law suit

State income tax set-off program

Deleted: Small

16-IV.B. REPAYMENT POLICY

Owner Debts to the PHA

HACFM Policy

Any amount due to the HACFM by an owner must be repaid by the owner within 30 days of the HACFM determination of the debt.

If the owner fails to repay the debt within the required time frame and is entitled to future HAP payments, the HACFM will reduce the future HAP payments by the amount owed until the debt is paid in full.

If the owner is not entitled to future HAP payments the HACFM will offer to enter into a repayment agreement in accordance with the policies below.

If the owner refuses to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, the HACFM will ban the owner from future participation in the program and pursue other modes of collection.

Family Debts to the PHA

HACFM Policy

Any amount due to the HACFM by an HCV participant must be repaid by the family. If the family is unable to repay the debt within 30 days, HACFM will offer a repayment agreement in accordance with the policies in chapter 18.

If the family refuses to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, the HACFM will terminate the assistance upon notification to the family and pursue other modes of collection.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

Debts due to Fraud/Non-Reporting of information

HACFM POLICY

- If a family owes an amount which equals or exceeds \$5,000.00 as a result of program fraud (unreported income), the case will be referred to the Inspector General and local law enforcement. Where appropriate, the HACFM will refer the case for criminal prosecution.
- Families who owe money to the HACFM due to program fraud will be required to repay in accordance with the guidelines in the Payment Agreement Section of Chapter 18.

Repayment Agreement [24 CFR 792.103]

The term *repayment agreement* refers to a formal document signed by a tenant or owner and provided to the PHA in which a tenant or owner acknowledges a debt in a specific amount and agrees to repay the amount due at specific time periods.

Repayment Agreement Guidelines

Down Payment Requirement

HACFM Policy

1. Request the family to attempt to pay in full the amount due to HACFM.
2. Request the family to pay 50% of the debt owed as a down payment and enter into a repayment agreement for the balance, or
3. If the family is unable to comply with 1 or 2, a repayment agreement may be considered as follows:
 - If the full amount is under \$300, a repayment agreement of not less than \$50 per month but must be paid in full by the end of the current fiscal year.
 - If the full amount is over \$300, a repayment agreement for payment in the amount of one-twelfth (1/12) of the full amount per month, or
 - Repayment agreements for large retroactive changes shall be at the discretion of the Director of Housing Operations or their authorized designee.

With exception of extreme circumstances, all repayment agreements must be paid within a maximum of twelve (12) months.

Execution of the Agreement

HACFM Policy

- The head of household and spouse/co head (if applicable) must sign the repayment agreement.

Deleted: month, but

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

Due Dates

HACFM Policy

- Repayment Agreements are due and payable on the 1st of each month.
- All payments are due by the close of business on the 5th day of the month. If the 5th day falls on a weekend or holiday, the HACFM will consider the next due date to be the close of the next business day after the 5th.

Late Payments

HACFM Policy

- If the family's payment agreement is in arrears, the HACFM will consider this a breach of payment and demand the balance to be paid in full or terminate assistance.

Non-Payment

HACFM Policy

- The repayment agreement will be in default when 1 payment is delinquent.
- the family to pay the balance in full and or pursue civil collection and terminate program assistance

No Offer of Repayment Agreement

HACFM Policy

HACFM will not enter into a repayment agreement if there is already a repayment agreement in place with the family or owner, or the amounts owed by the family or owner exceed the Federal or State threshold for criminal prosecution.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

Deleted: PARTV: MANAGEMENT ASSESSMENT (SEMAP)

¶

16-V.A. OVERVIEW

The Section 8 Management Assessment Program (SEMAP) is a tool that allows HUD to measure PHA performance in key areas to ensure program integrity and accountability. SEMAP scores translate into a rating for each PHA as high performing, standard, or troubled. Scores on individual SEMAP indicators, as well as overall SEMAP ratings, can affect the PHA in several ways.

High-performing PHAs can be given a competitive advantage under notices of funding availability [24 CFR 985.103].

PHAs with deficiencies on one or more indicators are required to correct the deficiencies and report to HUD [24 CFR 985.106].

PHAs with an overall rating of “troubled” are subject to additional HUD oversight, including on-site reviews by HUD staff, a requirement to develop a corrective action plan, and monitoring to ensure the successful implementation of the corrective action plan. In addition, PHAs that are designated “troubled” may not use any part of the administrative fee reserve for other housing purposes [24 CFR 985.107].

HUD may determine that a PHA’s failure to correct identified SEMAP deficiencies or to prepare and implement a corrective action plan required by HUD constitutes a default under the ACC [24 CFR 985.109].

¶

16-V.B. SEMAP CERTIFICATION [24 CFR 985.101]

PHAs must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year. The certification must be approved by PHA board resolution and signed by the PHA executive director. If the PHA is a unit of local government or a state, a resolution approving the certification is not required, and the certification must be executed by the Section 8 program director.

PHAs with less than 250 voucher units are only required to be assessed every other PHA fiscal year. HUD will assess such PHAs annually if the PHA elects to have its performance assessed on an annual basis; or is designated as “troubled” [24 CFR 985.105].

Failure of a PHA to submit its SEMAP certification within the required time frame will result in an overall performance rating of “troubled.”

A PHA’s SEMAP certification is subject to HUD verification by an on-site confirmatory review at any time.

Upon receipt of the PHA’s SEMAP certification, HUD will rate the PHA’s performance under each SEMAP indicator in accordance with program requirements.

...

Deleted: © Copyright 2008 Nan McKay & Associates, Inc. Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

PART VII: REPORTING AND RECORD KEEPING FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL

16-VII.A. OVERVIEW

The PHA has certain responsibilities relative to children with environmental intervention blood lead levels that are receiving HCV assistance. The notification, verification, and hazard reduction requirements are discussed in Chapter 8. This part deals with the reporting requirements, and data collection and record keeping responsibilities that the PHA is subject to.

16-VII.B. REPORTING REQUIREMENT [24 CFR 35.1225(e)]

The PHA must report the name and address of a child identified as having an environmental intervention blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional.

HACFM Policy

The HACFM will provide the public health department written notice of the name and address of any child identified as having an environmental intervention blood lead level.

16-VII.C. DATA COLLECTION AND RECORD KEEPING [24 CFR 35.1225(f)]

At least quarterly, the PHA must attempt to obtain from the public health department(s) with a similar area of jurisdiction, the names and/or addresses of children less than 6 years old with an identified environmental intervention blood lead level.

If the PHA obtains names and addresses of environmental intervention blood lead level children from the public health department(s), the PHA must match this information with the names and addresses of families receiving HCV assistance, unless the public health department performs such a procedure. If a match occurs, the PHA must carry out the notification, verification, and hazard reduction requirements discussed in Chapter 8, and the reporting requirement discussed above.

At least quarterly, the PHA must also report an updated list of the addresses of units receiving assistance under the HCV program to the same public health department(s), unless the public health department(s) states that it does not wish to receive such a report.

HACFM Policy

The public health department(s) has stated they **do not** wish to receive a report of an updated list of the addresses of units receiving assistance under the HCV program, on a quarterly basis. Therefore, the HACFM is not providing such a report.

PART VIII: DETERMINATION OF INSUFFICIENT FUNDING

16-VIII.A. OVERVIEW

The HCV regulations allow PHAs to deny families permission to move and to terminate Housing Assistance Payments (HAP) contracts if funding under the consolidated ACC is insufficient to support continued assistance [24 CFR 982.314(e)(1) and 982.454]. Insufficient funding may also impact the PHA's ability to issue vouchers to families on the waiting list. This part discusses the methodology the PHA will use to determine whether or not the PHA has sufficient funding to issue vouchers, approve moves, and to continue subsidizing all families currently under a HAP contract.

16-VIII.B. METHODOLOGY

HACFM Policy

The HACFM will determine whether there is adequate funding to issue vouchers, approve moves to higher cost units and areas, and continue subsidizing all current participants by comparing the HACFM's annual budget authority to the annual total HAP needs on a monthly basis. The total HAP needs for the calendar year will be projected by establishing the actual HAP costs year to date. To that figure, the HACFM will add anticipated HAP expenditures for the remainder of the calendar year. Projected HAP expenditures will be calculated by multiplying the projected number of units leased per remaining months by the most current month's average HAP. The projected number of units leased per month will take into account the average monthly turnover of participant families. If the total annual HAP needs equal or exceed the annual budget authority, or if the HACFM cannot support the cost of the proposed subsidy commitment (voucher issuance or move) based on the funding analysis, the HACFM will be considered to have insufficient funding.

PART IX: NOTIFICATION REGARDING APPLICABLE PROVISIONS OF THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005 (VAWA)

16-IX.A. NOTIFICATION TO PARTICIPANTS [Pub.L. 109-162]

VAWA requires PHAs to notify HCV program participants of their rights under this law, including their right to confidentiality and the limits thereof.

HACFM Policy

The HACFM will provide all participants with notification of their protections and rights under VAWA at the time of admission and at annual reexamination.

The notice will explain the protections afforded under the law, inform the participant of HACFM confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.

The HACFM will also include in all assistance termination notices a statement explaining assistance termination protection provided by VAWA (see Section 12-II.E).

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Deleted: Revised 8.2014 ADMIN PLAN

16-IX.B. NOTIFICATION TO APPLICANTS

HACFM Policy

The HACFM will provide all applicants with notification of their protections and rights under VAWA at the time they request an application for housing assistance.

The notice will explain the protections afforded under the law, inform each applicant of HACFM confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.

The HACFM will also include in all notices of denial a statement explaining the protection against denial provided by VAWA (see section 3-III.G).

16-IX.C. NOTIFICATION TO OWNERS AND MANAGERS [Pub.L. 109-162]

VAWA requires PHAs to notify owners and managers of their rights and responsibilities under this law.

HACFM Policy

Inform property owners and managers of their screening and termination responsibilities related to VAWA. The HACFM may utilize any or all of the following means to notify owners of their VAWA responsibilities:

- As appropriate in day to day interactions with owners and managers.

- Inserts in HAP payments, 1099s, owner workshops, classes, orientations, and/or newsletters.

- Signs in the HACFM lobby and/or mass mailings which include model VAWA certification forms.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc.
Column Break

Deleted: Revised 8.2014 ADMIN PLAN
I
I
I
I
I

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 1 ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

C

apter 17 PROJECT-BASED

h

VOUCHERS

This chapter describes HUD regulations and HACFM policies related to the project-based voucher (PBV) program in nine parts:

Part I: General Requirements. This part describes general provisions of the PBV program including maximum budget authority requirements, relocation requirements, and equal opportunity requirements.

Part II: PBV Owner Proposals. This part includes policies related to the submission and selection of owner proposals for PBV assistance. It describes the factors the HACFM will consider when selecting proposals, the type of housing that is eligible to receive PBV assistance, the cap on assistance at projects receiving PBV assistance, subsidy layering requirements, site selection standards, and environmental review requirements.

Part III: Dwelling Units. This part describes requirements related to housing quality standards, the type and frequency of inspections, and housing accessibility for persons with disabilities.

Part IV: Rehabilitated and Newly Constructed Units. This part describes requirements and policies related to the development and completion of rehabilitated and newly constructed housing units that will be receiving PBV assistance.

Part V: Housing Assistance Payments Contract. This part discusses HAP contract requirements and policies including the execution, term, and termination of the HAP contract. In addition, it describes how the HAP contract may be amended and identifies provisions that may be added to the HAP contract at the HACFM's discretion.

Part VI: Selection of PBV Program Participants. This part describes the requirements and policies governing how the HACFM and the owner will select a family to receive PBV assistance.

Part VII: Occupancy. This part discusses occupancy requirements related to the ~~lease and~~ describes under what conditions families are allowed or required to move. In addition, exceptions to the occupancy cap (which limits PBV assistance to 25 percent of the units in any project) are also discussed.

Part VIII: Determining Rent to Owner. This part describes how the initial rent to owner is determined, and how rent will be redetermined throughout the life of the HAP contract. Rent reasonableness requirements are also discussed.

Part IX: Payments to Owner. This part describes the types of payments owners may receive under this program.

Deleted: lease, and

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 2ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

PART I: GENERAL REQUIREMENTS

17-I.A. OVERVIEW [24 CFR 983.5]

HACFM Policy

The HACFM will operate a project-based voucher program using up to 20 percent of its budget authority for project-based assistance.

PBV assistance may be attached to existing or newly constructed or rehabilitated housing [24 CFR 983.52]. If PBV units are already selected for project-based assistance either under an agreement to enter into HAP Contract (Agreement) or a HAP contract, the HACFMs not required to reduce the number of these units if the amount of budget authority is subsequently reduced. However, the HACFM is responsible for determining the amount of budget authority that is available for project-based vouchers and ensuring that the amount of assistance that is attached to units is within the amounts available under the ACC [24 CFR 983.6].

17-I.B. TENANT-BASED VS. PROJECT-BASED VOUCHER ASSISTANCE [24 CFR 983.2]

Much of the tenant-based voucher program regulations also apply to the PBV program. Consequently, many of the HACFM policies related to tenant-based assistance also apply to PBV assistance. The provisions of the tenant-based voucher regulations that do not apply to the PBV program are listed at 24 CFR 983.2.

HACFM Policy

Except as otherwise noted in this chapter, or unless specifically prohibited by PBV program regulations, the HACFM policies for the tenant-based voucher program contained in this administrative plan also apply to the PBV program and its participants.

17-I.C. RELOCATION REQUIREMENTS [24 CFR 983.7]

Persons displaced as a result of implementation of the PBV program must be provided relocation assistance in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) [42 U.S.C. 4201-4655] and implementing regulations at 49 CFR part 24.

The cost of required relocation assistance will be paid with funds provided by the owner, local public funds, or funds available from other sources. HACFM may not use voucher program funds to cover relocation costs, except that HACFMs may use their administrative fee reserve to pay for relocation expenses after all other program administrative expenses are satisfied, and provided that payment of the relocation benefits is consistent with state and local law. Use of the administrative fee for these purposes must also be consistent with other legal and regulatory requirements, including the requirement in 24 CFR 982.155 and other official HUD issuances.

The acquisition of real property for a PBV project is subject to the URA and 49 CFR part 24, subpart B. It is the responsibility of the HACFM to ensure the owner complies with these requirements.

17-I.D. EQUAL OPPORTUNITY REQUIREMENTS [24 CFR 983.8]

The HACFM must comply with all equal opportunity requirements under federal law and regulations in its implementation of the PBV program. This includes the requirements and authorities cited at 24 CFR 5.105(a). In addition, the HACFM must comply with the HACFM Plan certification on civil rights and affirmatively furthering fair housing, submitted in accordance with 24 CFR 903.7(o).

PART II: PBV OWNER PROPOSALS

17-II.A. OVERVIEW

The HACFM must describe the procedures for owner submission of PBV proposals and for HACFM selection of PBV proposals [24 CFR 983.51]. Before selecting a PBV proposal, the HACFM must determine that the PBV proposal complies with HUD program regulations and requirements, including a determination that the property is eligible housing [24 CFR 983.53 and 983.54], complies with the cap on the number of PBV units per building [24 CFR 983.56], and meets the site selection standards [24 CFR 983.57].

17-II.B. OWNER PROPOSAL SELECTION PROCEDURES [24 CFR 983.51]

The HACFM must select PBV proposals in accordance with the selection procedures in the HACFM administrative plan. The HACFM must select PBV proposals by either of the following two methods.

- HACFM request for PBV Proposals. The HACFM may solicit proposals by using a request for proposals to select proposals on a competitive basis in response to the HACFM request. The HACFM may not limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites.
- The HACFM may select proposal that were previously selected based on a competition. This may include selection of a proposal for housing assisted under a federal, state, or local government housing assistance program that was subject to a competition in accordance with the requirements of the applicable program, community development program, or supportive services program that requires competitive selection of proposals (e.g., HOME, and units for which competitively awarded LIHTCs have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within three years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance.

Solicitation and Selection of PBV Proposals [24 CFR 983.51(b) and (c)]

HACFM procedures for selecting PBV proposals must be designed and actually operated to provide broad public notice of the opportunity to offer PBV proposals for consideration by the HACFM. The public notice procedures may include publication of the public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice. The public notice of the HACFM request for PBV proposals must specify the submission deadline. Detailed application and selection information must be provided at the request of interested parties.

HACFM Policy

HACFM Request for Proposals for Rehabilitated and Newly Constructed Units

The HACFM will advertise its request for proposals (RFP) for rehabilitated and newly constructed housing in the following newspapers and trade journals.

- **Fort Myers News Press**
- **Spanish Newspapers (if available)**

In addition, the HACFM will post the RFP and proposal submission and rating and ranking procedures on its electronic web site.

The HACFM will publish its advertisement in the newspapers and trade journals mentioned above for at least one day per week for three consecutive weeks. The advertisement will specify the number of units the HACFM estimates that it will be able to assist under the funding the HACFM is making available. Proposals will be due in the HACFM office by close of business 30 calendar days from the date of the last publication.

In order for the proposal to be considered, the owner must submit the proposal to the HACFM by the published deadline date, and the proposal must respond to all requirements as outlined in the RFP. Incomplete proposals will not be reviewed.

The HACFM will rate and rank proposals for rehabilitated and newly constructed housing using the following criteria:

Owner experience and capability to build or rehabilitate housing as identified in the RFP.

Extent to which the project furthers the HACFM goal of deconcentrating poverty and expanding housing and economic opportunities.

If applicable, the extent to which services for special populations are provided on site or in the immediate area for occupants of the property; and

Projects with less than 25 percent of the units assisted will be rated higher than projects with 25 percent of the units assisted. In the case of projects for occupancy by the elderly, persons with disabilities or families needing other services, the HACFM will rate partially assisted projects on the percent of units assisted. Projects with the lowest percent of assisted units will receive the highest score.

HACFM Requests for Proposals for Existing Housing Units

The HACFM will advertise its request for proposals (RFP) for existing housing in the following newspapers and trade journals.

- **Fort Myers News Press**
- **Spanish Newspapers (if available)**

In addition, the HACFM will post the notice inviting such proposal submission and the rating and ranking procedures on its electronic web site.

Deleted: RFP;

Deleted: opportunities;

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 5 ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

The HACFM will periodically publish its advertisement in the newspapers and trade journals mentioned above for at least one day per week for three consecutive weeks. The advertisement will specify the number of units the HACFM estimates that it will be able to assist under the funding the HACFM is making available. Owner proposals will be accepted on a first-come first-served basis and will be evaluated using the following criteria:

Experience as an owner in the tenant-based voucher program and owner compliance with the owner's obligations under the tenant-based program.

Deleted: program;

Extent to which the project furthers the HACFM goal of deconcentrating poverty and expanding housing and economic opportunities.

Deleted: opportunities;

If applicable, extent to which services for special populations are provided on site or in the immediate area for occupants of the property; and

Extent to which units are occupied by families that are eligible to participate in the PBV program.

HACFM Selection of Proposals Subject to a Previous Competition under a Federal, State, or Local Housing Assistance Program

The HACFM will accept proposals for PBV assistance from owners that were competitively selected under another federal, state or local housing assistance program, including projects that were competitively awarded Low-Income Housing Tax Credits on an ongoing basis.

The HACFM may periodically advertise that it is accepting proposals, in the following newspapers and trade journals:

- o **Fort Myers News Press**
- o **Spanish News Papers (if available)**

In addition to, or in place of advertising, the HACFM may also directly contact specific owners that have already been selected for Federal, state, or local housing assistance based on a previously held competition, to inform them of available PBV assistance.

Proposals will be reviewed on a first-come first-served basis. The HACFM will evaluate each proposal on its merits using the following factors:

- Extent to which the project furthers the HACFM goal of deconcentrating poverty and expanding housing and economic opportunities; and
- Extent to which the proposal complements other local activities such as the redevelopment of a public housing site under the HOPE VI program, the HOME program, CDBG activities, other development activities in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 6ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

HACFM-owned Units [24 CFR 983.51(e) and 983.59]

A HACFM-owned unit may be assisted under the PBV program only if the HUD field office or HUD-approved independent entity reviews the selection process and determines that the HACFM-owned units were appropriately selected based on the selection procedures specified in the HACFM administrative plan. If the HACFM selects a proposal for housing that is owned or controlled by the HACFM, the HACFM must identify the entity that will review the HACFM proposal selection process and perform specific functions with respect to rent determinations and inspections.

In the case of HACFM-owned units, the initial contract rent must be approved by an independent entity based on an appraisal by a licensed, state-certified appraiser. In addition, housing quality standards inspections must be conducted by an independent entity.

The independent entity that performs these program services may be the unit of general local government for the HACFM jurisdiction (unless the HACFM is itself the unit of general local government or an agency of such government) or another HUD-approved public or private independent entity.

HACFM Policy

The HACFM may submit a proposal for project-based housing that is owned or controlled by the HACFM. If the proposal for HACFM-owned housing is selected, the HACFM will use another entity to review the HACFM selection, to perform inspections and rent reasonableness for the PBV program. The HACFM will obtain HUD approval of entity prior to selecting the proposal for HACFM-owned housing.

The HACFM may only compensate the independent entity and appraiser from HACFM ongoing administrative fee income (including amounts credited to the administrative fee reserve). The HACFM may not use other program receipts to compensate the independent entity and appraiser for their services. The HACFM, independent entity, and appraiser may not charge the family any fee for the appraisal, or the services provided by the independent entity.

Deleted: appraisal

HACFM Notice of Owner Selection [24 CFR 983.51(d)]

The HACFM must give prompt written notice to the party that submitted a selected proposal and must also give prompt public notice of such selection. Public notice procedures may include publication of public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice.

HACFM Policy

Within 10 business days of the HACFM making the selection, the HACFM will notify the selected owner in writing of the owner's selection for the PBV program. The HACFM will also notify in writing all owners that submitted proposals that were not selected and advise such owners of the name of the selected owner.

In addition, the HACFM will publish its notice for selection of PBV proposals for two consecutive days in the same newspapers and trade journals the HACFM used to solicit the proposals. The announcement will include the name of the owner that was selected

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 7ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

for the PBV program. The HACFM will also post the notice of owner selection on its electronic web site.yu

The HACFM will make available to any interested party its rating and ranking sheets and documents that identify the HACFM basis for selecting the proposal. These documents will be available for review by the public and other interested parties for one month after publication of the notice of owner selection. The HACFM will not make available sensitive owner information that is privileged, such as financial statements and similar information about the owner.

The HACFM will make these documents available for review at the HACFM during normal business hours. The cost for reproduction of allowable documents will be \$.25 per page.

17-IL.C. HOUSING TYPE [24 CFR 983.52]

The HACFM may attach PBV assistance for units in existing housing or for newly constructed or rehabilitated housing developed under and in accordance with an agreement to enter into a housing assistance payments contract that was executed prior to the start of construction. A housing unit is considered an existing unit for purposes of the PBV program, if, at the time of notice of HACFM selection, the units substantially comply with HQS. Units for which new construction or rehabilitation was started in accordance with PBV program requirements do not qualify as existing housing.

The HACFM must decide what housing type, new construction, rehabilitation, or existing housing, will be used to develop project-based housing. The HACFM choice of housing type must be reflected in its solicitation for proposals.

17-IL.D. PROHIBITION OF ASSISTANCE FOR CERTAIN UNITS

Ineligible Housing Types [24 CFR 983.53]

The HACFM may not attach or pay PBV assistance to shared housing units; units on the grounds of a penal reformatory, medical, mental, or similar public or private institution; nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care (except that assistance may be provided in assisted living facilities); units that are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students; manufactured homes; cooperative housing; and transitional housing. In addition, the HACFM may not attach or pay PBV assistance for a unit occupied by an owner and the HACFM may not select or enter into an agreement to enter into a HAP contract or HAP contract for a unit occupied by a family ineligible for participation in the PBV program.

High-rise Elevator Projects for Families with Children [24 CFR 983.53(b)]

The HACFM may use high-rise elevator building for families with children if it makes a determination that there is no practical alternative and HUD approves the HACFM determination. The HACFM may make this initial determination for its project-based voucher program, in whole or in part, and need not review each project on a case-by-case basis, and HUD may approve on the same basis.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 8ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

HACFM Policy

The HACFM will not use high-rise elevator projects for families with children.

Subsidized Housing [24 CFR 983.54]

A HACFM may not attach or pay PBV assistance to units in any of the following types of subsidized housing:

- A public housing unit.
- A unit subsidized with any other form of Section 8 assistance.
- A unit subsidized with any governmental rent subsidy.
- A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing.
- A unit subsidized with Section 236 rental assistance payments (except that a HACFM may attach assistance to a unit subsidized with Section 236 interest reduction payments).
- A Section 202 project for non-elderly with disabilities.
- Section 811 project-based supportive housing for persons with disabilities.
- Section 202 supportive housing for the elderly.
- A Section 101 rent supplement project.
- A unit subsidized with any form of tenant-based rental assistance.
- A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or the HACFM in accordance with HUD requirements.

Deleted: unit;

Deleted: assistance;

Deleted: subsidy;

Deleted: housing;

Deleted:);

Deleted: disabilities;

Deleted: disabilities;

Deleted: elderly;

Deleted: project;

Deleted: assistance;

17-ILE. SUBSIDY LAYERING REQUIREMENTS [24 CFR 983.55]

The HACFM may provide PBV assistance only in accordance with HUD subsidy layering regulations [24 CFR 4.13] and other requirements.

The subsidy layering review is intended to prevent excessive public assistance by combining (layering) housing assistance payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits.

The HACFM must submit the necessary documentation to HUD for a subsidy layering review. The HACFM may not enter into an agreement to enter into a HAP contract or a HAP contract until HUD (or an independent entity approved by HUD) has conducted any required subsidy layering review and determined that the PBV assistance is in accordance with HUD subsidy layering requirements.

The HAP contract must contain the owner's certification that the project has not received and will not receive (before or during the term of the HAP contract) any public assistance for acquisition, development, or operation of the housing other than assistance disclosed in the subsidy layering review in accordance with HUD requirements.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 9ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

17-ILF. CAP ON NUMBER OF PBV UNITS IN EACH BUILDING

25 Percent per Building Cap [24 CFR 983.56(a)]

In general, the HACFM may not select a proposal to provide PBV assistance for units in a building or enter into an agreement to enter into a HAP or a HAP contract to provide PBV assistance for units in a building, if the total number of dwelling units in the building that will receive PBV assistance during the term of the PBV HAP contract is more than 25 percent of the number of dwelling units (assisted or unassisted) in the project.

Exceptions to 25 Percent per Building Cap [24 CFR 983.56(b)]

Exceptions are allowed and PBV units are not counted against the 25 percent per building cap if:

- The units are in a single-family building (one to four units).
- The units are *excepted units* in a multifamily building because they are specifically made available for elderly or disabled families or families receiving supportive services (also known as *qualifying families*).

HACFMs must include in the HACFM administrative plan the type of services offered to families for a project to qualify for the exception and the extent to which such services will be provided. It is not necessary that the services be provided at or by the project, if they are approved services. To qualify, a family must have at least one member receiving at least one qualifying supportive service. A HACFM may not require participation in medical or disability-related services other than drug and alcohol treatment in the case of current abusers as a condition of living in an excepted unit, although such services may be offered.

If a family at the time of initial tenancy is receiving, and while the resident of an excepted unit has received, FSS supportive services or any other supportive services as defined in the HACFM administrative plan, and successfully completes the FSS contract of participation or the supportive services requirement, the unit continues to count as an excepted unit for as long as the family resides in the unit.

The HACFM must monitor the excepted family's continued receipt of supportive services and take appropriate action regarding those families that fail without good cause to complete their supportive services requirement. The HACFM administrative plan must state the form and frequency of such monitoring.

HACFM Policy

The HACFM will provide PBV assistance for excepted units.

Promoting Partially-Assisted Buildings [24 CFR 983.56(c)]

A HACFM may establish local requirements designed to promote PBV assistance in partially assisted buildings. A *partially assisted building* is a building in which there are fewer units covered by a HAP contract than residential units [24 CFR 983.3].

HACFM may establish a per-building cap on the number of units that will receive PBV assistance or other project-based assistance in a multifamily building containing excepted units or in a single-family building. A HACFM may also determine not to provide PBV assistance for excepted units, or the HACFM may establish a per-building cap of less than 25 percent.

Deleted:);

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 10ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

HACFM Policy:

The HACFM will provide assistance for excepted units. Beyond that, the HACFM will not impose any further cap on the number of PBV units assisted per building.

17-II.G. SITE SELECTION STANDARDS

Compliance with PBV Goals, Civil Rights Requirements, and HQS Site Standards [24 CFR 983.57(b)]

The HACFM may not select a proposal for existing, newly constructed, or rehabilitated PBV housing on a site or enter into an agreement to enter into a HAP contract or HAP contract for units on the site, unless the HACFM has determined that PBV assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities. The standard for deconcentrating poverty and expanding housing and economic opportunities must be consistent with the HACFM Plan under 24 CFR 903 and the HACFM administrative plan.

In addition, prior to selecting a proposal, the HACFM must determine that the site is suitable from the standpoint of facilitating and furthering full compliance with the applicable Civil Rights Laws, regulations, and Executive Orders, and that the site meets the HQS site and neighborhood standards at 24 CFR 982.401(l).

HACFM Policy

It is the HACFM goal to select sites for PBV housing that provide for deconcentrating poverty and expanding housing and economic opportunities. In complying with this goal, the HACFM will limit approval of sites for PBV housing in census tracts that have poverty concentrations of 20 percent or less.

However, the HACFM will grant exceptions to the 20 percent standard where the HACFM determines that the PBV assistance will complement other local redevelopment activities designed to deconcentrate poverty and expand housing and economic opportunities in census tracts with poverty concentrations greater than 20 percent, such as sites in:

A census tract in which the proposed PBV development will be located in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community.

A census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition and HOPE VI redevelopment.

A census tract in which the proposed PBV development will be located is undergoing significant revitalization as a result of state, local, or federal dollars invested in the area.

A census tract where new market rate units are being developed where such market rate units will positively impact the poverty rate in the area.

A census tract where there has been an overall decline in the poverty rate within the past five years; or

A census tract where there are meaningful opportunities for educational and economic advancement.

Deleted: goal

Deleted: Community;

Deleted: redevelopment;

Deleted: area;

Deleted: area;

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 11 ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

Under no circumstances will HACFM approve PBV assistance in a census tract with a concentration factor greater than 75 percent of the community-wide poverty are or forty percent, whichever is lower.

Deleted: rac

Existing and Rehabilitated Housing Site and Neighborhood Standards [24 CFR 983.57(d)]

The HACFM may not enter into an agreement to enter into a HAP contract nor enter into a HAP contract for existing or rehabilitated housing until it has determined that the site complies with the HUD required site and neighborhood standards. The site must:

- Be adequate in size, exposure, and contour to accommodate the number and type of units proposed.
- Have adequate utilities and streets available to service the site.
- Promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and
- Be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

Deleted: proposed;

Deleted: site;

Deleted: persons;

New Construction Site and Neighborhood Standards [24 CFR 983.57(e)]

In order to be selected for PBV assistance, a site for newly constructed housing must meet the following HUD required site and neighborhood standards:

- The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed.
- The site must have adequate utilities and streets available to service the site.
- The site must not be located in an area of minority concentration unless the HACFM determines that sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration or that the project is necessary to meet overriding housing needs that cannot be met in that housing market area.
- The site must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.
- The site must promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate.
- The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and

Deleted: proposed;

Deleted: site;

Deleted: area;

Deleted: persons;

Deleted: predominate;

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 12ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

- Except for housing designed for elderly persons, the housing must be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

17.II.H. ENVIRONMENTAL REVIEW [24 CFR 983.58]

The HACFM activities under the PBV program are subject to HUD environmental regulations in 24 CFR parts 50 and 58. The *responsible entity* is responsible for performing the federal environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The HACFM may not enter into an agreement to enter into a HAP contract nor enter into a HAP contract until it has complied with the environmental review requirements.

In the case of existing housing, the responsible entity that is responsible for the environmental review under 24 CFR part 58 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.

The HACFM may not enter into an agreement to enter into a HAP contract or a HAP contract with an owner, and the HACFM, the owner, and its contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property or commit or expend program or local funds for PBV activities under this part, until the environmental review is completed.

The HACFM must supply all available, relevant information necessary for the responsible entity to perform any required environmental review for any site. The HACFM must require the owner to carry out mitigating measures required by the responsible entity (or HUD, if applicable) as a result of the environmental review.

PART III: DWELLING UNITS

17-III.A. OVERVIEW

This part identifies the special housing quality standards that apply to the PBV program, housing accessibility for persons with disabilities, and special procedures for conducting housing quality standards inspections.

17-III.B. HOUSING QUALITY STANDARDS [24 CFR 983.101]

The housing quality standards (HQS) for the tenant-based program, including those for special housing types, generally apply to the PBV program. HQS requirements for shared housing, cooperative housing, manufactured home space rental, and the homeownership option do not apply because these housing types are not assisted under the PBV program.

The physical condition standards at 24 CFR 5.703 do not apply to the PBV program.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 13ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

Lead-based Paint [24 CFR 983.101(c)]

The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, apply to the PBV program.

17-III.C. HOUSING ACCESSIBILITY FOR PERSONS WITH DISABILITIES

The housing must comply with program accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8. The HACFM must ensure that the percentage of accessible dwelling units complies with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by HUD's regulations at 24 CFR 8, subpart C.

Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable. (24 CFR 983.102)

17-III.D. INSPECTING UNITS

Pre-selection Inspection [24 CFR 983.103(a)]

The HACFM must examine the proposed site before the proposal selection date. If the units to be assisted already exist, the HACFM must inspect all the units before the proposal selection ~~date~~ and must determine whether the units substantially comply with HQS. To qualify as existing housing, units must substantially comply with HQS on the proposal selection date. However, the HACFM may not execute the HAP contract until the units fully comply with HQS.

Deleted: date, and

Pre-HAP Contract Inspections [24 CFR 983.103(b)]

The HACFM must inspect each contract unit before execution of the HAP contract. The HACFM may not enter into a HAP contract covering a unit until the unit fully complies with HQS.

Turnover Inspections [24 CFR 983.103(c)]

Before providing assistance to a new family in a contract unit, the HACFM must inspect the unit. The HACFM may not provide assistance on behalf of the family until the unit fully complies with HQS.

Annual Inspections [24 CFR 983.103(d)]

At least annually during the term of the HAP contract, the HACFM must inspect a random sample, consisting of at least 20 percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS. Turnover inspections are not counted toward meeting this annual inspection requirement.

If more than 20 percent of the annual sample of inspected contract units in a building fails the initial inspection, the HACFM must reinspect 100 percent of the contract units in the building.

Other Inspections [24 CFR 983.103(e)]

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 14ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

The HACFM must inspect contract units whenever needed to determine that the contract units comply with HQS, and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract. The HACFM must take into account complaints and any other information coming to its attention in scheduling inspections.

Deleted: HQS

The HACFM must conduct follow-up inspections needed to determine if the owner (or, if applicable, the family) has corrected an HQS violation, and must conduct inspections to determine the basis for exercise of contractual and other remedies for owner or family violation of HQS.

In conducting HACFM supervisory quality control HQS inspections, the HACFM should include a representative sample of both tenant-based and project-based units.

Inspecting HACFM-owned Units [24 CFR 983.103(f)]

In the case of HACFM-owned units, the inspections must be performed by an independent agency designated by the HACFM and approved by HUD. The independent entity must furnish a copy of each inspection report to the HACFM and to the HUD field office where the project is located. The HACFM must take all necessary actions in response to inspection reports from the independent agency, including exercise of contractual remedies for violation of the HAP contract by the HACFM-owner.

PART IV: REHABILITATED AND NEWLY CONSTRUCTED UNITS

17-IV.A. OVERVIEW [24 CFR 983.151]

There are specific requirements that apply to PBV assistance for newly constructed or rehabilitated housing that do not apply to PBV assistance in existing housing. This part describes the requirements unique to this type of assistance.

Housing selected for this type of assistance may not at a later date be selected for PBV assistance as existing housing.

17-IV.B. AGREEMENT TO ENTER INTO HAP CONTRACT

In order to offer PBV assistance in rehabilitated or newly constructed units, the HACFM must enter into an agreement to enter into HAP contract (Agreement) with the owner of the property. The Agreement must be in the form required by HUD [24 CFR 983.152(a)].

In the Agreement the owner agrees to develop the PBV contract units to comply with HQS, and the HACFM agrees that upon timely completion of such development in accordance with the terms of the Agreement, the HACFM will enter into a HAP contract with the owner for the contract units [24 CFR 983.152(b)].

Content of the Agreement [24 CFR 983.152(c)]

At a minimum, the Agreement must describe the following features of the housing to be developed and assisted under the PBV program:

- Site and the location of the contract units.
- Number of contract units by area (size) and number of bedrooms and bathrooms.

Deleted: units;

Deleted: bathrooms;

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 15ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

- Services, maintenance, or equipment to be supplied by the owner without charges in addition to the rent.
- Utilities available to the contract units, including a specification of utility services to be paid by the owner and utility services to be paid by the tenant.
- An indication of whether or not the design and construction requirements of the Fair Housing Act and section 504 of the Rehabilitation Act of 1973 apply to units under the Agreement. If applicable, any required work item resulting from these requirements must be included in the description of work to be performed under the Agreement.
- Estimated initial rents to owner for the contract units.
- Description of the work to be performed under the Agreement. For rehabilitated units, the description must include the rehabilitation work write up and, where determined necessary by the HACFM, specifications and plans. For new construction units, the description must include the working drawings and specifications.
- Any additional requirements for quality, architecture, or design over and above HQS.

Deleted: rent;

Deleted: tenant;

Deleted: Agreement;

Deleted: units;

Execution of the Agreement [24 CFR 983.153]

The Agreement must be executed promptly after HACFM notice of proposal selection to the selected owner. However, the HACFM may not enter into the Agreement with the owner until the subsidy layering review is completed. Likewise, the HACFM may not enter into the Agreement until the environmental review is completed and the HACFM has received environmental approval.

HACFM Policy

The HACFM will enter into the Agreement with the owner within 10 business days of receiving both environmental approval and notice that subsidy layering requirements have been met, and before construction or rehabilitation work are started.

17-IV.C. CONDUCT OF DEVELOPMENT WORK

Labor Standards [24 CFR 983.154(b)]

If an Agreement covers the development of nine or more contract units (whether or not completed in stages), the owner and the owner's contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in the development of housing. The HUD-prescribed form of the Agreement will include the labor standards clauses required by HUD, such as those involving Davis-Bacon wage rates.

The owner, contractors, and subcontractors must also comply with the Contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 CFR part 5, and other applicable federal labor relations laws and regulations. The HACFM must monitor compliance with labor standards.

Equal Opportunity [24 CFR 983.154(c)]

The owner must comply with Section 3 of the Housing and Urban Development Act of 1968 and the implementing regulations at 24 CFR part 135. The owner must also comply with federal equal employment opportunity requirements.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 16ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

Owner Disclosure [24 CFR 983.154(d) and (e)]

The Agreement and HAP contract must include a certification by the owner that the owner and other project principals are not on the U.S. General Services Administration list of parties excluded from federal procurement and non-procurement programs.

The owner must also disclose any possible conflict of interest that would be a violation of the Agreement, the HAP contract, or HUD regulations.

17-IV.D. COMPLETION OF HOUSING

The Agreement must specify the deadlines for completion of the housing, and the owner must develop and complete the housing in accordance with these deadlines. The Agreement must also specify the deadline for submission by the owner of the required evidence of completion.

Evidence of Completion [24 CFR 983.155(b)]

At a minimum, the owner must submit the following evidence of completion to the HACFM in the form and manner required by the HACFM:

- Owner certification that the work has been completed in accordance with HQS and all requirements of the Agreement; and
- Owner certification that the owner has complied with labor standards and equal opportunity requirements in development of the housing.

At the HACFM's discretion, the Agreement may specify additional documentation that must be submitted by the owner as evidence of housing completion.

HACFM Policy

The HACFM will determine the need for the owner to submit additional documentation as evidence of housing completion on a case-by-case basis depending on the nature of the PBV project. The HACFM will specify any additional documentation requirements in the Agreement to enter into HAP contract.

HACFM Acceptance of Completed Units [24 CFR 983.156]

Upon notice from the owner that the housing is completed, the HACFM must inspect to determine if the housing has been completed in accordance with the Agreement, including compliance with HQS and any additional requirements imposed under the Agreement. The HACFM must also determine if the owner has submitted all required evidence of completion.

If the work has not been completed in accordance with the Agreement, the HACFM must not enter into the HAP contract.

If the HACFM determines the work has been completed in accordance with the Agreement and that the owner has submitted all required evidence of completion, the HACFM must submit the HAP contract for execution by the owner and must then execute the HAP contract.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 17ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

PART V: HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)

17-V.A. OVERVIEW

The HACFM must enter into a HAP contract with an owner for units that are receiving PBV assistance. The purpose of the HAP contract is to provide housing assistance payments for eligible families. Housing assistance is paid for contract units leased and occupied by eligible families during the HAP contract term. The HAP contract must be in the form required by HUD [24 CFR 983.202].

17-V.B. HAP CONTRACT REQUIREMENTS

Contract Information [24 CFR 983.203]

The HAP contract must specify the following information:

- The total number of contract units by number of bedrooms.
- The project's name, street address, city or county, state and zip code, block and lot number (if known), and any other information necessary to clearly identify the site and the building.
- The number of contract units in each building, the location of each contract unit, the area of each contract unit, and the number of bedrooms and bathrooms in each contract unit.
- Services, maintenance, and equipment to be supplied by the owner and included in the rent to owner.
- Utilities available to the contract units, including a specification of utility services to be paid by the owner (included in rent) and utility services to be paid by the tenant.
- Features provided to comply with program accessibility requirements of Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR part 8.
- The HAP contract term.
- The number of units in any building that will exceed the 25 percent per building cap, which will be set-aside for occupancy by qualifying families; and
- The initial rent to owner for the first 12 months of the HAP contract term.

Execution of the HAP Contract [24 CFR 983.204]

The HACFM may not enter into a HAP contract until each contract unit has been inspected and the HACFM has determined that the unit complies with the Housing Quality Standards (HQS). For existing housing, the HAP contract must be executed promptly after the HACFM selects the owner proposal and inspects the housing units. For newly constructed or rehabilitated housing the HAP contract must be executed after the HACFM has inspected the completed units and has determined that the units have been completed in accordance with the agreement to enter into HAP, and the owner furnishes all required evidence of completion.

HACFM Policy

For existing housing, the HAP contract will be executed within 10 business days of the HACFM determining that all units pass HQS.

Deleted: bedrooms;

Deleted: building;

Deleted: unit;

Deleted: owner;

Deleted: tenant;

Deleted: 8;

Deleted: term;

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 18ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

For rehabilitated or newly constructed housing, the HAP contract will be executed within 10 business days of the HACFM determining that the units have been completed in accordance with the agreement to enter into HAP, all units meet HQS, and the owner has submitted all required evidence of completion.

Term of HAP Contract [24 CFR 983.205]

The HACFM may enter into a HAP contract with an owner for an initial term of no less than one year and no more than ten years.

HACFM Policy

The term of all PBV HAP contracts will be negotiated with the owner on a case-by-case basis.

Within one year before expiration of the HAP contract, the HACFM may extend the term of the contract for an additional term of up to five years if the HACFM determines an extension is appropriate to continue providing affordable housing for low-income families. Subsequent extensions are subject to the same limitations. All extensions must be on the form and subject to the conditions prescribed by HUD at the time of the extension.

HACFM Policy

When determining whether or not to extend an expiring PBV contract, the HACFM will consider several factors including, but not limited to:

The cost of extending the contract and the amount of available budget authority;

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; and

Whether the funding could be used more appropriately for tenant-based assistance.

Termination by HACFM [24 CFR 983.205(c)]

The HAP contract must provide that the term of the HACFM's contractual commitment is subject to the availability of sufficient appropriated funding as determined by HUD or by the HACFM in accordance with HUD instructions. For these purposes, sufficient funding means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract.

If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP contract, the HACFM may terminate the HAP contract by notice to the owner. The termination must be implemented in accordance with HUD instructions.

Deleted: units;

Deleted:);

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 19ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

Termination by Owner [24 CFR 983.205(d)]

If in accordance with program requirements the amount of rent to an owner for any contract unit is reduced below the amount of the rent to owner at the beginning of the HAP contract term, the owner may terminate the HAP contract by giving notice to the HACFM. In this case, families living in the contract units must be offered tenant-based assistance.

Remedies for HQS Violations [24 CFR 983.207(b)]

The HACFM may not make any HAP payment to the owner for a contract unit during any period in which the unit does not comply with HQS. If the HACFM determines that a contract does not comply with HQS, the HACFM may exercise any of its remedies under the HAP contract, for any or all of the contract units. Available remedies include termination of housing assistance payments, abatement or reduction of housing assistance payments, reduction of contract units, and termination of the HAP contract.

HACFM Policy

The HACFM will abate and terminate PBV HAP contracts for non-compliance with HQS in accordance with the policies used in the tenant-based voucher program. These policies are contained in Section 8-II.G., Enforcing Owner Compliance.

17-V.C. AMENDMENTS TO THE HAP CONTRACT

Substitution of Contract Units [24 CFR 983.206(a)]

At the HACFM's discretion and subject to all PBV requirements, the HAP contract may be amended to substitute a different unit with the same number of bedrooms in the same building for a previously covered contract unit. Before any such substitution can take place, the HACFM must inspect the proposed unit and determine the reasonable rent for the unit.

Addition of Contract Units [24 CFR 983.206(b)]

At the HACFM's discretion and subject to the restrictions on the number of dwelling units that can receive PBV assistance per building and on the overall size of the HACFM's PBV program, a HAP contract may be amended during the three-year period following the execution date of the HAP contract to add additional PBV units in the same building. This type of amendment is subject to all PBV program requirements except that a new PBV proposal is not required.

HACFM Policy

The HACFM will consider adding contract units to the HAP contract when the HACFM determines that additional housing is needed to serve eligible low-income families. Circumstances may include, but are not limited to:

The local housing inventory is reduced due to a disaster (either due to loss of housing units, or an influx of displaced families); and

Voucher holders are having difficulty finding units that meet program requirements.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 20ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

17-V.D. HAP CONTRACT YEAR, ANNIVERSARY AND EXPIRATION DATES [24 CFR 983.206(c) and 983.302(e)]

The HAP contract year is the period of 12 calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP contract term.

The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year.

There is a single annual anniversary and expiration date for all units under a particular HAP contract, even in cases where contract units are placed under the HAP contract in stages (on different dates), or units are added by amendment. The anniversary and expiration dates for all units coincide with the dates for the contract units that were originally placed under contract.

Deleted:)

17-V.E. OWNER RESPONSIBILITIES UNDER THE HAP [24 CFR 983.209]

When the owner executes the HAP contract s/he certifies that at such execution and at all times during the term of the HAP contract:

- All contract units are in good condition and the owner is maintaining the premises and contract units in accordance with HQS.
- The owner is providing all services, maintenance, equipment and utilities as agreed to under the HAP contract and the leases.
- Each contract unit for which the owner is receiving HAP, is leased to an eligible family referred by the HACFM, and the lease is in accordance with the HAP contract and HUD requirements.
- To the best of the owner's knowledge the family resides in the contract unit for which the owner is receiving HAP, and the unit is the family's only residence.
- The owner (including a principal or other interested party) is not the spouse, parent, child, grandparent, grandchild, sister, or brother of any member of a family residing in a contract unit.
- The amount of the HAP the owner is receiving is correct under the HAP contract.
- The rent for contract units does not exceed rents charged by the owner for comparable unassisted units.
- Except for HAP and tenant rent, the owner has not received and will not receive any other payment or consideration for rental of the contract unit; and
- The family does not own or have any interest in the contract unit.

Deleted: HQS;

Deleted: leases;

Deleted: requirements;

Deleted: residence;

Deleted: unit;

Deleted: contract;

Deleted: units;

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 21 ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

17-V.F. ADDITIONAL HAP REQUIREMENTS

Housing Quality and Design Requirements [24 CFR 983.101(e) and 983.207(a)]

The owner is required to maintain and operate the contract units and premises in accordance with HQS, including performance of ordinary and extraordinary maintenance. The owner must provide all the services, maintenance, equipment, and utilities specified in the HAP contract with the HACFM and in the lease with each assisted family. In addition, maintenance, replacement and redecoration must be in accordance with the standard practice for the building as established by the owner.

The HACFM may elect to establish additional requirements for quality, architecture, or design of PBV housing. Any such additional requirements must be specified in the Agreement to enter into a HAP contract and the HAP contract. These requirements must be in addition to, not in place of, compliance with HQS.

HACFM Policy

The HACFM will identify the need for any special features on a case-by-case basis depending on the intended occupancy of the PBV project. The HACFM will specify any special design standards or additional requirements in the invitation for PBV proposals, the agreement to enter into HAP contract, and the HAP contract.

Vacancy Payments [24 CFR 983.352(b)]

At the discretion of the HACFM, the HAP contract may provide for vacancy payments to the owner for a HACFM-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 move-out month. The amount of the vacancy payment will be determined by the HACFM and cannot exceed the monthly rent to owner under the assisted lease, minus any portion of the rental payment received by the owner (including amounts available from the tenant's security deposit).

HACFM Policy

The HACFM will decide on a case-by-case basis if the HACFM will provide vacancy payments to the owner. The HAP contract with the owner will contain any such agreement, including the amount of the vacancy payment and the period for which the owner will qualify for these payments.

PART VI: SELECTION OF PBV PROGRAM PARTICIPANTS

17-VIA. OVERVIEW

Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the PBV program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

17-VLB. ELIGIBILITY FOR PBV ASSISTANCE [24 CFR 983.251(a) and (b)]

The HACFM may select families for the PBV program from those who are participants in the HACFM's tenant-based voucher program and from those who have applied for admission to the voucher program. For voucher participants, eligibility was determined at original admission to the voucher program and does not need to be redetermined at the commencement of PBV assistance. For all others, eligibility for admission must be determined at the commencement of PBV assistance.

Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and the HACFM, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members [24 CFR 982.201(a) and 24 CFR 983.2(a)]. In addition, an applicant family must provide social security information for family members [24 CFR 5.216 and 5.218] and consent to the HACFM's collection and use of family information regarding income, expenses, and family composition [24 CFR 5.230]. An applicant family must also meet HUD requirements related to current or past criminal activity.

HACFM Policy

The HACFM will determine an applicant family's eligibility for the PBV program in accordance with the policies in Chapter 3.

In-Place Families [24 CFR 983.251(b)]

An eligible family residing in a proposed PBV contract unit on the date the proposal is selected by the HACFM is considered an "in-place family." These families are afforded protection from displacement under the PBV rule. If a unit to be placed under contract (either an existing unit or a unit requiring rehabilitation) is occupied by an eligible family on the date the proposal is selected, the in-place family must be placed on the HACFM's waiting list. Once the family's continued eligibility is determined (the HACFM may deny assistance to an in-place family for the grounds specified in 24 CFR 982.552 and 982.553), the family must be given an absolute selection preference and the HACFM must refer these families to the project owner for an appropriately sized PBV unit in the project. Admission of eligible in-place families is not subject to income targeting requirements.

This regulatory protection from displacement does not apply to families that are not eligible to participate in the program on the proposal selection date.

17-VLC. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c)]

The HACFM may establish a separate waiting list for PBV units, or it may use the same waiting list for both tenant-based and PBV assistance. The HACFM may also merge the PBV waiting list with a waiting list for other assisted housing programs offered by the HACFM. If the HACFM chooses to offer a separate waiting list for PBV assistance, the HACFM must offer to place applicants who are listed on the tenant-based waiting list on the waiting list for PBV assistance.

If a HACFM decides to establish a separate PBV waiting list, the HACFM may use a single waiting list for the HACFM's whole PBV program, or it may establish separate waiting lists for PBV units in particular projects or buildings or for sets of such units.

HACFM Policy

Deleted: units

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 23ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

The HACFM will establish and manage separate waiting lists for individual projects or buildings that are receiving PBV assistance. The HACFM currently **has** waiting list for the following PBV projects:

The Homes at Renaissance Preserve

Covington Meadows

Stella Apartments

Broadway Apartments

Coconut Cove 1 & 2. (maintained in one waitlist)

17-VI.D. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)]

Applicants who will occupy units with PBV assistance must be selected from the HACFM's waiting list. The HACFM may establish selection criteria or preferences for occupancy of particular PBV units. The HACFM may place families referred by the PBV owner on its PBV waiting list.

Income Targeting [24 CFR 983.251(c)(6)]

At least 75 percent of the families admitted to the HACFM's tenant-based and project-based voucher programs during the HACFM fiscal year from the waiting list must be extremely-low income families. The income targeting requirement applies to the total of admissions to both programs.

Units with Accessibility Features [24 CFR 983.251(c)(7)]

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, the HACFM must first refer families who require such features to the owner.

Preferences [24 CFR 983.251(d)]

The HACFM may use the same selection preferences that are used for the tenant-based voucher program, establish selection criteria or preferences for the PBV program as a whole, or for occupancy of particular PBV developments or units. The HACFM must provide an absolute selection preference for eligible in-place families as described in Section 17-VI.B. above.

Although the HACFM is prohibited from granting preferences to persons with a specific disability, the HACFM may give preference to disabled families who need services offered at a particular project or site if the preference is limited to families (including individuals):

- With disabilities that significantly interfere with their ability to obtain and maintain themselves in housing;
- Who, without appropriate supportive services, will not be able to obtain or maintain themselves in housing; and
- For whom such services cannot be provided in a non-segregated setting.

In advertising such a project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible disabled persons who may benefit from services provided in the project. In these projects, disabled

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 24ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

residents may not be required to accept the particular services offered as a condition of occupancy.

If the HACFM has buildings with more than 25 percent of the units receiving project-based assistance because those buildings include “excepted units” (units specifically made available for elderly or disabled families, or families receiving supportive services), the HACFM must give preference to such families when referring families to these units [24 CFR 983.261(b)].

HACFM Policy

The HACFM will provide a selection preference when required by the regulation (e.g., eligible in-place families, qualifying families for “excepted units,” mobility impaired persons for accessible units). The HACFM will not offer any additional preferences for the PBV program or for particular PBV projects or units.

17-VI.E. OFFER OF PBV ASSISTANCE

Refusal of Offer [24 CFR 983.251(e)(3)]

The HACFM is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

- Refuse to list the applicant on the waiting list for tenant-based voucher assistance.
- Deny any admission preference for which the applicant qualifies.
- Change the applicant’s place on the waiting list based on preference, date, and time of application, or other factors affecting selection under the HACFM’s selection policy.
- Remove the applicant from the tenant-based voucher waiting list.

Deleted: assistance;

Deleted: qualifies;

Deleted: policy;

Disapproval by Landlord [24 CFR 983.251(e)(2)]

If a PBV owner rejects a family for admission to the owner’s units, such rejection may not affect the family’s position on the tenant-based voucher waiting list.

Acceptance of Offer [24 CFR 983.252]

Family Briefing

When a family accepts an offer for PBV assistance, the HACFM must give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, the HACFM must provide a briefing packet that explains how the HACFM determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.

Persons with Disabilities

If an applicant family’s head or spouse is disabled, the HACFM must assure effective communication, in accordance with 24 CFR 8.6, in conducting the oral briefing and in providing the written information packet. This may include making alternative formats available (see Chapter 2). In addition, the HACFM must have a mechanism for referring a family that includes a member with a mobility impairment to an appropriate accessible PBV unit.

Persons with Limited English Proficiency

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 25ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

The HACFM should take reasonable steps to assure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (see Chapter 2).

Deleted: © Copyright 2008 Nan McKay & Associates, Inc
Deleted: 26ADMIN PLAN
Deleted: Unlimited copies may be made for internal use.

17-VI.F. OWNER SELECTION OF TENANTS

The owner is responsible for developing written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income families and reasonably related to program eligibility and an applicant's ability to fulfill their obligations under the lease. An owner must promptly notify in writing any rejected applicant of the grounds for any rejection [24 CFR 983.253(b)].

Leasing [24 CFR 983.253(a)]

During the term of the HAP contract, the owner must lease contract units to eligible families that are selected and referred by the HACFM from the HACFM's waiting list. The contract unit leased to the family must be the appropriate size unit for the size of the family, based on the HACFM's subsidy standards.

Filling Vacancies [24 CFR 983.254(a)]

The owner must promptly notify the HACFM of any vacancy or expected vacancy in a contract unit. After receiving such notice, the HACFM must make every reasonable effort to promptly refer a sufficient number of families for the owner to fill such vacancies. The HACFM and the owner must make reasonable efforts to minimize the likelihood and length of any vacancy.

HACFM Policy

The owner must notify the HACFM in writing (mail, fax, or e-mail) within 5 business days of learning about any vacancy or expected vacancy.

The HACFM will make every reasonable effort to refer families to the owner within 10 business days of receiving such notice from the owner.

Reduction in HAP Contract Units Due to Vacancies [24 CFR 983.254(b)]

If any contract units have been vacant for 120 or more days since owner notice of the vacancy, the HACFM may give notice to the owner amending the HAP contract to reduce the number of contract units by subtracting the number of contract units (according to the bedroom size) that have been vacant for this period.

HACFM Policy

If any contract units have been vacant for 120 days, the HACFM will give notice to the owner that the HAP contract will be amended to reduce the number of contract units that have been vacant for this period. The HACFM will provide the notice to the owner within 10 business days of the 120th day of the vacancy. The amendment to the HAP contract will be effective the 1st day of the month following the date of the HACFM's notice.

17-VI.G. TENANT SCREENING [24 CFR 983.255]

HACFM Responsibility

The HACFM is not responsible or liable to the owner or any other person for the family's behavior or suitability for tenancy. However, the HACFM may opt to screen applicants for family behavior or suitability for tenancy and may deny applicants based on such screening.

HACFM Policy

The HACFM will not conduct screening to determine a PBV applicant family's suitability for tenancy. HACFM shall screen for program eligibility. The management must determine tenancy screening requirements.

The HACFM must provide the owner with an applicant family's current and prior address (as shown in HACFM records) and the name and address (if known by the HACFM) of the family's current landlord and any prior landlords.

In addition, the HACFM may offer the owner other information the HACFM may have about a family, including information about the tenancy history of family members or about drug trafficking and criminal activity by family members. The HACFM must provide applicant families a description of the HACFM policy on providing information to owners, and the HACFM must give the same types of information to all owners.

HACFM Policy

The HACFM will inform owners of their responsibility to screen prospective tenants and will provide owners with the required known name and address information, at the time of the turnover HQS inspection or before. The HACFM will not provide any additional information to the owner, such as tenancy history, criminal history, etc.

Deleted: tenants, and

Owner Responsibility

The owner is responsible for screening and selection of the family to occupy the owner's unit. When screening families the owner may consider a family's background with respect to the following factors:

- Payment of rent and utility bills.
- Caring for a unit and premises.
- Respecting the rights of other residents to the peaceful enjoyment of their housing.
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others; and
- Compliance with other essential conditions of tenancy.

Deleted: bills;

Deleted: premises;

Deleted: housing;

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 28ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

PART VII: OCCUPANCY

17-VII.A. OVERVIEW

After an applicant has been selected from the waiting list, determined eligible by the HACFM, referred to an owner and determined suitable by the owner, the family will sign the lease and occupancy of the unit will begin.

17-VII.B. LEASE [24 CFR 983.256]

The tenant must have legal capacity to enter a lease under state and local law. *Legal capacity* means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

Form of Lease [24 CFR 983.256(b)]

The tenant and the owner must enter into a written lease agreement that is signed by both parties. If an owner uses a standard lease form for rental units to unassisted tenants in the locality or premises, the same lease must be used for assisted tenants, except that the lease must include a HUD-required tenancy addendum. The tenancy addendum must include, word-for-word, all provisions required by HUD.

If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease, such as a HACFM model lease.

The HACFM may review the owner's lease form to determine if the lease complies with state and local law. If the HACFM determines that the lease does not comply with state or local law, the HACFM may decline to approve the tenancy.

HACFM Policy

The HACFM will not review the owner's lease for compliance with state or local law.

Lease Requirements [24 CFR 983.256(c)]

The lease for a PBV unit must specify all of the following information:

- The names of the owner and the tenant.
- The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit).
- The term of the lease (initial term and any provision for renewal).
- The amount of the tenant rent to owner, which is subject to change during the term of the lease in accordance with HUD requirements.
- A specification of the services, maintenance, equipment, and utilities that will be provide by the owner; and
- The amount of any charges for food, furniture, or supportive services.

Deleted: tenant;

Deleted:);

Deleted:);

Deleted: requirements;

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 29ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

Tenancy Addendum [24 CFR 983.256(d)]

The tenancy addendum in the lease must state:

- The program tenancy requirements.
- The composition of the household as approved by the HACFM (the names of family members and any HACFM-approved live-in aide).
- All provisions in the HUD-required tenancy addendum must be included in the lease. The terms of the tenancy addendum prevail over other provisions of the lease.

Deleted: requirements;

Deleted:);

Initial Term and Lease Renewal [24 CFR 983.256(f) and 983.257(b)]

The initial lease term must be for at least one year. Upon expiration of the lease, an owner may renew the lease, refuse to renew the lease for “good cause,” or refuse to renew the lease without good cause. If the owner refuses to renew the lease without good cause, the HACFM must provide the family with a tenant-based voucher and remove the unit from the PBV HAP contract.

Changes in the Lease [24 CFR 983.256(e)]

If the tenant and owner agree to any change in the lease, the change must be in writing, and the owner must immediately give the HACFM a copy of all changes.

The owner must notify the HACFM in advance of any proposed change in the lease regarding the allocation of tenant and owner responsibilities for utilities. Such changes may only be made if approved by the HACFM and in accordance with the terms of the lease relating to its amendment. The HACFM must redetermine reasonable rent, in accordance with program requirements, based on any change in the allocation of the responsibility for utilities between the owner and the tenant. The redetermined reasonable rent will be used in calculation of the rent to owner from the effective date of the change.

Owner Termination of Tenancy [24 CFR 983.257]

With two exceptions, the owner of a PBV unit may terminate tenancy for the same reasons an owner may in the tenant-based voucher program (see Section 12-III.B. and 24 CFR 982.310). In the PBV program, terminating tenancy for “good cause” does not include doing so for a business or economic reason, or a desire to use the unit for personal or family use or other non-residential purpose.

Non-Compliance with Supportive Services Requirement [24 CFR 983.257(c)]

If a family is living in a project-based unit that is excepted from the 25 percent per building cap on project-basing because of participation in a supportive services program (e.g., Family Self-Sufficiency), and the family fails to complete its supportive services requirement without good cause, such failure is grounds for lease termination by the owner.

Tenant Absence from the Unit [24 CFR 983.256(g) and 982.312(a)]

The owner may specify in the lease a maximum period of tenant absence from the unit that is shorter than the maximum period permitted by HACFM policy. According to program requirements, the family’s assistance must be terminated if they are absent from the unit for more than 180 consecutive days.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 30ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

Security Deposits [24 CFR 983.258]

The owner may collect a security deposit from the tenant. The HACFM may prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants.

HACFM Policy

The HACFM will allow the owner to collect a security deposit amount the owner determines is appropriate.

When the tenant moves out of a contract unit, the owner, subject to state and local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid tenant rent, damages to the unit, or other amounts owed by the tenant under the lease.

The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount used to reimburse the owner, the owner must promptly refund the full amount of the balance to the tenant.

Deleted: al

If the security deposit does not cover the amount owed by the tenant under the lease, the owner may seek to collect the balance from the tenant. The HACFM has no liability or responsibility for payment of any amount owed by the family to the owner.

17-VII.C. MOVES

Overcrowded, Under-Occupied, and Accessible Units [24 CFR 983.259]

If the HACFM determines that a family is occupying a wrong size unit, based on the HACFM'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 HACFM must promptly notify the family and the owner of this determination, and the HACFM must offer the family the opportunity to receive continued housing assistance in another unit.

HACFM Policy

The HACFM will notify the family and the owner of the family's need to move based on the occupancy of a wrong-size or accessible unit within 10 business days of the HACFM's determination. The HACFM will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

PBV assistance in the same building or project;

PBV assistance in another project; and

Tenant-based voucher assistance.

If the HACFM offers the family a tenant-based voucher, the HACFM 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 HACFM).

If the HACFM offers the family another form of assistance that is not a tenant-based voucher, and the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by the HACFM, or both, the HACFM must terminate the housing assistance payments for the unit at the expiration of a reasonable period as determined by the HACFM.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 31 ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

HACFM Policy

When the HACFM offers a family another form of assistance that is not a tenant-based voucher, the family will be given 30 days from the date of the offer to accept the offer and move out of the PBV unit. If the family does not move out within this 30-day time frame, the HACFM will terminate the housing assistance payments at the expiration of this 30-day period.

The HACFM may make exceptions to this 30-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

Family Right to Move [24 CFR 983.260]

The family may terminate the lease at any time after the first year of occupancy. The family must give advance written notice to the owner in accordance with the lease and provide a copy of such notice to the HACFM. If the family wishes to move with continued tenant-based assistance, the family must contact the HACFM 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 HACFM is required to offer the family the opportunity for continued tenant-based assistance, in the form of a voucher or other comparable tenant-based rental assistance. If voucher or other comparable tenant-based assistance is not immediately available upon termination of the family's lease in the PBV unit, the HACFM must give the family priority to receive the next available opportunity for continued tenant-based assistance.

If the family terminates the assisted lease before the end of the first year, the family relinquishes the opportunity for continued tenant-based assistance.

17-VI.D. EXCEPTIONS TO THE OCCUPANCY CAP [24 CFR 983.261]

The HACFM may not pay housing assistance under a PBV HAP contract for more than 25 percent of the number of dwelling units in a building unless the units are [24 CFR 983.56]:

- In a single-family building.
- Specifically made available for elderly or disabled families; or
- Specifically made available for families receiving supportive services as defined by the HACFM. At least one member must be receiving at least one qualifying supportive service.

If a family at the time of initial tenancy is receiving and while the resident of an excepted unit has received Family Self-Sufficiency (FSS) supportive services or any other service as defined as defined by the HACFM and successfully completes the FSS contract of participation or the supportive services requirement, the unit continues to count as an excepted unit for as long as the family resides in the unit.

A family (or remaining members of a family) residing in an excepted unit that no longer meets the criteria for a "qualifying family" in connection with the 25 percent per building cap exception (e.g., the family does not successfully complete supportive services requirements, or due to a change in family composition the family is no longer elderly or disabled), must vacate

Deleted: building;

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 32ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

the unit within a reasonable period of time established by the HACFM, and the HACFM must cease paying housing assistance payments on behalf of the non-qualifying family.

If the family fails to vacate the unit within the established time, the unit must be removed from the HAP contract unless the project is partially assisted, and it is possible for the HAP contract to be amended to substitute a different unit in the building in accordance with program requirements; or the owner terminates the lease and evicts the family. The housing assistance payments for a family residing in an excepted unit that is not in compliance with its family obligations to comply with supportive services requirements must be terminated by the HACFM.

HACFM Policy

The HACFM will not provide PBV assistance for excepted units.

PART VIII: DETERMINING RENT TO OWNER

17-VIII.A. OVERVIEW

The amount of the initial rent to an owner of units receiving PBV assistance is established at the beginning of the HAP contract term. Although for rehabilitated or newly constructed housing, the agreement to enter into HAP Contract (Agreement) states the estimated amount of the initial rent to owner, the actual amount of the initial rent to owner is established at the beginning of the HAP contract term.

During the term of the HAP contract, the rent to owner is redetermined at the owner’s request in accordance with program requirements, and at such time that there is a five percent or greater decrease in the published FMR.

Deleted: tem

17-VIII.B. RENT LIMITS [24 CFR 983.301]

Except for certain tax credit units (discussed below), the rent to owner must not exceed the lowest of the following amounts:

- An amount determined by the HACFM, not to exceed 110 percent of the applicable fair market rent (or any HUD-approved exception payment standard) for the unit bedroom size minus any utility allowance.
- The reasonable rent; or
- The rent requested by the owner.

Deleted: allowance;

Certain Tax Credit Units [24 CFR 983.301(c)]

For certain tax credit units, the rent limits are determined differently than for other PBV units. These different limits apply to contract units that meet all of the following criteria:

- The contract unit receives a low-income housing tax credit under the Internal Revenue Code of 1986.
- The contract unit is not located in a qualified census tract.
- There are comparable tax credit units of the same bedroom size as the contract unit in the same building, and the comparable tax credit units do not have any form of rental assistance other than the tax credit; and

Deleted: 1986;

Deleted: tract;

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 33ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

- The tax credit rent exceeds a HACFM-determined amount (not to exceed 110 percent of the fair market rent or any approved exception payment standard).

Deleted:);

For contract units that meet all of these criteria, the rent to owner must not exceed the lowest of:

- The tax credit rent minus any utility allowance.
- The reasonable rent; or
- The rent requested by the owner.

Deleted: allowance;

Definitions

A *qualified census tract* is any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50 percent of households have an income of less than 60 percent of Area Median Gross Income (AMGI), or where the poverty rate is at least 25 percent and where the census tract is designated as a qualified census tract by HUD.

Tax credit rent is the rent charged for comparable units of the same bedroom size in the building that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., tenant-based voucher assistance).

Use of FMRs, Exception Payment Standards, and Utility Allowances [24 CFR 983.301(f)]

When determining the initial rent to owner, the HACFM must use the most recently published FMR in effect and the utility allowance schedule in effect at execution of the HAP contract. When redetermining the rent to owner, the HACFM must use the most recently published FMR and the utility allowance schedule in effect at the time of redetermination. At its discretion, the HACFM may for initial rent, use the amounts in effect at any time during the 30-day period immediately before the beginning date of the HAP contract, or for redeterminations of rent, the 30-day period immediately before the redetermination date.

Any HUD-approved exception payment standard amount under the tenant-based voucher program also applies to the project-based voucher program. HUD will not approve a different exception payment stand amount for use in the PBV program.

Likewise, the HACFM may not establish or apply different utility allowance amounts for the PBV program. The same utility allowance schedule applies to both the tenant-based and project-based voucher programs.

HACFM Policy

Upon written request by the owner, the HACFM will consider using the FMR or utility allowances in effect during the 30-day period before the start date of the HAP, or redetermination of rent. The owner must explain the need to use the previous FMRs or utility allowances and include documentation in support of the request. The HACFM will review and make a decision based on the circumstances and merit of each request.

In addition to considering a written request from an owner, the HACFM may decide to use the FMR or utility allowances in effect during the 30-day period before the start date of the HAP, or redetermination of rent, if the HACFM determines it is necessary due to HACFM budgetary constraints.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 34ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

Redetermination of Rent [24 CFR 983.302]

The HACFM must redetermine the rent to owner upon the owner's request or when there is a five percent or greater decrease in the published FMR.

Rent Increase

If an owner wishes to request an increase in the rent to owner from the HACFM, it must be requested at the annual anniversary of the HAP contract (see Section 17-V.D.). The request must be in writing and in the form and manner required by the HACFM. The HACFM may only make rent increases in accordance with the rent limits described previously. There are no provisions in the PBV program for special adjustments (e.g., adjustments that reflect increases in the actual and necessary expenses of owning and maintaining the units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs).

HACFM Policy

An owner's request for a rent increase must be submitted to the HACFM 60 days prior to the anniversary date of the HAP contract and must include the new rent amount the owner is proposing.

Deleted: contract, and

The HACFM may not approve, and the owner may not receive any increase of rent to owner until and unless the owner has complied with requirements of the HAP contract, including compliance with HQS. The owner may not receive any retroactive increase of rent for any period of noncompliance.

Deleted: approve

Rent Decrease

If there is a decrease in the rent to owner, as established in accordance with program requirements such as a change in the FMR or exception payment standard, or reasonable rent amount, the rent to owner must be decreased regardless of whether the owner requested a rent adjustment.

Notice of Rent Change

The rent to owner is redetermined by written notice by the HACFM to the owner specifying the amount of the redetermined rent. The HACFM notice of rent adjustment constitutes an amendment of the rent to owner specified in the HAP contract. The adjusted amount of rent to owner applies for the period of 12 calendar months from the annual anniversary of the HAP contract.

HACFM Policy

The HACFM will provide the owner with at least 30 days written notice of any change in the amount of rent to owner.

HACFM-owned Units [24 CFR 983.301(g)]

For HACFM-owned PBV units, the initial rent to owner and the annual redetermination of rent at the anniversary of the HAP contract are determined by the independent entity approved by HUD. The HACFM must use the rent to owner established by the independent entity.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 35ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

17-VIII.C. REASONABLE RENT [24 CFR 983.303]

At the time the initial rent is established and all times during the term of the HAP contract, the rent to owner for a contract unit may not exceed the reasonable rent for the unit as determined by the HACFM.

When Rent Reasonable Determinations are Required

The HACFM must redetermine the reasonable rent for a unit receiving PBV assistance whenever any of the following occur:

- There is a five percent or greater decrease in the published FMR in effect 60 days before the contract anniversary (for the unit sizes specified in the HAP contract) as compared with the FMR that was in effect one year before the contract anniversary date.
- The HACFM approves a change in the allocation of responsibility for utilities between the owner and the tenant.
- The HAP contract is amended to substitute a different contract unit in the same building; or
- There is any other change that may substantially affect the reasonable rent.

Deleted: date;

Deleted: tenant;

How to Determine Reasonable Rent

The reasonable rent of a unit receiving PBV assistance must be determined by comparison to rent for other comparable unassisted units. When making this determination, the HACFM must consider factors that affect market rent. Such factors include the location, quality, size, type and age of the unit, as well as the amenities, housing services maintenance, and utilities to be provided by the owner.

Comparability Analysis

For each unit, the comparability analysis must use at least three comparable units in the private unassisted market. This may include units in the premises or project that is receiving project-based assistance. The analysis must show how the reasonable rent was determined, including major differences between the contract units and comparable unassisted units, and must be retained by the HACFM. The comparability analysis may be performed by HACFM staff or by another qualified person or entity. Those who conduct these analyses or are involved in determining the housing assistance payment based on the analyses may not have any direct or indirect interest in the property.

HACFM-owned Units

For HACFM-owned units, the amount of the reasonable rent must be determined by an independent agency approved by HUD in accordance with PBV program requirements. The independent entity must provide a copy of the determination of reasonable rent for HACFM-owned units to the HACFM and to the HUD field office where the project is located.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 36ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

Owner Certification of Reasonable Rent

By accepting each monthly housing assistance payment, the owner certifies that the rent to owner is not more than rent charged by the owner for other comparable unassisted units in the premises. At any time, the HACFM may require the owner to submit information on rents charged by the owner for other units in the premises or elsewhere.

17-VIIL.D. EFFECT OF OTHER SUBSIDY AND RENT CONTROL

In addition to the rent limits discussed in Section 17-VIII.B above, other restrictions may limit the amount of rent to owner in a PBV unit. In addition, certain types of subsidized housing are not even eligible to receive PBV assistance (see Section 17-II. D).

Other Subsidy [24 CFR 983.304]

At its discretion, a HACFM may reduce the initial rent to owner because of other governmental subsidies, including grants and other subsidized financing.

For units receiving assistance under the HOME program, rents may not exceed rent limits as required by that program.

For units in any of the following types of federally subsidized projects, the rent to owner may not exceed the subsidized rent (basic rent) or tax credit rent as determined in accordance with requirements for the applicable federal program:

- An insured or non-insured Section 236 project.
- A formerly insured or non-insured Section 236 project that continues to receive Interest Reduction Payment following a decoupling action.
- A Section 221(d)(3) below market interest rate (BMIR) project.
- A Section 515 project of the Rural Housing Service.
- Any other type of federally subsidized project specified by HUD.

Combining Subsidy

Rent to owner may not exceed any limitation required to comply with HUD subsidy layering requirements.

Rent Control [24 CFR 983.305]

In addition to the rent limits set by PBV program regulations, the amount of rent to owner may also be subject to rent control or other limits under local, state, or federal law.

Deleted: II.D

Deleted: project;

Deleted: action;

Deleted: project;

Deleted: Service;

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 37ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

PART IX: PAYMENTS TO OWNER

17-IX.A. HOUSING ASSISTANCE PAYMENTS [24 CFR 983.351]

During the term of the HAP contract, the HACFM must make housing assistance payments to the owner in accordance with the terms of the HAP contract. During the term of the HAP contract, payments must be made for each month that a contract unit complies with HQS and is leased to and occupied by an eligible family. The housing assistance payment must be paid to the owner on or about the first day of the month for which payment is due, unless the owner and the HACFM agree on a later date.

Except for discretionary vacancy payments, the HACFM may not make any housing assistance payment to the owner for any month after the month when the family moves out of the unit (even if household goods or property are left in the unit).

The amount of the housing assistance payment by the HACFM is the rent to owner minus the tenant rent (total tenant payment minus the utility allowance).

In order to receive housing assistance payments, the owner must comply with all provisions of the HAP contract. Unless the owner complies with all provisions of the HAP contract, the owner does not have a right to receive housing assistance payments.

17-IX.B. VACANCY PAYMENTS [24 CFR 983.352]

If an assisted family moves out of the unit, the owner may keep the housing assistance payment for the calendar month when the family moves out. However, the owner may not keep the payment if the HACFM determines that the vacancy is the owner's fault.

HACFM Policy

If the HACFM determines that the owner is responsible for a vacancy and, as a result, is not entitled to the keep the housing assistance payment, the HACFM will notify the landlord of the amount of housing assistance payment that the owner must repay. The HACFM will require the owner to repay the amount owed in accordance with the policies in Section 16-IV.B.

At the discretion of the HACFM, the HAP contract may provide for vacancy payments to the owner. The HACFM may only make vacancy payments if:

- The owner gives the HACFM prompt, written notice certifying that the family has vacated the unit and identifies the date when the family moved out (to the best of the owner's knowledge).
- The owner certifies that the vacancy is not the fault of the owner, and that the unit was vacant during the period for which payment is claimed;
- The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy; and
- The owner provides any additional information required and requested by the HACFM to verify that the owner is entitled to the vacancy payment.

Deleted:);

Deleted: owner

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 38ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

The owner must submit a request for vacancy payments in the form and manner required by the HACFM and must provide any information or substantiation required by the HACFM to determine the amount of any vacancy payment.

HACFM Policy

If an owner's HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must have properly notified the HACFM of the vacancy in accordance with the policy in Section 17-VI.F. regarding filling vacancies.

In order for a vacancy payment request to be considered, it must be made within 10 business days of the end of the period for which the owner is requesting the vacancy payment. The request must include the required owner certifications and the HACFM may require the owner to provide documentation to support the request. If the owner does not provide the information requested by the HACFM within 10 business days of the HACFM's request, no vacancy payments will be made.

17-IX.C. TENANT RENT TO OWNER [24 CFR 983.353]

The tenant rent is the portion of the rent to owner paid by the family. The amount of tenant rent is determined by the HACFM in accordance with HUD requirements. Any changes in the amount of tenant rent will be effective on the date stated in the HACFM notice to the family and owner.

The family is responsible for paying the tenant rent (total tenant payment minus the utility allowance). The amount of the tenant rent determined by the HACFM is the maximum amount the owner may charge the family for rental of a contract unit. The tenant rent covers all housing services, maintenance, equipment, and utilities to be provided by the owner. The owner may not demand or accept any rent payment from the tenant in excess of the tenant rent as determined by the HACFM. The owner must immediately return any excess payment to the tenant.

Tenant and HACFM Responsibilities

The family is not responsible for the portion of rent to owner that is covered by the housing assistance payment and the owner may not terminate the tenancy of an assisted family for nonpayment by the HACFM.

Likewise, the HACFM is responsible only for making the housing assistance payment to the owner in accordance with the HAP contract. The HACFM is not responsible for paying tenant rent, or any other claim by the owner, including damage to the unit. The HACFM may not use housing assistance payments or other program funds (including administrative fee reserves) to pay any part of the tenant rent or other claim by the owner.

Utility Reimbursements

If the amount of the utility allowance exceeds the total tenant payment, the HACFM must pay the amount of such excess to the tenant as a reimbursement for tenant-paid utilities, and the tenant rent to the owner must be zero.

The HACFM may pay the utility reimbursement directly to the family or to the utility supplier on behalf of the family. If the HACFM chooses to pay the utility supplier directly, the HACFM must notify the family of the amount paid to the utility supplier.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 39ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

HACFM Policy

The HACFM will make utility reimbursements to the family.

17-IX.D. OTHER FEES AND CHARGES [24 CFR 983.354]

Meals and Supportive Services

With the exception of PBV assistance in assisted living developments, the owner may not require the tenant to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

In assisted living developments receiving PBV assistance, the owner may charge for meals or supportive services. These charges may not be included in the rent to owner, nor may the value of meals and supportive services be included in the calculation of the reasonable rent. However, non-payment of such charges is grounds for termination of the lease by the owner in an assisted living development.

Other Charges by Owner

The owner may not charge extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises.

Deleted: © Copyright 2008 Nan McKay & Associates, Inc

Deleted: 40ADMIN PLAN

Deleted: Unlimited copies may be made for internal use.

Chapter 18

OWNER OR FAMILY DEBTS TO THE HACFM

[24 CFR 982.552]

INTRODUCTION

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

When families or owners owe money to the HACFM, the HACFM will make every effort to collect it. The HACFM will use a variety of collection tools to recover debts including, but not limited to:

- * **Requests for lump sum payments**
- * **Civil suits**
- * **Payment agreements**
- * **Abatements**
- * **Reductions in HAP to owner**
- * **Collection agencies**
- * **Credit bureaus**
- * **Income tax set-off programs**

A. PAYMENT AGREEMENT FOR FAMILIES [24 CFR 982.552 (c)(v-vii)]

HACFM Policy

1. Request the family to attempt to pay in full the amount due to HACFM.
2. Request the family to pay 50% of the debt owned as a down payment and enter into a repayment agreement for the balance, or
3. If the family is unable to comply with 1 or 2, a repayment agreement may be considered as follows:
 - If the full amount is under \$300, a repayment agreement of not less than \$50 per ~~month but~~ must be paid in full by the end of the current fiscal year.
 - If the full amount is over \$300, a repayment agreement for payment in the amount of one-twelfth (1/12) of the full amount per month, or
 - Repayment agreements for large retroactive changes shall be at the discretion of the Director of Housing Operations or their authorized designee.

Deleted: month, but

With exception of extreme circumstances, all repayment agreements must be paid within a maximum of twelve (12) months.

4. Repayment Agreements are due and payable on the 1st of each month.
5. If the family already has a payment agreement in place and incurs an additional debt to the HACFM:
 - The HACFM will not enter into more than one payment agreement with the family.

B. DEBTS OWED TO PHA'S OR OTHER FEDERALLY ASSISTED HOUSING PROGRAMS

[24 CFR 792.103, 982.552 (c)(v-vii)]; 24 CFR 5.233

HACFM Policy

It is the policy of the HACFM not to provide rental assistance to a family which owes money to this or any other Public Housing Authority. Documented proof of payment in full must be provided to HACFM within 10 days of the notification from HACFM before housing assistance will be provided. Failure to provide documented proof will result in denial of assistance.

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use

Deleted: Revised 8.2014 ADMIN PLAN

C. GUIDELINES FOR PAYMENT AGREEMENTS [24 CFR 982.552(c)(v-vii)]

HACFM Policy

- Payment agreements will be executed between HACFM and the head of household and co-head or head of household and spouse.
- The payment agreement must be executed by the Housing Specialist, Section 8 Supervisor or Director of Housing Operations.
- Payments may only be made by money order or cashier's check.
- Repayment Agreements are due and payable on the 1st of each month.
- All payments are due by the close of business on the 5th day of the month. If the 5th day falls on a weekend or holiday, the HACFM will consider the next due date to be the close of the next business day after the 5th.
- The repayment agreement will be in default when 1 payment is delinquent.
- When a repayment agreement is in default, HACFM will require the family to pay the balance in full and or pursue civil collection and terminate program assistance.
- Monthly payments may be decreased in cases of family hardship and if requested with reasonable notice from the family, verification of the hardship, and the approval of the Section 8 Supervisor or higher authority.
- No move will be approved until the debt is paid in full unless the move is the result of the following causes, and the payment agreement is current:

* Family size exceeds the HQS maximum occupancy standards

* The HAP contract is terminated due to owner non-compliance or opt-out

* A natural disaster

Program Fraud

HACFM Policy

If a family owes an amount which equals or exceeds \$5,000.00 as a result of program fraud (unreported income), the case will be referred to the Inspector General and local law enforcement. Where appropriate, the HACFM will refer the case for criminal prosecution.

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

F. OWNER DEBTS TO THE HACFM [24 CFR 982.453(b)]

HACFM Policy

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

If future housing assistance or claim payments are insufficient to reclaim the amounts owed, the HACFM will:

- * Require the owner to pay the amount in full within 30 days.
- * Enter into a payment agreement with the owner for the amount owed.
- * Pursue collections through the local court system.
- * Pursue collection through any other HAP Contracts in effect for other tenants.
- * Restrict the owner from future participation.

G. WRITING OFF DEBTS

HACFM Policy

Debts will be written off if:

- * The debtor's whereabouts are unknown, and the debt is more than 5 years old or;
- * A determination is made that the debtor is judgment proof or.
- * The debtor is deceased or.
- * The debtor is confined to an institution indefinitely or for more than 5 years or.
- * The amount is less than \$500.00 and the debtor cannot be located.

Deleted: unknown

Deleted: or;

Deleted: or;

Deleted: or;

H. DEBTS DUE TO MINIMUM RENT TEMPORARYHARDSHIP

HACFM Policy

If a minimum rent temporary hardship has been granted by HACFM, a repayment agreement will be offered in accordance with the guidelines in the Payment Agreement Section of this Chapter

If the family is unable to comply with 1 or 2, a repayment agreement may be

Deleted: offered

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Deleted: Revised 8.2014 ADMIN PLAN

considered as follows:

- If the full amount is under \$300, a repayment agreement of not less than \$50 per ~~month but~~ must be paid in full by the end of the current fiscal year.

Deleted: month, but

18-5

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay &
Associates Unlimited copies may be made for internal use¶

Deleted: Revised 8.2014 ADMIN PLAN

Reserved

18-6

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay &
Associates Unlimited copies may be made for internal use¶

Deleted: Revised 8.2014 ADMIN PLAN

Chapter 19

COMPLAINTS AND APPEALS

INTRODUCTION

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

Deleted: A. COMPLAINTS TO HACFM¶

¶ HACFM Policy¶

HACFM will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. HACFM **may** require that complaints other than HQS violations be put in writing.

HQS complaints may be reported by telephone.¶

HACFM hearing procedures will be provided to families in the briefing packet. Categories of Complaints¶

Complaints from families: If a family disagrees with an action or inaction of HACFM or owner.¶

Complaints from families will be referred to the Housing Specialist.¶

If a complaint is not resolved, it will be referred to the Section 8 Supervisor.¶

¶

Complaints from owners: If an owner disagrees with an action or inaction of HACFM or a family.¶

Complaints from families will be referred to the Housing Specialist.¶

If a complaint is not resolved, it will be referred to the Section 8 Supervisor¶

¶

Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules,¶ the complaint will be referred to the Section 8 Supervisor¶

¶

Complaints from the general public: Complaints or referrals from persons in the community in regard to HACFM, a family or an owner.¶

Complaints from the general public will be referred to the Section 8 Supervisor¶

If a complaint is not resolved, it will be referred to the Housing Director.¶

20B. PREFERENCE DENIALS

HACFM Policy

*When HACFM denies a preference to an applicant, the family will be notified in writing of the specific reason for the denial and offered the opportunity for a meeting with HACFM staff to discuss the reasons for the denial and to dispute HACFM's decision.

*The person who conducts the meeting will be:

- * The Housing Specialist or their designee.
- * An employee of HACFM who is at or above the level of Housing Specialist but not the employee who made the decision.

C. INFORMAL REVIEW PROCEDURES FOR APPLICANTS [24 CFR 982.54(d)(12), 982.554]

HACFM Policy

Reviews are provided for applicants who are denied assistance before the effective date of the HAP contract. The exception is that when an applicant is denied assistance for citizenship or eligible immigrant status, the applicant is entitled to an informal hearing. When HACFM determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

The reason(s) they are ineligible,

The procedure for requesting a review if the applicant does not agree with the decision and

The time limit for requesting a review.

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

HACFM must provide applicants with the opportunity for an informal review of decisions denying:

- Qualification for preference
- Listing on HACFM's waiting list
- Issuance of a voucher
- Participation in the program
- Assistance under portability procedures

Informal reviews are not required for established policies and procedures and HACFM determinations such as:

- Discretionary administrative determinations by HACFM
- General policy issues or class grievances
- A determination of the family unit size under HACFM subsidy standards

Refusal to extend or suspend a voucher
A HACFM determination not to grant approval of the tenancy
Determination that unit is not in compliance with HQS
Determination that unit is not in accordance with HQS due to family size or composition

Procedure for Review

A request for an informal review must be received **in writing** by the close of the business day, no later than **10** business days from the date of HACFM's notification of denial of assistance. The informal review will be conducted within **30** days from the date the request is received. The informal review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person. The review may be conducted by:

- **The Section 8 Supervisor**
- **The Housing Director**

An informal review consists of reviewing the file for accuracy, compliance and determining whether or not the applicant fulfilled his/her obligations and appropriate steps were taken prior to denial of assistance. The applicant has the right to present oral or written objections to the decision. Both HACFM and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense. A notice of the review findings will be provided in writing to the applicant within **10 business** days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision. All requests for a review, supporting documentation, and a copy of the final decision will be retained in the family's file.

D. INFORMAL HEARING PROCEDURES [24 CFR 982.555(a-f), 982.54(d)(13)] **HACFM Policy**

When HACFM makes a decision regarding the eligibility and/or the amount of assistance, applicants and participants must be notified in writing. HACFM will give the family prompt notice of such determinations which will include:

- The proposed action or decision of HACFM.
- The date the proposed action or decision will take place.
- The family's right to an explanation of the basis for HACFM's decision.
- The procedures for requesting a hearing if the family disputes the action or decision.
- The time limit for requesting the hearing.
- When terminating assistance for criminal activity as shown by a criminal record, HACFM will provide the subject of the record and the tenant/participant with a copy of the criminal record upon which the decision to terminate was based.
- To whom the hearing request should be addressed
- A copy of HACFM's hearing procedures

19-3

Deleted: HACFM;

Deleted: place;

Deleted: decision;

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

HACFM must provide participants with the opportunity for an informal hearing for decisions related to any of the following HACFM determinations:

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment
- Appropriate utility allowance used from schedule
- Family unit size determination under HACFM subsidy standards
- Determination to terminate assistance for any reason.
- Determination to terminate a family's FSS contract, withhold supportive services, or propose forfeiture of the family's escrow account.

HACFM must always provide the opportunity for an informal hearing before termination of assistance.

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

- Discretionary administrative determinations by HACFM
- General policy issues or class grievances
- Establishment of HACFM schedule of utility allowances for families in the program
- A HACFM determination not to approve an extension or suspension of a voucher term
- A HACFM determination not to approve a unit or lease
- A HACFM determination that an assisted unit is not in compliance with HQS (HACFM must provide hearing for family breach of HQS because that is a family obligation determination)
- A HACFM determination that the unit is not in accordance with HQS because of the family size
- A HACFM determination to exercise or not exercises any right or remedy against the owner under a HAP contract

Deleted: exercise

Notification of Hearing

It is HACFM's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, HACFM will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When HACFM receives a request for an informal hearing, a hearing shall be scheduled within [30] days. The notification of hearing will contain:

The date and time of the hearing

The location where the hearing will be held

The family's right to bring evidence, witnesses, legal or other representation at the family's expense

The right to view any documents or evidence in the possession of HACFM upon which HACFM based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. The participant must request the documents no later than

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

12:00 pm on the business day prior to the scheduled hearing date.

A notice to the family that HACFM will request a copy of any documents or evidence the family will use at the hearing. The participant must make the documents available no later than 12:00 pm on the business day prior to the scheduled hearing date.

HACFM's Hearing Procedures

- After a hearing date is scheduled, the family may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.
- If the family does not appear at the scheduled time, and did not make arrangements in advance, HACFM will proceed with the termination.
- If a family does not appear at a scheduled hearing and has not rescheduled the hearing in advance, the family must contact HACFM within [24] hours, excluding weekends and holidays. HACFM will reschedule the hearing only if the family can show good cause for the failure to appear.
- Families have the right to:
 - Present written or oral objections to HACFM's determination.
 - Examine the documents in the file which are the basis for HACFM's action, and all documents submitted to the Hearing Officer.
 - Copy any relevant documents at their expense.
 - Present any information or witnesses pertinent to the issue of the hearing.
 - Request that HACFM staff be available or present at the hearing to answer questions pertinent to the case; and
 - Be represented by legal counsel, advocate, or other designated representative at their own expense.
- In no case will the family be allowed to remove the file from HACFM's office. The family will be allowed to copy any documents related to the hearing at a cost per the Florida Statute 119.
- In addition to other rights contained in this Chapter, HACFM has a right to:
 - Present evidence and any information pertinent to the issue of the hearing.
 - Be notified if the family intends to be represented by legal counsel, advocate, or another party.
 - Examine and copy any documents to be used by the family prior to the hearing.
 - Have its attorney present; and
 - Have staff persons and other witnesses familiar with the case present.
- The informal hearing shall be conducted by the hearing officer appointed by HACFM

Deleted: Officer;

Deleted: expense;

Deleted: hearing;

Deleted: hearing;

Deleted: party;

Deleted: hearing;

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

who is neither the person that made or approved the decision nor a subordinate of that person? HACFM appoints hearing officers who are HACFM management from departments other than the HCV program, HACFM employees trained as hearing officers in departments other than the HCV program. HACFM also used other PHA's to serve as hearing officers as needed.

Deleted: person.

- The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.
- The Hearing Officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision.
- If the family misses an appointment or deadline ordered by the Hearing Officer, the action of HACFM shall take effect and another hearing will not be granted.
- The Hearing Officer will determine whether the action, inaction or decision of HACFM is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.
- A notice of the hearing findings shall be provided in writing to HACFM and the family within **10 business** days and shall include:
 - A clear summary of the decision and reasons for the decision.
 - If the decision involves money owed, the amount owed.
 - The date the decision goes into effect.
- HACFM is not bound by hearing decisions:
 - Which concern matters in which HACFM is not required to provide an opportunity for a hearing.
 - Which conflict with or contradict to HUD regulations or requirements.
 - Which conflict with or contradict Federal, State or local laws; or
 - Which exceed the authority of the person conducting the hearing?
- HACFM shall send a letter to the participant if it determines HACFM is not bound by the Hearing Officer's determination within **[10]** days. The letter shall include HACFM's reasons for the decision.

Deleted: decision;

Deleted: requirements;

Deleted: hearing.

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

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

E. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS" [24 CFR Part 5, Subpart E]

INSTRUCTION: In accordance with the Quality Housing and Work Responsibility Act of 1998, HACFMs may no longer elect not to comply with ("opt-out" of) the noncitizen requirements (Part 5, Subpart E).

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

Assistance to a family may not be terminated or denied while HACFM hearing is pending but assistance to an applicant may be delayed pending HACFM hearing.

INS Determination of Ineligibility

HACFM Policy

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, HACFM notifies the applicant or participant within ten business days of their right to appeal to the INS within thirty days or to request an informal hearing with HACFM either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give HACFM a copy of the appeal and proof of mailing or HACFM may proceed to deny or terminate. The time period to request an appeal may be extended by HACFM for good cause.

The request for a HACFM hearing must be made within 30 days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within 30 days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members HACFM will:

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

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

All other complaints related to eligible citizen/immigrant status:

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.

Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

E. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES [24 CFR 982.204, 982.552(c)]

HACFM Policy

When applicants are denied placement on the waiting list, or HACFM is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

- Examples of mitigating circumstances are a) A person with a cognitive disorder may not have understood the requirement to report increases in income, b) A person may not understand the need to make regular repayments on a promissory note, c) Minor criminal records for public drunkenness may be due to medication; prior incarcerations for being disorderly may be emotional disorder.

Deleted: are:

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

Chapter 20
SPECIAL HOUSING TYPES

[24 CFR 982.601]

INTRODUCTION

The HACFM will permit the use of [any special housing types/state which housing types] in its program only if the applicant/participate can demonstrate that it is needed as a reasonable accommodation for a person with a disability. Acceptable demonstration will include documentation from one or more knowledgeable professionals who are familiar with the applicant/participant and or the type of special housing requested as accommodation.

The HACFM will not set aside any program funding for special housing types, or for a special housing type.

Verification of Need for Reasonable Accommodation

Acceptable documentation as verification of the need for reasonable accommodation would be a letter to the HACFM describing how the special housing type requested provides the accommodation of which the person is in need. The request and documentation will be reviewed by [Section 8 Coordinator] and a written response stating approval or disapproval will be sent to the applicant/participant within [30] days of receipt of the request.

A copy of the HACFM's response with supporting documentation will be maintained in the applicant/participant's file. The requested housing type must be approvable by all other HUD standards and HQS requirements in accordance with 24 CFR 982 Section M - Special Housing Types.

A. SINGLE ROOM OCCUPANCY [24 CFR 982.602]

HUD has determined that there [is not] a demand for SROs in this area. Therefore, a single person [may not] reside in an SRO housing unit.

The HACFM will use a separate lease and housing assistance payment contract for each assisted person residing in an SRO. [24 CFR 982.603]

Deleted: a

SRO Rent and Housing Assistance Payment [24 CFR 982.604]

Pre-merger Regular Certificate Program

The payment standard for SRO housing is 75 percent of the zero bedroom FMR.

Voucher Program

The HACFM SRO payment standard is 75 percent of the zero bedroom payment standard schedule. For a person residing in an exception area the payment standard is 75 percent of the HUD-approved zero bedroom exception payment standard amount. While an assisted person resides in SRO housing, the SRO payment standard must be used to calculate the housing assistance payment.

Utility Allowance

The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero bedroom utility allowance.

Housing Quality Standards

The HACFM will ensure that all SRO units approved for the program are in compliance with all of the Housing Quality Standards for SROs as regulated in 24 CFR 982.605.

B. CONGREGATE HOUSING [24 CFR 982.606]

An elderly person or a person with disabilities may reside in a congregate housing unit.

The HACFM may approve a family member or live-in aide to reside with the elderly person or person with disabilities.

The HACFM will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Congregate Housing Lease and HAP Contract [24 CFR 982.607]

For congregate housing there will be a separate lease and HAP contract for each assisted family.

Unless there is a live-in aide, the payment standard for a family that resides in a congregate housing unit is the zero-bedroom payment standard on the HACFM payment standard schedule.

However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the payment standard for a family that resides in a congregate housing unit is the one bedroom payment standard amount.

If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

Housing Quality Standards

The HACFM will ensure that all congregate housing units approved for the program are in compliance with all of the Housing Quality Standards for congregate housing as regulated in 24 CFR 982.609.

C. GROUP HOMES [24 CFR 982.610, 982.612]

A group home must be licensed, certified, or otherwise approved in writing by the State, or the State's licensing department.

An elderly person or a person with disabilities may reside in a State-approved group home. If approved by the HACFM, a live-in aide may reside with a person with disabilities.

The HACFM must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. Except for a live-in aide, all residents of a group home must be elderly persons or persons with disabilities.

The HACFM will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continual medical or nursing care.

No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

Group Home Lease and HAP Contract [24 CFR 982.611]

There will be a separate HAP contract and lease for each assisted person living in a group home. For a group home the term "pro-rata portion" means that which is derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any HACFM-approved live-in Aide.

Group Home Rent and HAP Contract [24 CFR 982.613]

The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.

The reasonable rent for a group home is determined in accordance with 982.503. In determining reasonable rent, the HACFM will consider whether sanitary facilities, and facilities for food preparation and service, are common facilities or private.

Deleted: rent

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use

Maximum Subsidy

Unless there is a live-in aide, the family unit size is **[one bedroom]**. If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

The payment standard for a person who resides in a group home is the lower of the payment standard for the family unit size; or the pro-rata portion of the payment standard amount on the HACFM payment standard schedule for the group home size.

Utility Allowance

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

Housing Quality Standards

The HACFM will ensure that all group home units approved for the program are in compliance with all of the Housing Quality Standards for group homes as regulated in 24 CFR 982.614.

D. SHARED HOUSING [24 CFR 982.615]

Occupancy

An assisted family may reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment.

The HACFM may approve a live-in aide to reside with a family in order to care for a person with a disability. The HACFM must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Other persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit. The owner of a shared housing unit may reside in the unit.

A resident owner may enter into a HAP contract with the HACFM. However, housing assistance may not be paid on behalf of an owner. The HACFM will not approve assistance for a person or family that is related by blood or marriage to a resident owner.

There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

Rent and HAP Contract

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five bedroom unit, the ratio would be 3/5.

The rent to owner to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set in the "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

Maximum Subsidy

For a family that resides in a shared housing unit the payment standard is the lower of the payment standard amount on the HACFM payment standard schedule for the family unit size or the pro-rata portion of the payment standard amount on the HACFM payment standard for the shared housing unit size.

If the HACFM approves a live-in aide, the live-in aide will be counted in determining the family unit size.

Utility Allowance

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

Housing Quality Standards

The HACFM will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards for shared housing as regulated in 24 CFR 982.618.

E. COOPERATIVE HOUSING [24 CFR 982.619]

The HACFM will approve a family living in cooperative housing if it is determined that assistance under the program will help maintain affordability of the cooperative unit for low-income families. The HACFM will not approve assistance for a family in cooperative housing until the HACFM has also determined that the cooperative has adopted requirements to maintain continued affordability for low-income families after transfer of a cooperative member's interest in a cooperative unit (such as a sale of the resident's share in a cooperative corporation).

The reasonable rent in cooperative housing is determined in accordance with "Owner Rents, Rent Reasonableness, and Payment Standards" chapter. For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.

The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. It includes the member's share of the cooperative's debt service, operating expenses, and necessary payments to cooperative reserve funds. However, the carrying charge does not include down-payments or other payments to purchase the cooperative unit, or to amortize a loan to the family for this purpose. Gross rent is the carrying charge plus any utility.

For a cooperative, rent adjustments are applied to the carrying charge as determined in "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to Section 8 limitations on rent to owner. The housing assistance payment will be determined in accordance with the guidelines in "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

The HACFM may approve a live-in aide to reside with the family to care for a person with disabilities. The HACFM will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. If the HACFM approves a live-in aide, the live-in aide will be counted when determining the family unit size.

Housing Quality Standards

The HACFM will ensure that all cooperative housing units approved for the program are in compliance with all of the Housing Quality Standards outlined in the "Housing Quality Standards and Inspections" chapter and regulated by 24 CFR 982.401.

E. MANUFACTURED HOMES [24 CFR 982.620]

The HACFM will permit a family to lease a manufactured home and space with assistance under the program. The HACFM **[will]** provide assistance for a family that owns the manufactured home and leases only the space.

The HACFM may approve a live-in aide to reside with a family to care for a person with disabilities. The HACFM will approve a live-in aide if needed as a reasonable accommodation so that the program is accessible to and usable by persons with disabilities. If the HACFM approves a live-in aide, the live-in aide must be counted when determining the family unit size.

Housing Quality Standards [24 CFR 982.621]

A manufactured home must meet all the HQS requirements outlined in the "Housing Quality Standards and Inspections" chapter and regulated by 24 CFR 982.401. In addition, the manufactured home also must meet the following requirements:

A manufactured home must be placed on the site in a stable manner and must be free from hazards such as sliding or wind damage.

A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

[INSTRUCTION: The rest of this section only applies when the HACFM agrees to provide assistance to families who own the manufactured home but need to lease space.]

Manufactured Home Space Rental [24 CFR 982.622]

Rent to owner for a manufactured home space will include payment for maintenance services that the owner must provide to the tenant under the lease for the space.

Rent to owner does not include the cost of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

Reasonable Rent

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by the HACFM.

The HACFM will not approve a lease for a manufactured home space until the HACFM has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the HACFM will redetermine that the rent is reasonable.

The HACFM will determine whether the rent to owner for a manufactured home space is a reasonable rent in comparison to rents for other comparable manufactured home spaces. The HACFM will consider the size and location of the space and any services and maintenance provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from the HACFM, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. If requested by the HACFM, the owner must provide the HACFM information on rents for other manufactured home space.

Housing Assistance Payments for Manufactured Home Space [24 CFR 982.623]

The FMR for a manufactured home space will be determined by HUD.

HAP for the Regular Tenancy Program

For the Regular Tenancy ~~Program~~, the initial rent to owner for leasing a manufactured home space may not exceed the published FMR for a manufactured home space.

During the term of a certificate tenancy, entered prior to the merger date, the amount of the monthly housing assistance payment equals the lesser of:

The manufactured home space cost minus the:

The Total Tenant Payment; OR

The rent to owner for the manufactured home space.

"Manufactured home space cost" means the sum ~~of~~ the amortization cost, the utility allowance, and the rent to owner for the manufactured home space.

Deleted: Program

Deleted: of:

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

The amortization cost may include debt service to amortize costs (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan. The debt service amount will be reduced by 15 percent to exclude debt service to amortize the cost of furniture, unless the HACFM determines that furniture was not included in the purchase price.

Any debt service due to refinancing the manufactured home after purchase of the home is not included in the amortization costs.

The HACFM **will not** approve as part of the monthly amortization payment, set-up charges to be included in the debt service incurred by a family that relocates its home.

The HACFM **will not** include as part of the monthly amortization payment, set-up charges incurred before the family became an assisted family, if monthly payments are still being made to amortize such charges.

HAP for the Voucher Tenancy

There is a separate FMR for a family renting a manufactured home space. The payment standard is used to calculate the monthly housing assistance payment for a family. The FMR for rental of a manufactured home space is generally 40 percent of the published FMR for a two-bedroom unit.

Subsidy Calculation for the Voucher Program

During the term of a voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

The payment standard minus the total tenant payment; or

The rent paid for rental of the real property on which the manufactured home owned by the family is located (the space rent) minus the total tenant payment.

The space rent is the sum of the following as determined by the HACFM:

Rent to owner for the manufactured home ~~space.~~

Owner maintenance and management charges for the space.

~~The utility allowance for tenant paid utilities.~~

Deleted: space;

Deleted: ;

Deleted:

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates
Unlimited copies may be made for internal use

Utility Allowance Schedule for Manufactured Home Space Rental [24 CFR 982.624]

The HACFM will establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances will include a reasonable amount for utility hook-up charges payable by the family, if the family actually incurs the expenses because of a move.

Allowances for utility hook-up charges do not apply to a family that leases a manufactured home space in place.

Utility allowances for manufactured home space will not be applied to cover the costs of digging a well or installation of a septic system.

G. HOMEOWNERSHIP [24 CFR 982.625]

The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family.

The HACFM must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

The HACFM may make homeownership available to all who qualify or restrict homeownership to families or purposes defined by the HACFM. The HACFM may also limit the number of families assisted with homeownership.

Deleted: qualify, or

*The HACFM will offer the homeownership option to all applicant and participant families who meet the eligibility requirements listed below.

*The HACFM will offer the homeownership option only to participating families who:

- *Are currently enrolled in the Family Self-Sufficiency (FSS) Program and in compliance with the FSS contract.

- *Are graduates of the HACFM's Family Self-Sufficiency FSS program.

- *Complete the Home Buyers Education Program

- *Contain at least 1 adult family member who has been fully employed for at least 2 years

Eligibility Requirements [24 CFR 982.627]

The family must meet all of the requirements listed below before the commencement of homeownership assistance.

The family must be eligible for the Housing Choice Voucher program.

The family must qualify as a first-time homeowner or may be a co-operative member.

The family must meet the Federal minimum income requirement. The family must have a gross annual income equal to the Federal minimum wage multiplied by 2000, based on the income of adult family members who will own the home. Unless the family is elderly or disabled, income from welfare assistance will not be counted toward this requirement.

The family must meet the Federal minimum employment requirement.

At least one adult family member who will own the home must be currently employed full time and must have been continuously employed for one year prior to homeownership assistance.

HUD regulations define A full time employment@ as not less than an average of 30 hours per week.

*A family member will be considered to have been continuously employed even if that family member has experienced a break in employment, provided that the break in employment:

*did not exceed [30 calendar days]; and

*did not occur within the [3 month] period immediately prior to the family's request to utilize the homeownership option; and

*has been the only break in employment within the past 12 calendar months.

The Federal minimum employment requirement does not apply to elderly or disabled families.

Any family member who has previously defaulted on a mortgage obtained through the homeownership option is barred from receiving future homeownership assistance.

Deleted: Afull

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

*The HACFM will impose the following additional initial requirements:

*The family has had no family-caused violations of HUD's Housing Quality standards within the last [1 year period].

*The family is not within the initial 1-year period of a HAP Contract.

*The family does not owe money to the HACFM.

*The family has not committed any serious or repeated violations of a HACFM-assisted lease within the past [1 year/specify time period].

*[List additional HACFM requirements]

Homeownership Counseling Requirements [24 CFR 982.630]

When the family has been determined eligible, they must attend and complete homeownership counseling sessions. These counseling sessions will be conducted by [HACFM staff/ specify HUD-approved housing counseling agency/ specify other entity]. Such counseling shall be consistent with HUD-approved housing counseling.

The following topics will be included in the homeownership counseling sessions:

*Home maintenance (including care of the grounds).

*Budgeting and money management.

*Credit counseling.

*How to negotiate the purchase price of a home.

*How to obtain homeownership financing and loan preapprovals, including a description of types of financing that may be available, and the pros and cons of different types of financing.

*How to find a home, including information about homeownership opportunities, schools, and transportation in the HACFM jurisdiction.

*Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas.

*Information about RESPA, state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.

Deleted:);

Deleted: management;

Deleted: counseling;

Deleted: home;

Deleted: financing;

Deleted: jurisdiction;

Deleted: areas;

Deleted: conditions;

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates
Unlimited copies may be made for internal use

Eligible Units [24 CFR 982.628]

The unit must meet all of the following requirements:

The unit must meet HUD’

Eligible Housing requirements. The unit may not be any of the

following: A public housing or Indian housing unit.

A unit receiving Section 8 project-based assistance.

A nursing home, board and care home, or facility providing continual psychiatric, medical or nursing services.

A college or other school dormitory.

On the grounds of penal, reformatory, medical, mental, or similar public or private institutions.

The unit was already existing or under construction at the time the family was determined eligible for homeownership assistance.

The unit is a one-unit property or a single dwelling unit in a cooperative or condominium.

The unit has been inspected by the HACFM and by an independent inspector designated by the family.

The unit meets HUD Housing Quality Standards.

The HACFM must not approve the seller of the unit if the HACFM has been informed that the seller is debarred, suspended, or subject to a limited denial of participation.

Deleted: s A

Deleted: @

Deleted: unit;

Deleted: assistance;

Deleted: services;

Deleted: dormitory;

HACFM Search and Purchase Requirements [24 CFR 982.629]

The HACFM has established the maximum time that will be allowed for a family to locate and purchase a home.

The family's deadline date for locating a home to purchase will be [number of calendar days/months] from the date the family's eligibility for the homeownership option is determined.

The family must obtain financing for the home within [number of calendar/working days/ number of months] of [the date eligibility for the homeownership program is determined/ locating a home to purchase].

The family must purchase the home within [number of calendar/working days/ number of months] of [the date eligibility for the homeownership program is determined/ locating a home to purchase].

The HACFM [will/will not] require periodic reports on the family's progress in finding and purchasing a home. *Such reports will be provided by the family at intervals of [number of days/months].

If the family is unable to purchase a home within the maximum time limit, the HACFM [will issue the family a voucher to lease a unit/ will place the family=s name on the waiting list for a voucher].

Inspection and Contract [24 CFR 982.631]

The unit must meet Housing Quality Standards and must also be inspected by an independent professional inspector selected and paid by the family.

The independent inspection must cover major building systems and components. The inspector must be qualified to identify physical defects and report on property conditions, including major building systems and components. These systems and components include, but are not limited to:

Foundation and structure;

Housing interior and exterior;

Roofing.

Plumbing, electrical and heating systems.

Deleted: Roofing;

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

The independent inspector must not be a HACFM employee or contractor. The HACFM will not require the family to use an independent inspector selected by the HACFM, but the HACFM has established the following standards for qualification of inspectors selected by the family.

***The HACFM requires the following qualifications for independent inspectors:** [list qualifications]

Copies of the independent inspection report will be provided to the family and the HACFM. Based on the information in this report, the family and the HACFM will determine whether any pre-purchase repairs are necessary.

The HACFM may disapprove the unit for homeownership assistance because of information in the report.

The family must enter into a contract of sale with the seller of the unit. A copy of the contract must be given to the HACFM. The contract of sale must specify the price and terms of sale and provide that the purchaser will arrange for a pre-purchase independent inspection of the home. The contract must also:

Provide that the purchaser is not obligated to buy the unit unless the inspection is ~~satisfactory~~.

Provide that the purchaser is not obligated to pay for necessary repairs; and

Contain the seller's certification that he or she has not been debarred, suspended or subject to a limited denial of participation.

Financing [24 CFR 982.632]

The family is responsible for securing financing. The HACFM has established financing requirements, listed below, and may disapprove proposed financing if the HACFM determines that the debt is unaffordable.

Deleted: satisfactory;

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay & Associates Unlimited copies may be made for internal use¶

* The HACFM will prohibit the following forms of financing:

- *balloon payment mortgages
- * variable interest rate loans
- * seller financing
- * seller financing on a case-by-case basis

*The HACFM will require a minimum cash down payment of 3 percent of purchase price] of which 1 percent must be paid from the family's own resources.

*The HACFM will impose a minimum initial equity requirement.

Continued Assistance [24 CFR 982.633]

Homeownership assistance may only be paid while the family is residing in the home. The family or lender is not required to refund homeownership assistance for the month when the family moves out.

The family must comply with the following obligations:

The family must comply with the terms of the mortgage securing debt incurred to purchase the home, or any refinancing of such debt.

The family may not convey or transfer ownership of the home, except for purposes of financing, refinancing, or pending settlement of the estate of a deceased family member. Use and occupancy of the home are subject to CFR 982.551 (h) and (i).

The family must supply information to the HACFM, or HUD as specified in CFR 982.551(b). The family must further supply any information required by the HACFM or HUD concerning mortgage financing or refinancing, sale or transfer of any interest in the home, or homeownership expenses.

The family must notify the HACFM before moving out of the home.

The family must notify the HACFM if the family defaults on the mortgage used to purchase the home.

No family member may have any ownership interest in any other residential property.

***The family must attend and complete ongoing homeownership counseling.**

***The home must pass a HUD Housing Quality Standards inspection** [yearly/specify other time period].

Before commencement of homeownership assistance, the family must execute a statement in which the family agrees to comply with all family obligations under the homeownership option.

Maximum Term of Homeownership Assistance [24 CFR 982.634]

Except in the case of elderly or disabled families, the maximum term of homeownership assistance is:

15 years, if the initial mortgage term is 20 years or longer, or

10 years in all other cases.

The elderly exception only applies if the family qualified as elderly at the start of homeownership assistance. The disabled exception applies if, at any time during receipt of homeownership assistance, the family qualifies as disabled.

If the family ceases to qualify as elderly or disabled during the course of homeownership assistance, the maximum term becomes applicable from the date assistance commenced. However, such a family must be afforded at least 6 months of homeownership assistance after the maximum term becomes applicable.

If the family receives homeownership assistance for different homes, or from different HACFMs, the total is subject to the maximum term limitations.

Homeownership Assistance Payments and Homeownership Expenses [24 CFR 982.635]

The monthly homeownership assistance payment is the lower ~~of~~ the voucher payment standard minus the total tenant payment, or the monthly homeownership expenses minus the total tenant payment.

Deleted: of:

In determining the amount of the homeownership assistance payment, the HACFM will use the same payment standard schedule, payment standard amounts, and subsidy standards as those described in this plan for the Housing Choice Voucher program.

The HACFM will pay the homeownership assistance payment [directly to the family/to a lender on behalf of the family/to the family or to the lender at the discretion of the HACFM].

Some homeownership expenses are allowances or standards determined by the HACFM in accordance with HUD regulations. These allowances are used in determining expenses for all homeownership families and are not based on the condition of the home.

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates
Unlimited copies may be made for internal use

Homeownership expenses include:

Principal and interest on mortgage debt.

Mortgage insurance premium.

Taxes **and insurance.**

The HACFM utility allowance used for the voucher program.

The HACFM allowance for routine maintenance costs **[amount/reference to attachment]**.

The HACFM allowance for major repairs and replacements **[amount/reference to attachment]**.

Principal and interest on debt for improvements.

***If the home is a cooperative or condominium, expenses also include operating expenses or maintenance fees assessed by the homeowner association.**

Portability [24 CFR 982.636, 982.353(b) and (c), 982.552, 982.553]

Subject to the restrictions on portability included in HUD regulations and in Chapter 13 of this plan, the family may exercise portability if the receiving HACFM is administering a voucher homeownership program and accepting new homeownership families.

The receiving HACFM may absorb the family into its voucher program or bill the initial HACFM. The receiving HACFM arranges for housing counseling and the receiving HACFM=s homeownership policies apply.

Moving With Continued Assistance [24 CFR 982.637]

A family receiving homeownership assistance may move with continued tenant-based assistance. The family may move with voucher rental assistance or with voucher homeownership assistance. Continued tenant-based assistance for a new unit cannot begin so long as any family member holds title to the prior home.

- The HACFM prohibits more than one move by the family during any one year period.
- The HACFM will deny permission to move with continued rental or homeownership assistance if the HACFM determines that it does not have sufficient funding to provide continued assistance.
- The HACFM will require the family to complete additional homeownership counseling prior to moving to a new unit with continued assistance under the homeownership option.

Deleted: *

Deleted: *

Deleted: *

Deleted: Copyright 2001 by Nan McKay & Associates¶
To be reprinted only with permission of Nan McKay &
Associates Unlimited copies may be made for internal use¶

Denial or Termination of Assistance [24 CFR 982.638]

Termination of homeownership assistance is governed by the policies for the Housing Choice Voucher program contained in chapter 15 of the Administrative Plan. However, the provisions of CFR 982.551 (c) through (j) are not applicable to homeownership.

The HACFM will terminate homeownership assistance if the family is dispossessed from the home due to a judgment or order of foreclosure.

- The HACFM will permit such a family to move with continued voucher rental assistance. However, rental assistance will be denied if the family defaulted on an FHA- insured mortgage, and the family fails to demonstrate that:

The family has conveyed, or will convey, title to the home as required by HUD, and

The family has moved, or will move, within the period required by HUD.

- The HACFM will not permit such a family to move with voucher rental assistance.

The HACFM will terminate homeownership assistance if the family violates any of the family obligations contained in this section.

The HACFM will terminate homeownership assistance if the family violates any of the following family obligations:

- Transfer or conveyance of ownership of the home.
- Providing requested information to the HACFM or HUD.
- Notifying the HACFM before moving out of the home.

Deleted: *

Deleted: *

Deleted: *

Deleted: *

Deleted: *

Deleted: home;

Deleted: *

Deleted: HUD;

Deleted: *

Deleted: home;

Deleted: Copyright 2001 by Nan McKay & Associates
To be reprinted only with permission of Nan McKay & Associates
Unlimited copies may be made for internal use

Pilot Program for Homeownership Assistance for Disabled Families [CFR 982.642]

The HACFM has the option of offering assistance under the pilot program instead of, or in addition to, the homeownership assistance described in this section. Most of the regulations governing homeownership assistance apply to the pilot program.

Eligibility: the family must meet the definition of "disabled family." The family is not required to meet the low-income requirement, but annual income cannot exceed 99% of the area median. The family must not be a current homeowner and must close on the home within 3 years of July 23, 2001. The family need not meet the definition of "first-time homeowner."

Homeownership Assistance Payments: Payments are calculated as described in this section. A low-income family receives the full assistance payment. A family whose annual income is between 81% and 89% of area median receives 66% of the assistance payment. A family whose annual income is between 90% and 99% of area median receives 33% of the assistance payment. The HACFM must make payments to the lender.

Mortgage Defaults: The HACFM may permit the family to move with continued homeownership assistance if the default is due to catastrophic medical reasons or to the impact of a federally declared disaster.

***The HACFM [will/will not] offer homeownership assistance under the pilot program for disabled families.**

To the extent applicable, the HACFM's policies for homeownership assistance apply to families participating in the pilot program.

Recapture of Homeownership Assistance [24 CFR 982.640]

The HACFM will comply with CFR 982.640 in recapturing a percentage of the homeownership assistance provided to the family upon sale or refinancing of the home.

Upon purchase of the home, the family shall execute documentation securing the HACFM's right to recapture homeownership assistance.

CHAPTER 21

COST SAVING OPTIONS

In recent years the management of the Housing Choice Voucher (HCV) Program has become more difficult for the Housing Authority of the City of Fort Myers (HACFM) and all other housing authorities managing the HCV program. As Congress and HUD change the way they fund the program, more and more challenges face the HACFM.

There are no simple solutions to the challenges the HACFM faces and the actions we must take will vary depending on circumstances that are often beyond our control. Therefore, HACFM hereby establishes in its Administrative Plan the following options that will be considered by the Board of Commissioners depending on the particular circumstances of the time. They are not listed in any particular order.

1. None of these options will be implemented without Board of Commissioner approval and the opportunity for affected participants to address the Board of Commissioners.
2. Any actions taken under this section of the Administrative Plan will terminate if and when the procuring reason for the action is no longer in effect.
3. Rescissions will also require Board of Commissioner approval.
4. Notwithstanding anything in this Section, the adoption of policies noted herein to deny portability or moves within the jurisdiction or revision of payment or subsidy standards, reasonable accommodation requests for a person's disability must still be evaluated in accordance with HUD's Section 504 implementing regulations at 24 CFR part 8.
5. Such requests will be granted when an accommodation is necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling, unless it would impose an undue financial and administrative burden on HACFM or fundamentally alter the nature of our operations.

There shall be one basic principle that will guide HACFM in implementing any or all of the options listed below:

- What must HACFM do to assist the maximum number of eligible people in a quality HCV Program while maintaining the fiscal integrity of the program and impacting a participant's rent burden as little as possible?

HACFM shall endeavor to protect elderly and disabled families from significant impact (defined as loss of one's Housing Choice Voucher) but recognizes that what is feasible is dependent on the amount of funding provided to the program.

The options are as follows:

- A. The HCV Payment Standards may be reviewed in light of the funding situation. If payment standards are reduced, the lower payment standard shall go into effect immediately for new admissions, participants moving from one unit to another,

and people staying in place who require a new HAP contract because they are signing a new lease. In **extraordinary** circumstances, the HACM may be forced to ask HUD for a waiver so that even those participants staying in place without a new lease shall have their payment standard decreased immediately instead of the normal second regular reexamination after the lowering of the payment standard.

HCV Payment Standards must be established according to HUD regulation so that no more than 40% of the participants are paying more than 30% of their monthly adjusted income for rent. If circumstances dictate it, the HACFM may be forced to ask for a waiver of this prohibition in order to sufficiently lower its payment standard.

- B. Since Housing Authorities do not have to wait until the HAP contract anniversary date to review owner rents and reduce them if warranted, the HACFM will ensure that owner rents do not exceed amounts charged for unassisted units in the same building or complex. The initial rent and all rent increases must comply with any State or local rent control limits. Further, any owner **leasing promotions** for unassisted tenants (e.g., the initial two months of occupancy are "rent free") must be taken into consideration in determining rent reasonableness.

In accordance with the HAP contract, the HACFM will provide written notice to owners before reducing unreasonable rents. Rents may be reduced as early as the first of the following month. If the rent to owner is not reasonable as most recently determined by the HACFM, the owner must reduce the rent to the reasonable amount, or the HAP contract must be terminated. In such cases, the family will be issued an HCV to find a new unit. (Movers, like new participants, are subject to the HACFM's current payment and occupancy standards.)

Deleted: amount

Deleted: a

- C. The utility allowance schedule may be reviewed to determine if the utility allowances are too high. If they are too high that means that the participants are being subsidized in an excess manner. The new utility allowance schedule may be placed into after a thirty day notice or at a participant's next reexamination depending on the financial circumstances the HACFM finds itself in.

As stated in Chapter 16, utility allowances are supposed to be adjusted annually or sooner if there is a utility rate decrease or increase of 10% or more. If circumstances warrant, the HACFM reserves the right to seek a HUD waiver of this regulatory requirement.

- D. An initial PHA may request that a receiving PHA absorb portable families for which the initial PHA is being billed. This may include the receiving PHA retroactively absorbing families for which the initial PHA was already billed and made payments. In these cases, the receiving PHA reimburses the initial PHA for payments made back to the effective date of the absorption. Both the receiving PHA and initial PHAs must agree to this arrangement. This provision provides an

exception to section 10 of Notice PIH 2008-43 on HCV Portability and Corrective Actions. (Section 10 provides that the receiving PHA may not retroactively absorb families for which the receiving PHA was previously billing for any time period that commences before 10 working days from the time the receiving PHA notifies the initial PHA of the absorption.) The HACFM will attempt to get receiving PHAs to absorb whenever possible.

- E. If financial circumstances dictate, the HACFM may deny discretionary portability moves to a higher cost area inside or outside its jurisdiction for its HCV participants and/or shoppers if the HACFM has insufficient funds to pay the higher subsidy amounts and the receiving housing authority declines to absorb the family. While the Board of Commissioners must establish this policy after an examination of the fiscal affairs of the organization, individual denials of portability shall only occur after the HACFM has determined that the receiving housing authority will not absorb the family. The denial of absorption shall be documented in that person's file.

This can only occur if the portability action would cause the HACFM to be unable to avoid terminating the vouchers of current voucher participants during the affected calendar year. If a family is denied its portability request, no subsequent families will be admitted to the program until the HACFM has determined that sufficient funding exists to approve the move and has notified the family that the family may now exercise its move to the higher cost area.

- F. If financial circumstances dictate, the HACFM may deny the right of a participant to move within the jurisdiction of the HACFM to a portion of the jurisdiction that has a higher payment standard than the portion of the jurisdiction the participant currently lives in if the HACFM has insufficient funds to pay the higher subsidy amounts.
- G. Housing Choice Vouchers issued to families on the waiting list that have not resulted in HAP contracts may be cancelled.
- H. The HACFM may be forced to not reissue vouchers surrendered by current participants immediately upon their return to the Housing Authority. Instead, the vouchers may be held in the Authority's inventory in order to avoid dire financial consequences. The amount of time they will be held shall be determined based upon the financial situation of the Housing Authority.
- I. The subsidy standards set forth in Chapter 5 may be reexamined. The size of the unit the Housing Choice Voucher is issued for may need to be reduced. For example, you may use the zero bedroom payment standards for households with only one person.

- J. A program wide study may be conducted to ensure that families are utilizing the proper size Housing Choice Voucher for their current family size. HACFM may require over-housed participants to locate a unit appropriate to their voucher size.
- K. If the minimum rent is increased under Chapter 6, it can be made the first of the month following the month families are notified of the increase (provided there has been at least a 30-day notice) instead of at the next reexamination.
- L. The requirement of when families have to report changes of their income as set forth in Section 14.2 may be modified due to the financial pressure facing the HACFM. Also, the new rent payment may become effective at the start of the next month provided there has been a thirty day notice.
- M. Owners participating in the HCV Program may be asked to voluntarily reduce the rents they are charging participants in order to assist in the financial solvency of the program. This must be a truly voluntary program.
- N. The absolute last step the HACFM will take to resolve its HCV financial problems will be to terminate the vouchers of families already receiving assistance after notifying the HUD Field Office and its Financial Analyst at the Financial Management Center. If this becomes necessary, the following sequence shall be used to determine which individual HCV are terminated first.
 - 1. Tenants with unreported income that currently owe HACFM at the time of implementing this cost saving measure; and
 - 2. HACFM will run a Criminal Background check on all participants and those who have obtained felony record will be removed from the HCV program; and
 - 3. Tenants who have been assisted the longest will be removed first.

If it becomes necessary for the HACFM to terminate Housing Choice Vouchers, the families terminated shall be reinstated onto the program as soon as fiscally and practically feasible. The following readmission sequence shall be utilized.

- 1. The tenants that were removed due to their length of time being assisted will be reinstated in the order that they were removed; and
- 2. Tenants that were removed for not reporting income in a timely manner will be reinstated if they have paid the HACFM in full for any debts owed to this agency.

Deleted: CHAPTER 22
ENTERPRISE INCOME
VERIFICATION¶
EIV PRIVACY POLICY¶

¶

¶

We are dedicated to protecting the privacy of personal information that was used to determine eligibility for rental assistance based on HUD regulations, including Social Security, other governmental identification numbers and any other required information. We have adopted a privacy policy to help ensure that information is kept secure.¶

¶

Technical safeguards: **Only HUD or HUD's agents and authorized staff have access rights to information based on their role in the company. These roles are monitored on a regular basis through inspections and reviews.**¶

¶

The Federal Privacy Act (5 USC 552a, as amended) prohibits the disclosure of an individual's information to another person without the written consent of such individual. The EIV data of an adult household member may not be shared (or a copy provide or displayed) with another adult household member or to a person assisting the tenant with the recertification process, unless the individual has provided written consent to disclose such information.¶

¶

Authorization procedures for staff will:¶

¶

Reduce the risk of a security violation related to the EIV system's software, network, or applications¶

Identify and authenticate all users seeking to use the EIV system data¶

Deter and detect attempts to access the system without authorization¶

Monitor the user activity on the EIV system¶

¶

Administrative Safeguards: Staff is trained based on federal and state laws regarding privacy. Written policies and procedures include but are not limited to making sure that the HUD required 9886 and consents are updated and in place. File audits completed internally as well as HUD reviews help to ensure compliance with these policies. These administrative procedures will:¶

¶

Ensure that access rights, roles, and responsibilities are appropriately and adequately assigned¶

Protect copies of sensitive data and destroy system-related records to

EIV SECURITY POLICY

Introduction

The purpose of this policy is to provide instruction and information to staff, auditors, consultants, contractors and applicants and residents for the acceptable use, disposition and storage of data obtained through EIV (Enterprise Income Verification System). This policy has been developed to ensure that EIV data is secure. This policy has been communicated to all persons with access to EIV or EIV data. This policy has been developed to ensure compliance with HUD's security protocol regarding the three safeguard categories:

1. Technical
2. Administrative
3. Physical

Property management staff for HACFM will have the responsibility of ensuring compliance with the security policies and procedures outlined in this document. These responsibilities include:

- Maintaining and enforcing the security procedures
- Keeping records and monitoring security issues
- Communicating security information and requirements to appropriate personnel including coordinating and/or conducting security awareness training sessions
- Conducting review of all User IDs issued to determine if the users still have a valid need to access EIV data and taking necessary steps to ensure that access rights are revoked or modified as appropriate
- Reporting any evidence of unauthorized access or known security breaches to the office of the Director of Housing Operation and taking immediate action to address the impact of the breach including but not limited to prompt notification to compliance officer. Director of Housing Operations or his/her designee will escalate the incident by reporting to appropriate parties including the Contract Administrator and/or HUD.

Deleted: ID's

The EIV Database is part of HUD's Secure Systems Database. Individual Users must use their own username (MID/WASS ID) and password to access the Secure Systems database.

Coordinators, who are not property owners, the Compliance Manager has obtained a letter of authorization from the property owner. This letter must state that the Secure Systems Coordinator has authorization to act as the EIV Coordinator. This letter is maintained in the property's EIV file and will be available to Reviewers during the Management and Occupancy Review.

Deleted: user name

In order to comply with **Technical Safeguards**:

- Each coordinator/user must have a valid WASS User ID and password
- IDs and passwords **must not be shared**
- No one may access the system using another user's identity
- Each user must provide an application access authorization form (CAAF or UAAF)

Deleted: users

- Access to data is restricted based on EIV role (EIV Coordinator or EIV User)
- Access is limited based on need to know
- Users understand that access and activity are monitored and audited

to comply with **Administrative Safeguards:**

Deleted: To

- The owner/agent has established standard operating procedures for use of data
- Employment and income data is used for certification and compliance purposes only
- Users may not share data with others who do not have a need to know
- Users will check to see if applicant/tenant is receiving assistance under another program at a different location
- The HACM will monitor access
 - Obtain and retain owner approval letters
 - Approved/current signed access authorization form
 - Conduct periodic reviews to see if user still a valid need has to access the EIV data
 - Modify or revoke rights as appropriate
 - Assign Access Ensure access rights and responsibilities are appropriate
- Ensure that a signed copy of form HUD-9886 is on file for all adults living in the unit
- Destroy EIV information when it is no longer needed
- Ensure all EIV users receive security training at time of implementation and at least annually thereafter
- Communicate security information
 - Posters
 - Security bulletins
 - Discussion groups
 - Distribution of EIV manuals
- Detect, deter, and report improper disclosures, unauthorized access, or security breaches to the Compliance Officer.

Deleted: has a valid need

The owner/agent has also implemented the following processes to ensure compliance with HUD's **Physical Safeguard requirements:**

- Designated secure areas
- Restricted use of printers, copiers, facsimile machines, etc.
- Controlled access to areas containing EIV information
- How to secure computer systems and output
 - If any EIV data is converted to an electronic format, it must be encrypted
 - All emails including EIV data must be encrypted
 - Store downloaded EIV data in a separate, restricted access directory
 - Label CDs containing EIV data "confidential" or "For Official Use Only"
 - Lock in secure place
- Users must retrieve all computer printouts as soon as they are generated so that EIV data is not left unattended
 - Keep printouts locked up

- Printouts should not be transported from premises
- Avoid leaving a computer unattended with EIV data displayed on screen
- Lock computer/Log off/Exit the system when not going to be at desk or when finished for the day (EIV will time-out after 30 minutes of inactivity)
- Use a password-protected screensaver
- Secure disposal of EIV information
 - Destroy as soon as it has served its purpose or as prescribed by HUD's policies and procedures
 - Burn/shred
 - Keep log of destroyed data
 - Date destroyed
 - How destroyed
 - By whom

Security Awareness Training

Security awareness training is a crucial aspect of ensuring the security of the EIV System and data. Users and potential users will be made aware of the importance of respecting the privacy of data, following established procedures to maintain privacy and security, and notifying management in the event of a security or privacy violation. Before granting access to the EIV information, each person must be trained in EIV Security policies and procedures.

Additionally, all employees having access to EIV Data will be briefed at least annually on the security policy and procedures that require their awareness and compliance. Information about user access and training will be maintained in the property EIV file.

EIV Users and Coordinators must complete the appropriate EIV Security Awareness Training Questionnaire during initial setup, as required by HUD and annually as prompted by the EIV system.

Physical Security Requirements

The owner/agent may use a combination of methods to provide physical security for resident file records. The EIV data may be maintained in a locked metal file cabinet within a locked file room.

☐ Restricted Areas: The owner/agent will have the areas clearly identified by the use of prominently posted signs or other indicators. For example, "Employees Only". This sign will be posted on the door to the locked file room. The restricted areas will be separated from non-restricted areas by physical barriers that control access and/or will have limited points of entry.

☒ Since the EIV data in resident files is maintained in the locked file room, designated staff will establish and maintain a key control log to track the inventory of keys available, the number of keys issued and to whom the keys are issued. All employees and contractors who have been

Deleted: example

issued keys to the file room will complete a form acknowledging the receipt of the key. See EIV Privacy Policy.

Users will retrieve computer printouts as soon as they are generated so that EIV data is not left unattended in printers or fax machines where unauthorized users may access them. EIV data will be handled in such a manner that it does not become misplaced or available to unauthorized personnel.

Limiting Access to EIV Data

User accounts for the EIV system will be provided on a need-to-know basis, with appropriate approval and authorization.

EIV System Coordinators

Before accessing EIV, the Secure Systems Coordinators will obtain a letter/memo from each property owner indicating that the owner gives permission for the Secure Systems Coordinator to act as the EIV coordinator. Once that permission is obtained, the coordinator will:

- Review the EIV training material provided by HUD
- Participate in EIV Security Training from HUD or another source
- Read and ☒ sign the EIV Security Policy
- Read the EIV Use Policy

Upon completion of these tasks, the EIV Coordinator will submit to HUD, the appropriate Coordinator Access Authorization Forms. Upon receipt of HUD approval, the EIV Coordinator will complete the EIV Coordinator setup process.

EIV Users

Before requesting EIV User access, appropriate staff will:

- Review the EIV training material provided by HUD
- Participate in EIV Security Training from HUD or another source
- Read and ☒ sign the EIV Security Policy
- Read the EIV Use Policy

Upon completion of these tasks, the EIV User will submit, to the EIV Coordinator, the appropriate User Access Authorization Form. The EIV Coordinator will confirm that the steps listed above have been completed. Once the tasks are satisfactorily completed, the EIV Coordinator will complete the appropriate steps to provide EIV access to the user. In accordance with HUD requirements, the user's need for access will be reviewed on a semiannual basis.

At least once a year, staff with EIV access will be required to:

Deleted: Coordinator

- Participate in training that includes a review of the EIV security requirements and
- Complete the EIV Security Awareness Training Questionnaire

HACFM will restrict access to EIV data only to persons whose duties or responsibilities require access. EIV Coordinators will be required to request re-certification on an annual basis. EIV Coordinators are authorized to provide access only to those individuals directly involved in the resident certification process and/or compliance monitoring.

EIV Coordinators will carefully review initial and quarterly requests for access and certify only those users who will need access within the next 6 months.

☒ In some cases, EIV information may be provided to auditors charged with ensuring the owner/agent's compliance with HUD requirements. In these cases, the auditor will be required to review and sign the property's Privacy Policy for Auditors and will be required to sign the HUD Rules of Behavior document. These documents will be maintained in the property's EIV File. In addition, the auditor's access will be noted on the EIV File checklist for review during the RIM Review.

HACFM will maintain a record of users who have approved access to EIV data. Further, HACFM will revoke (Terminate) the access rights of those users who no longer require such access.

The HUD 9886 Fact Sheet will be provided to all adult household members required to sign the form. By signing this HUD Form 9886 the applicant/resident authorizes HUD and/or the owner/agent to obtain and verify income and unemployment compensation information from various sources including, but not limited to, the IRS, the Department of Health and Human Services and the Social Security Administration and state agencies. At the final eligibility interview and at each annual certification, HACFM will provide a copy of the EIV and You Brochure so that the household is adequately informed about the EIV verification process and so that the residents understand the penalty for failing to fully disclose income information.

Deleted: resident's

HACFM will assure that a copy of Form HUD - 9886 has been signed by each member of the household age 18 years or older. The HUD 9886 will be presented at the final eligibility determination, at move-in and/or initial certification and at each annual certification. **If a household member turns 18 in the middle of a certification cycle, that household member will be required to sign Form 9886 ☐ within 30 days of turning 18 ☒ at the next certification.**

Computer System Security Requirements

All computer systems and computers will have password restricted access. Passwords must be no fewer than 8 characters and must include:

- At least one lower case letter
- At least one upper case letter
- At least one number or character such as a dash or exclamation point

The owner/agent will also use Antivirus software to limit data destruction or unintended transmission via virus, worms, Trojan horses or other malicious means. Remote access by other computers other than those specifically authorized is prohibited. Authorized users of EIV data are directed to avoid leaving EIV data displayed on their computer screens where unauthorized users may view it. A computer will not be left unattended while the user is “logged in” to Secure Systems. If an authorized user is viewing EIV data and an unauthorized user approaches the work area, the authorized user will lessen the chance of inadvertent disclosure of EIV data by logging out of Secure Systems or minimizing or closing out the screen on which the EIV data is being displayed.

Username, Passwords and Password Changes

Deleted: User Names

Many systems require frequent changes to passwords. Secure Systems / EIV passwords will be changed in accordance with HUD Secure Systems requirements. Users will not share passwords with any other employee or with anyone outside the organization. EIV access granted to an employee or authorized user will be revoked when access is no longer required or prior to termination of that employee or user to ensure data safety.

Termination of EIV access and un-assigning property access through “Property Assignment Maintenance” is required.

The EIV file will be documented to indicate when user access was terminated by the EIV Coordinator. Documentation of termination will be maintained in the property EIV file.

Disclosure of EIV Information

The EIV Social Security (SS), Supplemental Security Income (SSI), new hires (W-4), wage, and unemployment compensation information contained in the EIV system may only be used for limited official purposes.

- By Local HUD field office personnel for monitoring and oversight of the resident recertification process
- By the Office of the Inspector General (OIG) for investigative purposes.
- By PHA’s for verifying the employment and income at the time of certification for residents

EIV Data may be disclosed to:

- PHA’s
- Management agents
- HUD staff
- HUD Office of Inspector General (OIG) for investigative purposes
- Individual to whom the record pertains

EIV income data may only be used for:

- Verification of employment and income at certification

- Discrepancy monitoring as described in the EIV Use Policy

Under no circumstances may users or coordinators provide access to the system by sharing the username/password combination. Owner/agents must not disclose data in any way that would violate the privacy of the individuals.

Deleted: user name

EIV data must not be disclosed (or re-disclosed) to any third parties such as the local Welfare office, DFCS, etc. Willful disclosure or inspection of EIV data can result in civil and criminal penalties.

- Unauthorized disclosure – felony conviction and fine up to \$5,000 or imprisonment up to five (5) years, as well as civil damages
- Unauthorized inspection – misdemeanor penalty of up to \$1,000 and/or one (1) year imprisonment, as well as civil damages

Official use **does not include** using the EIV data for certifying residents under the Low Income Housing Tax Credit (LIHTC) or Rural Housing Services (RHS) Section 515 programs. Neither the Internal Revenue Service (IRS) nor RHS are a party to the computer matching agreements HUD has with the Department of Health and Human Services (HHS) and with the Social Security Administration (SSA).

The fact that there is financing through other federal agencies involved in a particular property under one of the authorized HUD programs **does not** permit that federal agency to **use or view** information from the EIV system for certifying residents for their programs or for monitoring purposes.

- Create separate files for HUD programs and other programs
- Maintain EIV information in a manila envelope that can be removed from the file to prevent unauthorized disclosure
- Create a separate EIV verification file to ensure the privacy of EIV information. OAs can make that file available to HUD or to HUD Reviewers when participating in the HUD Management and Occupancy Review conducted using the HUD Form 9834.

Use and Handling of EIV Data

EIV Data serves two purposes:

1. Verification of specific income information provided by the resident
2. Monitoring resident and staff compliance

Use of the data is described in the EIV User Policies. This policy is designed to describe the security protocol used to protect EIV data.

EIV Data will be used only to administer HUD programs. The data in EIV is not to be used to assist with eligibility determination or compliance monitoring for any other programs including those administered by the IRS (Tax Credit) or Rural Development (515).

EIV Printouts

☑ Reports available through EIV will not be printed to a shared printer unless the EIV user plans to immediately retrieve the data. It is preferred that all EIV printouts are sent to the user’s personal printer. EIV printouts will be stored in the resident file for the term of residency and for three years after residency ends.

In addition to use by the owner/agent, EIV reports may also be used by Contract Administrators (CAs) (Performance Based Contract Administrators (PBCAs), Traditional Contract Administrators (TCAs) and HUD staff) for monitoring compliance with the recertification process; independent public auditors (IPAs) auditing an owner’s compliance with HUD’s verifying income and the accuracy of rent/subsidy determinations; and the Office of Inspector General (IG) for auditing purposes.

Deleted: and,

☑ EIV Income Reports are retained in the resident file for the term of tenancy and for the term after tenancy determined by HACFM Destruction Policy. Because the property also participates in other housing assistance programs (LIHC or 515) the owner/agent will take special precautions to ensure the security of the EIV printouts. EIV printouts will not be maintained in a separate resident file, separate from the tenant file. EIV printouts will be provided to approve parties, when required, to facilitate compliance with HUD requirements and HACFM EIV Use Policy.

Providing EIV Printouts to Auditors

☑ Independent auditors (IPAs) are approved to view EIV information, when hired by an owner to perform the financial audit of the project, for use in determining the owner’s compliance with verifying income and determining the accuracy of the rent and subsidy calculations.

Restrictions on disclosure requirements for IPAs:

- (a) Can only access EIV income information within hard copy files and only within the offices of the owner or management agent.
- (b) Cannot transmit or transport EIV income information in any form.
- (c) Cannot enter EIV income information on any portable media.
- (d) Must sign non-disclosure oaths (Rules of Behavior) that the EIV income information will be used only for the purpose of the audit; and

Deleted: agent;

Deleted: form;

Deleted: media;

- (e) Cannot duplicate EIV income information or re-disclose EIV income information to any user not authorized by Section 435(j)(7) of the Social Security Act to have access to the EIV income data.

Providing EIV Printouts to Residents

If a resident request a copy of their own EIV printout, a copy will be produced. The staff person providing the copy will note that the printout is a copy provided to the resident upon request. This note will include the following:

- This is not an original, this is a copy provided to: Resident Name
- On _____, 20__
- By _____ (name will be printed)
- Resident Initials _____

☒ The appropriate staff will make a note in the file any time a copy of the EIV data is obtained by authorized persons. This includes copies provided to the applicant/resident, staff responsible for compliance monitoring, other internal staff, HUD or OIG staff. Under no circumstances will the EIV information be provided to anyone other than those noted in this Security Policy.

Providing EIV Printouts to Individuals Supportive of residents

In some cases, residents require additional support from individuals during certification. The supporting individuals may or may not be part of the resident's family. These include but are not limited to:

- Service coordinators
- Translators
- Guardians providing supportive services to residents with disabilities

If there is need to provide copies of EIV printout to those individuals so that they may assist with the certification process, the resident must sign a separate Release of Information Authorization Form that specifically identifies, by name, the person providing supportive service. The Authorization will also specify that the information is being provided solely to support HUD certification activity. The resident must sign and date the authorization. Authorized individuals who are associated with the owner or the owner's agent will also sign a copy of the EIV Rules of Behavior. The staff person providing the copy will note that the printout is a copy provided to the resident upon request.

This note will include the following:

- This is not an original, this is a copy provided to: Resident Name
- On _____, 20__
- By _____ (name will be printed)

Deleted: resident requests

- Recipient Initials_____

☒ The appropriate staff will make a note in the file any time a copy of the EIV data is obtained by authorized persons. This includes copies provided to the applicant/resident, staff responsible for compliance monitoring, other internal staff, HUD, CA or OIG staff. Under no circumstances will the EIV information be provided to anyone other than those noted in this Security Policy.

Electronic Information from EIV

☒ In some cases, there may be a need to send or store EIV information electronically. In these cases, all electronic versions of EIV information will be encrypted. If there is need to store the information on a hard drive, a specific folder will be created. The folder will be password protected to prevent unauthorized access. Information in the folder will be purged periodically to comply with HUD's EIV file retention policies.

If EIV information is copied to portable media (CD, DVD, tape, etc.) that portable media will be destroyed appropriately upon completion of the intended use. Documentation of the destruction will be maintained in the EIV file.

Disposal of EIV Information

EIV data will be destroyed in a timely manner based on the information provided in HUD's published EIV training materials, HUD Handbook 2400.25, REV-2: HUD Information Technology Security Policy, dated October 1, 2008, HUD notices or as prescribed by the owner/agent's policy and procedures. The owner/agent's policy and procedures will not allow data retention that is longer than the time allowed in the published HUD materials.

Information about use of EIV information and how printouts were destroyed will be maintained in the EIV file.

Reporting Improper Disclosures

Recognition, reporting, and disciplinary action in response to security violations are crucial to successfully maintaining the security and privacy of the EIV system. These security violations may include the disclosure of private data as well as attempts to access unauthorized data and sharing of passwords.

Upon the discovery of a possible improper disclosure of EIV information or other security violation by an employee or any other person, the individual making the observation or receiving the information will contact the EIV Coordinator and the Director of Housing Operations who will document all improper disclosures in writing providing details including who was involved, what was disclosed, how the disclosure occurred, and where and when it occurred. The EIV

Coordinator will immediately review the report of improper disclosure and, if appropriate, the EIV Coordinator will remove EIV access.

Improper disclosure of any information is grounds for immediate termination. All employees must carefully review the EIV Access Authorization Form or the Rules of Behavior to understand the penalties for improper disclosure of EIV data.

EIV Policy and Procedure - File Documentation

The Housing Authority of the City of Fort Myers (HACFM) requires all Housing and Section 8 staff to use the Enterprise Income Verification (EIV) system in its entirety to verify tenant / client employment and income information during the annual/flat rent update reexaminations of family composition and or income; and reduce the administrative and subsidy payment errors in to CFR24;5.236 and PIH 2010-19(HA) Notice (Administrative guidance issued by the Department of Housing and Urban Development (HUD).

- HACFM staff is responsible for performing annuals/ interims/new admissions/transfers and initial certification. Staff will access the EIV system and obtain an Income Report for each household, and staff is required to maintain this report in the tenant/client file that as an accompaniment to the 50058 (Family Report). The Required File Documentation:

New Admissions:

- Housing Staff must run an EIV Income Report on all new admissions ninety (90) days from move in / admission to any HUD Assisted program to confirm and or validate family reported income.
- Any discrepancies must be resolved with 30 days of the date the EIV Income Report date and an interim must be **performed** if income changes the TTP or Tenant rent and retroactive back to the move in date (increases only).
- If the tenant does not appear in EIV, staff must notify the PIC Coordinator as soon as possible to verify if the 50058 have been accepted by PIC (Public and Indian Housing Information Center). Project based Section 8 programs must review TRACS.
- If it has been accepted and tenant/client income information is pending, staff will re-run the EIV Income Report again in ten (10) days. If the 50058 was not accepted the resubmission on the 50058 must be sent on the same date and follow up on until accepted. The EIV Income Report must be run again in thirty (30) days after resubmission to meet HUD's requirement of 90 days and tenant/client file and Data / Application Note Screen must be documented.

Deleted: preformed

Annual Rexam:

- Housing staff should start the recertification process 120 days before the tenant's/client's anniversary month.
- EIV Income Reports will be run within 60-120 day before the start of the anniversary month.
- EIV Income Report must be matched to tenant/client supplied income documentation. Documents cannot be older than 60 days old, current and consecutive.

- If the Income Report does not contain any employment or income information for the family, HACFM staff should attempt the next level verification technique, as noted in the below chart.

Level	Verification Technique	Ranking
6	Upfront Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system (not available for income verifications of applicants)	Highest (Mandatory)
5	Upfront Income Verification (UIV) using non-HUD system	Highest (Optional)
4	Written third Party Verification	High (Mandatory to supplement EIV-reported income sources and when EIV has no data; Mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV-reported employment and income information and is unable to provide acceptable documentation to support dispute)
3	Written Third Party Verification Form	Medium-Low (Mandatory if written third party verification documents are not available or rejected by the PHA; and when the applicant or tenant is unable to provide acceptable documentation)
2	Oral Third Party Verification	Low (Mandatory if written third party verification is not available)
1	Tenant Declaration	Low (Use as a last resort when unable to obtain any type of third party verification)

20-33

- If a discrepancy exists, and the tenant disputes the EIV Income Report. The tenant and staff must resolve within 10 days of review and lease signing. Note: ultimately it is the tenant's responsible to disprove the EIV Income Report, however staff should be prepared do written third party verification.
- Tenant/client review and lease signing should take place at least 45 days before the start of the anniversary month.
- If staff find an income discrepancy exceeding \$2,400.00 from what was projected from last year's income from the actual income the family reported, a third party verification must be done, and all information must be reported to the Director of Housing Management for the possibly of family being reported to the Office of HUD's OIG.
- The tenant/client file will contain the Summary Page with the ICN number, Income Report, Certification Page sign by tenant and the Income Discrepancy page. These forms

Deleted: a

Deleted: done

will be placed right after the 50058's and before the tenant supplied income documentation and or verifications.

- 30 days before anniversary month the tenant file should be quick audited by staff as a final review as well as SACS before the 50058 is transmitted to PIC.

Interim Exam:

- If the tenant is reporting a decrease in income, a Client Update form must be completed along with written third party verification from the source of which the tenant is claiming the lost and the EIV reports.
- If the tenant is reporting an increase in income, along with the Client Update form tenant my supply income documentation (award letter, pay stubs and or employer notice/ letter of hire etc.). Staff will run the EIV Reports and attach to the interim process.
- If during the interim/annual process you find that a tenant is not in the EIV system, staff will be directed to get with staff's PIC coordinator to do a historical adjustment by sending the last 50058 action as a code 14. Once the 50058 has been accepted, within 60 days staff will confirm/validate family reported income. If any discrepancies exist, tenant and staff must resolve with 30 days.

Acceptable File Documentation

- If the family does not dispute EIV employer data, and HACFM determines that additional information is not necessary, acceptable file documentation consists of:
 - EIV income detail report with the ICN number; and or
 - EIV ICN number page and EIV Certification page instead of the income report; and
 - Tenant –provided documents
- If the family disputes the EIV employer data, or HACFM staff determines that additional information is necessary, file documentation includes:
 - EIV income report printout as noted above.
 - Tenant-provide documents.
 - Third-party written verification, such as an employer form.

Deleted: above;

Deleted: documents;

If staff only uses the ICN and EIV Certification pages to document the tenant/client file, the detailed income report will be destroyed by shredding.

**The Housing Authority
of the City of Fort Myers
Section 8 Homeownership Voucher
Addendum I
Chapter 20 Section 8 Administrative Plan**

Deleted: Of

The Housing Authority of the City of Fort Myers (HACFM) hereby establishes a Home Ownership Voucher option in Fort Myers, Florida, pursuant to the US Department of Housing and Urban Development's (HUD) proposed rule dated April 30, 1999, and pursuant to Section 555 of the Quality Housing and Work Responsibility Act of 1998, which authorizes HUD to carry out demonstration programs under section 8(y). The Final Rule, effective October 12, 2000, allows public housing agencies (PHAs) the option of providing Housing Choice Voucher assistance to an eligible family that purchases, rather than rents, a dwelling unit that will be occupied by the family.

Deleted: 1999

Homeownership assistance offers a new opportunity for families that receive Housing Choice Voucher tenant-based assistance. As with other special housing types, the homeownership option does not require, and HUD does not provide, additional or separate funding. A PHA must use the voucher program funding previously established under existing Annual Contributions Contracts (ACC) to fund the Section 8 homeownership voucher program.

Participant Qualification

Any Housing Choice Voucher holder who has been issued a Housing Choice Voucher may utilize the subsidy to purchase rather than rent a home, subject to the following requirements:

- 1) A family must participate in the Family Self Sufficiency Program for one year prior to being referred to the Homeownership Voucher Program through the HACFM's FSS Coordinator. The FSS Coordinator will determine that the participant has met the initial requirements for referral to the program.
- 2) The Family Self Sufficiency Participant must have completed a HUD approved Home Buyer's Education Course and possess a certificate of completion from said program.
- 3) Current Housing Choice Voucher program participants must be in full compliance with their lease and all program requirements.
- 4) Applicants must be "first-time homeowners," where a family member must not have owned title to a principal residence in the last three years. Residents of limited equity cooperatives are eligible for the homeownership option.

Program Guidelines

- 1) Housing Choice Voucher participant must not have had any Bankruptcy or foreclosure within the last five years.
- 2) All derogatory items on the applicant's credit must be satisfied.
- 3) Participants in the HOV Program option must participate in the Homeownership Retention Program Activity or other HACFM designee's pre- and post-purchase homeownership counseling program. At a minimum, the counseling will cover the following:
 - Home maintenance.
 - Money management.
 - Credit counseling.
 - How to negotiate the purchase price.
 - How to obtain homeownership financing.
 - How to find an affordable home.
 - Advantages of purchasing
- 4) The head of household or spouse must be employed full-time (employment must average a minimum of 30 hours per week) and have been continuously employed for a minimum of one (1) calendar year before applying to participate in homeownership program. Families in which the head of household or spouse are disabled, or elderly are exempted from this requirement. Families with a disabled household member may request an exemption as a reasonable accommodation. Disabled Head of Households or spouse must have been receiving Social Security Benefits for one (1) year prior to the commencement of HOV assistance.
- 5) The family's income may not be less than the federal minimum wage times 2000 hours. Public assistance income may not be used for meeting this requirement, except for households in which the head or spouse is elderly or disabled and households that include a disabled person other than head or spouse. (Public Assistance includes federal housing assistance or the housing component of a welfare grant; TANF assistance; SSI that is subject to an income eligibility test; food stamps; general assistance or other assistance provided under a Federal, state or local program that provides assistance available to meet family living or housing expenses.)

Deleted: maintenance;

Deleted: management;

Deleted: counseling;

Deleted: price;

Deleted: financing;

Deleted: home;

Deleted: disabled

- 6) The participant will be required to provide one percent (1%) of the home purchase price as a down payment from the family's resource.

Screening and Determination of Readiness

The HACFM will review the Homeownership Voucher Program with all eligible HCV holders at the initial briefing and annual recertification.

The Pre-Application will be reviewed by the HACFM Family Self-Sufficiency Coordinator and/or HOV Coordinator for debt/asset ratio; minimum qualification status; employment status; escrow balances and Section 8 Program compliance status. If necessary, the FSS Coordinator or other staff member will schedule an appointment with the family to further determine their mortgage readiness.

Time Frame for Utilization

An applicant will have a maximum of 180 days to find a home and enter into a 'Contract for Sale'.

If an applicant is unable to enter into a 'Contract for Sale' before the end of the 180 day deadline, the applicant will be allowed to continue to utilize the voucher in a rental situation.

Any extension beyond 180 days will be at the sole discretion of HACFM's Executive Director.

Permitted Ownership Arrangements

The Homeownership option may be utilized in two types of housing.

- 1) A unit owned by the family, where one or more members hold title to the home.
- 2) A cooperative unit, where one or more family members hold membership shares on the cooperative.

Contract for Sale and Inspection

Participants in the homeownership option program must complete a "Contract of Sale" with the owner of the property to be purchased.

The Contract of Sale must include the sale price and terms of sale, the purchaser's pre-purchase inspection requirements and notice that the sale is conditional on the purchaser's acceptance of the inspection report; and an agreement that the purchaser is not obligated to pay for necessary repairs.

The participant must obtain an independent professional home inspection of the unit's major systems at the participant's expense. The inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical and heating systems.

HACFM or its designee will conduct a Housing Quality Standards (HQS) inspection and will review an independent professional inspection of the unit's major systems. HACFM or its designee retains the right to disqualify the unit for inclusion in the homeownership program based on either the HQS inspection or the professional inspection report findings. The HACFM will perform a housing quality standards inspection for the first year of program participation. Based on the inspection, the family will be sent a list of suggested repairs. The HACFM will not, however, conduct a reinspection to determine if the repairs have been completed. In contrast to the Section 8 rental program, the family will not be considered noncompliant with the program if they fail to make repairs within a certain time frame.

If the home was constructed within 60 days of the Contract of Sale and has remained unoccupied during that time, the use and occupancy letter from the local codes administrator can be substituted for the pre-purchase inspection.

The participant must determine and document whether or not the unit is in a flood hazard area. Units in flood hazard areas must be insured for flood damage.

Financing

The household is responsible for obtaining financing; rate and terms of the first mortgage are subject to approval by HACFM or its designee. The first mortgage lender should be a federally-regulated financial institution. Any other lenders must be specifically approved by HACFM or its designee.

Length and Continuation of Assistance

HOV assistance will only be provided for the time period that the family occupies the home, not to exceed ten (10) years for a mortgage (15) fifteen years or less and (15) years for a mortgage (20) years or greater. The participant will be recertified on an annual basis to determine income eligibility. In the event that the participant's income increases to the point that they are no longer eligible to receive a mortgage subsidy (i.e., zero mortgage assistance payment), the HACFM will notify the lender(s) of the family's increased financial responsibility for the payment. The family, however, remains eligible for the program, in the event that their income decreased, for 180 days (6 months) from the date of the change.

Family Obligations

Before commencement of homeownership assistance, the family must execute a “Statement of Homeownership Obligations” in the form prescribed by HACFM or its designee.

To continue receiving homeownership assistance, a family must comply with the following family obligations:

- A. Comply with the terms of any mortgage securing debt incurred to purchase the home, and any refinancing of such debt.
- B. During the period of time the family is receiving homeownership assistance:
 - The family may not sell, convey or transfer any interest in the home to any entity or person other than a member of the assisted family residing in the home subject to the approval of HACFM or its designee.
 - The family may not place any additional lien; take out a home equity loan or other encumbrance without prior written consent from HACFM and the mortgage lender.
 - The family must supply required information regarding income and family composition in order to calculate correctly total tenant payment and homeownership assistance.
 - The family must provide information on any mortgage or other debt incurred to purchase the home, and any refinancing of such debt, and any sale or other transfer of any interest in the home.
 - The family must notify HACFM or its designee if the family defaults on a mortgage securing any debt incurred to purchase the home.
 - The family must notify HACFM or its designee before the family moves out of the home.
- C. The family must, at annual recertification, document that he or she is current on mortgage, insurance and utility payments,

Assistance Payment

The family's HOV monthly housing assistance payment will be the lower of (1) the HCV payment standard minus the Total Tenant Payment or (2) the monthly homeowner expenses minus the Total Tenant Payment.

Homeownership expenses include principal and interest on mortgage debt, refinancing charges of mortgage debt, taxes and other public assessments, insurance and utilities as per the Section 8 utility allowance schedule.

Housing assistance payments will be made by the HACFM directly to the mortgage lender.

The assistance payment will be adjusted to reflect changes in the payment standards.

If a family's income increases to a point that they do not receive a housing assistance payment, eligibility for such payments will continue for 180 calendar days. At the end of a continuous period of 180 days without any assistance payments, eligibility for HOV assistance will automatically terminate

Lease-to-Purchase

Lease-to-purchase agreements are considered rental property and subject to the normal tenant-based HCV rental rules. The family will be subject to the homeownership requirements at the time the family is ready to exercise the homeownership option under the lease-to-purchase agreement.

Defaults

If a participant in the HOV Program defaults on his or her home mortgage loan as determined by the lender, the participant will not be able to use his or her Homeownership Voucher for rental housing. The head of household or other family members must reapply for the HCV rental assistance waiting list and be subject to the open-enrollment waiting time.

Recapture

If the participant sells the home prior to the affordability period of (10) ten to (15) fifteen year subsidy limit, a percentage of the homeownership assistance provided to date must be recaptured. The terms of the sale agreement will be reviewed by a HACFM staff member to determine the amount of profit earned in relation to participant payments and the HACFM HCV subsidy provided in accordance with 24 CFR Part Five 982.640.

- Only those proceeds realized upon refinancing that are retained by the family are subject to recapture.
- Sales proceeds that are used by the family to purchase a new home with HCV assistance are not subject to recapture. The family may also refinance the loan to take advantage of a lower interest rate without penalty.

GLOSSARY

A. ACRONYMS USED IN SUBSIDIZED HOUSING

AAF	Annual adjustment factor (published by HUD in the Federal Register and used to compute annual rent adjustments)
ACC	Annual contributions contract
ADA	Americans with Disabilities Act of 1990
BR	Bedroom
CDBG	Community Development Block Grant (Program)
CFR	Code of Federal Regulations (published federal rules that define and implement laws; commonly referred to as “the regulations”)
CPI	Consumer price index (published monthly by the Department of Labor as an inflation indicator)
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration
FICA	Federal Insurance Contributions Act (established Social Security taxes)
FMR	Fair market rent
FR	Federal Register
FSS	Family Self-Sufficiency (Program)
FY	Fiscal year
FYE	Fiscal year end
GAO	Government Accountability Office
GR	Gross rent
HAP	Housing assistance payment
HCV	Housing choice voucher
HQS	Housing quality standards.
HUD	Department of Housing and Urban Development
HUDCLIPS	HUD Client Information and Policy System
IG	(HUD Office of) Inspector General
IPA	Independent public accountant
IRA	Individual Retirement Account
IRS	Internal Revenue Service
JTPA	Job Training Partnership Act
LBP	Lead-based paint

Deleted: © Copyright 2006 Nan McKay & Associates
Unlimited copies may be made for internal use

Deleted: 2/1/2009 ADMIN PLAN

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
PS	Payment standard
QC	Quality control
QHWRA	Quality Housing and Work Responsibility Act of 1998 (also known as the Public Housing Reform Act)
REAC	(HUD) Real Estate Assessment Center
RFP	Request for proposals
RFTA	Request for tenancy approval
RIGI	Regional inspector general for investigation (handles fraud and program abuse matters for HUD at the regional office level)
SEMAP	Section 8 Management Assessment Program
SRO	Single room occupancy
SSA	Social Security Administration
SSI	Supplemental security income
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

Deleted: © Copyright 2006 Nan McKay & Associates
Unlimited copies may be made for internal use.

Deleted: /1/2009 ADMIN PLAN

B. GLOSSARY OF SUBSIDIZED HOUSING TERMS

Absorption. In portability (under subpart H of this part 982): the point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA uses funds available under the receiving PHA consolidated ACC.

Accessible. The facility or portion of the facility can be approached, entered, and used by individuals with physical handicaps.

Adjusted Income. Annual income, less allowable HUD deductions.

Adjusted Annual Income. Same as Adjusted Income.

Administrative fee. Fee paid by HUD to the PHA for administration of the program. See §982.152.

Administrative fee reserve (formerly “operating reserve”). Account established by PHA from excess administrative fee income. The administrative fee reserve must be used for housing purposes. See §982.155. Administrative fee reserves from FY 2004 and 2005 funding are further restricted to activities related to the provision of tenant-based rental assistance authorized under Section 8.

Administrative plan. The plan that describes PHA policies for administration of the tenant-based programs. The Administrative Plan and any revisions must be approved by the PHA’s board and included as a supporting document to the PHA 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.

Amortization payment. In a manufactured home space rental: The monthly debt service payment by the family to amortize the purchase price of the manufactured home.

Annual contributions contract (ACC). The written contract between HUD and a PHA under which HUD agrees to provide funding for a program under the 1937 Act, and the PHA agrees to comply with HUD requirements for the program.

Annual Income. The anticipated total 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.

Applicant (applicant family). A family that has applied for admission to a program but is not yet a participant in the program.

Area Exception Rent. An amount that exceeds the published FMR. See §982.504(b).

“As-paid” States. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

Assets. (See Net Family Assets.)

Auxiliary aids. Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities receiving Federal financial assistance.

Deleted: © Copyright 2006 Nan McKay & Associates
Unlimited copies may be made for internal use.

Deleted: /1/2009 ADMIN PLAN

Budget authority. An amount authorized and appropriated by the Congress for payment to HAS under the program. For each funding increment in a PHA program, budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of the funding increment.

Child. A member of the family other than the family head or spouse who is under 18 years of age.

Childcare expenses. Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Deleted: Child care

Deleted: child care

Deleted: child care

Citizen. A citizen or national of the United States.

Co-head. An individual in the household who is equally responsible for the lease with the head of household. A family may have a co-head or spouse but not both. A co-head never qualifies as a dependent. The co-head must have legal capacity to enter into a lease.

Common space. In shared housing: Space available for use by the assisted family and other occupants of the unit.

Computer match. The automated comparison of data bases containing records about individuals.

Confirmatory review. An on-site review performed by HUD to verify the management performance of a PHA.

Consent form. Any consent form approved by HUD to be signed by assistance applicants and participants to obtain income information from employers and SWICAs; return information from the Social Security Administration (including wages, net earnings from self-employment, and retirement income); and return information for unearned income from the IRS. Consent forms expire after a certain time and may authorize the collection of other information to determine eligibility or level of benefits.

Congregate housing. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing. A special housing type: see §982.606 to §982.609.

Contiguous MSA. In portability (under subpart H of part 982): An MSA that shares a common boundary with the MSA in which the jurisdiction of the initial PHA is located.

Continuously assisted. An applicant is continuously assisted under the 1937 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.)

Contract authority. The maximum annual payment by HUD to a PHA for a funding increment.

Deleted: © Copyright 2006 Nan McKay & Associates
Unlimited copies may be made for internal use.

Deleted: 2/1/2009 ADMIN PLAN

Cooperative (term includes mutual housing). Housing owned by a nonprofit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing. A special housing type: see §982.619.

Covered families. Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

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

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

Dependent. A member of the family (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.

Disability assistance expenses. Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Disabled family. A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

Disabled person. See Person with Disabilities.

Displaced family. A family in which each member, or whose sole member, is a person 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 pursuant to Federal disaster relief laws.

Domestic violence. Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Domicile. The legal residence of the household head or spouse as determined in accordance with State and local law.

Drug-related criminal activity. As defined in 42 U.S.C. 1437f(f)(5).

Drug-trafficking. The illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Economic Self-Sufficiency Program. Any program designed to encourage, assist, train or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as treatment for drug abuse or mental health treatment). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). Also see §5.603(c).

Elderly family. A family whose head, spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

Elderly Person. An individual who is at least 62 years of age.

Eligible Family (Family). A family that is income eligible and meets the other requirements of the Act and Part 5 of 24 CFR.

Employer Identification Number (EIN). The nine-digit taxpayer identifying number that is assigned to an individual, trust, estate, partnership, association, company, or corporation.

Evidence of citizenship or eligible status. The documents which must be submitted to evidence citizenship or eligible immigration status. (See §5.508(b).)

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. HUD may establish income ceilings higher or lower than 30 percent of median income if HUD finds such variations are necessary due to unusually high or low family incomes. (CFR 5.603)

Facility. All or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other real or personal property or interest in the property.

Fair Housing Act means title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988

Fair market rent (FMR). The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the Federal Register in accordance with 24 CFR part 888.

Deleted: © Copyright 2006 Nan McKay & Associates
Unlimited copies may be made for internal use

Deleted: .

Deleted: 2/1/2009 ADMIN PLAN

Family. Includes but is not limited to the following and can be further defined in PHA policy.

Deleted: following, and

- A family with or without children (the temporary absence of a child from the home due to placement in foster care is not considered in determining family composition and family size)
- An elderly family or a near-elderly family
- A displaced family
- The remaining member of a tenant family
- A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Family rent to owner. In the voucher program, the portion of rent to owner paid by the family.

Family self-sufficiency program (FSS program). The program established by a PHA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).

Family share. The portion of rent and utilities paid by the family. For calculation of family share, see §982.515(a).

Family unit size. The appropriate number of bedrooms for a family, as determined by the PHA under the PHA subsidy standards.

Federal agency. A department of the executive branch of the Federal Government.

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 (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended). (CFR 5.603)

Funding increment. Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contract for the PHA program.

Gross rent. The sum of the rent to owner plus any utility allowance.

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). A special housing type: see §982.610 to §982.614.

Handicap. Any condition or characteristic that renders a person an individual with handicaps. See 24CFR 8.3.

Handicap Assistance Expense. See “Disability Assistance Expense.”

HAP contract. Housing assistance payments contract. (Contract). A written contract between the PHA and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible family.

Head of household. The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Housing assistance payment. The monthly assistance payment by a PHA, which includes: (1) A payment to the owner for rent to the owner under the family's lease; and (2) An additional payment to the family if the total assistance payment exceeds the rent to owner.

Housing agency (HA). A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing. ("PHA" and "HA" mean the same thing.)

Housing Quality Standards. The HUD minimum quality standards for housing assisted under the voucher program.

HUD. The Department of Housing and Urban Development.

Immediate family member. A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or any other person living in the household of that person and related to that person by blood and marriage.

Imputed Asset. Asset disposed of for less than Fair Market Value for two years preceding examination or reexamination.

Deleted: during

Imputed Income. HUD passbook rate multiplied by the total cash value of assets. Calculation used when net family assets exceed \$5,000.

Imputed welfare income. An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction but is included in the family's annual income and therefore reflected in the family's rental contribution.

Deleted: reduction, but

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.

Income information means information relating to an individual's income, including:

- All employment income information known to current or previous employers or other income sources
- All information about wages, as defined in the State's unemployment compensation law, including any Social Security Number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and, when known, Employer Identification Number of an employer reporting wages under a state unemployment compensation law
- Whether an individual is receiving, has received, or has applied for unemployment compensation, and the amount and the period received
- Unearned IRS income and self-employment, wages and retirement income
- Wage, social security, and supplemental security income data obtained from the Social Security Administration.

Deleted: State

Individual with handicaps. Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.

Deleted: © Copyright 2006 Nan McKay & Associates
Unlimited copies may be made for internal use.

Formatted: Indent: Left: 0"

Deleted: 2/1/2009 ADMIN PLAN

Initial PHA. In portability, the term refers to both: (1) A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and (2) A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

Initial payment standard. The payment standard at the beginning of the HAP contract term.

Initial rent to owner. The rent to owner at the beginning of the HAP contract term.

Jurisdiction. The area in which the PHA has authority under State and local law to administer the program.

Landlord. 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 PHA.

Live-in aide. A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

- Is determined to be essential to the care and well-being of the persons.
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

Deleted: persons;

Local Preference. A preference used by the PHA to select among applicant families.

Low Income Family. A family whose income does not exceed 80% of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80% for areas with unusually high or low incomes.

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 §982.620 and §982.621.

Deleted: residence, and

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 §982.622 to §982.624.

Medical expenses. 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 or disabled families only.) These allowances are given when calculating adjusted income for medical expenses in excess of 3% of annual income.

Merger Date. October 1, 1999.

Minor. A member of the family household other than the family head or spouse, who is under 18 years of age.

Mixed family. A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Monthly adjusted income. One twelfth of adjusted income.

Deleted: © Copyright 2006 Nan McKay & Associates
Unlimited copies may be made for internal use.

Deleted: 2/1/2009 ADMIN PLAN

Monthly income. One twelfth of annual income.

Mutual housing. Included in the definition of “cooperative.”

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, 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 least 50 years of age but below the age of 62 living with one or more live-in aides.

Net family assets. (1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

- In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under §5.609.
- In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received, therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

Noncitizen. A person who is neither a citizen nor national of the United States.

Notice of Funding Availability (NOFA). For budget authority that HUD distributes by competitive process, the Federal Register document that invites applications for funding. This document explains how to apply for assistance and the criteria for awarding the funding.

Office of General Counsel (OGC). The General Counsel of HUD.

Owner. Any person or entity with the legal right to lease or sublease a unit to a participant.

PHA Plan. The annual plan and the 5-year plan as adopted by the PHA and approved by HUD.

PHA's quality control sample. An annual sample of files or records drawn in an unbiased manner and reviewed by a PHA supervisor (or by another qualified person other than the person who performed the original work) to determine if the work documented in the files or records conforms to program requirements. For minimum sample size see CFR 985.3.

Participant (participant family). A family that has been admitted to the PHA program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (first day of initial lease term).

Deleted: received

Deleted: © Copyright 2006 Nan McKay & Associates
Unlimited copies may be made for internal use.

Formatted: Indent: Left: 0"

Deleted: 2/1/2009 ADMIN PLAN

Payment standard. The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

Persons With Disabilities. A person who has a disability as defined in 42 U.S.C. 423 or a developmental disability as defined in 42 U.S.C. 6001. Also includes a person who is determined, under HUD regulations, to have a physical or mental impairment that is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions. For purposes of reasonable accommodation and program accessibility for persons with disabilities, means and “individual with handicaps” as defined in 24 CFR 8.3. Definition does not exclude persons who have AIDS or conditions arising from AIDS but does not include a person whose disability is based solely on drug or alcohol dependence (for low-income housing eligibility purposes). See “Individual with handicaps”

Deleted: AIDS, but

Portability. Renting a dwelling unit with Section 8 housing choice voucher outside the jurisdiction of the initial PHA.

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.

Processing entity. The person or entity that, under any of the programs covered, is responsible for making eligibility and related determinations and any income reexamination. In the Section 8 program, the “processing entity” is the “responsible entity.”

Project owner. The person or entity that owns the housing project containing the assisted dwelling unit.

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). Any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

Reasonable rent. A rent to owner that is not more than rent charged: (1) For comparable units in the private unassisted market; and (2) For comparable unassisted units in the premises.

Receiving PHA. In portability: A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA 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.

Remaining Member of Tenant Family. Person left in assisted housing who may or may not normally qualify for assistance on own circumstances (i.e., an elderly spouse dies, leaving widow aged 47 who is not disabled).

Deleted: age

Deleted: © Copyright 2006 Nan McKay & Associates
Unlimited copies may be made for internal use

Deleted: 2/1/2009 ADMIN PLAN

Rent to owner. The total monthly rent payable to the owner under the lease for the unit (also known as contract rent). Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

Residency Preference. A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").

Residency Preference Area. The specified area where families must reside to qualify for a residency preference.

Responsible entity. For the public housing and the Section 8 tenant-based assistance, project-based certificate assistance, and moderate rehabilitation programs, the responsible entity means the PHA 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.

Section 8. Section 8 of the United States Housing Act of 1937.

Section 8 covered programs. All HUD programs which assist housing under Section 8 of the 1937 Act, including Section 8 assisted housing for which loans are made under section 202 of the Housing Act of 1959.

Section 214. Section 214 of the Housing and Community Development Act of 1980, as amended

Section 214 covered programs is the collective term for the HUD programs to which the restrictions imposed by Section 214 apply. These programs are set forth in §5.500.

Security Deposit. A dollar amount (maximum set according to the regulations) which can be used for unpaid rent or damages to the owner upon termination of the lease.

Set-up charges. In a manufactured home space rental: Charges payable by the family for assembling, skirting and anchoring the manufactured home.

Shared housing. A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. A special housing type: see §982.615 to §982.618.

Single Person. A person living alone or intending to live alone.

Single room occupancy housing (SRO). A unit that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities. A special housing type: see §982.602 to §982.605.

Social Security Number (SSN). The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

Special admission. Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

Deleted: © Copyright 2006 Nan McKay & Associates
Unlimited copies may be made for internal use.

Formatted: Indent: Left: 0"

Deleted: 2/1/2009 ADMIN PLAN

Special housing types. See subpart M of part 982. Subpart M 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).

Specified Welfare Benefit Reduction. Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

Spouse. The marriage partner of the head of household.

Stalking. To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

State Wage Information Collection Agency (SWICA). The state agency, including any Indian tribal agency, receiving quarterly wage reports from employers in the state, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Subsidy standards. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Suspension. Stopping the clock on the term of a family's voucher after the family submits a request for approval of the tenancy. If the PHA decides to allow extensions or suspensions of the voucher term, the PHA administrative plan must describe how the PHA determines whether to grant extensions or suspensions, and how the PHA determines the length of any extension or suspension. This practice is also called "tolling".

Tenancy Addendum. For the Housing Choice Voucher Program, the lease language required by HUD in the lease between the tenant and the owner.

Tenant. The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Tenant rent to owner. See "Family rent to owner".

Term of Lease. The amount of time a tenant agrees in writing to live in a dwelling unit.

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. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero (0) bedrooms to six (6) bedrooms.

Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost 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 healthful living environment.

Utility reimbursement. In the voucher program, the portion of the housing assistance payment which exceeds the amount of rent to owner.

Utility hook-up charge. In a manufactured home space rental: Costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

Vacancy Loss Payments. (*Applies only to pre-10/2/95 HAP Contracts in the Rental Certificate Program*). When a family vacates its unit in violation of its lease, the owner is eligible for 80% of the contract rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if s/he notifies the PHA as soon as s/he learns of the vacancy, makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.

Very Low Income Family. A low-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. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the housing choice voucher program.

Violent criminal activity. Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Voucher (Housing Choice Voucher). A document issued by a PHA to a family selected for admission to the housing choice voucher program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The voucher also states obligations of the family under the program.

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 PHA waiting list.

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, **childcare** or other services for working families. FOR THE FSS PROGRAM (984.103(b)), "welfare assistance" includes only cash maintenance payments from Federal or State programs designed to meet a family's ongoing basic needs, but does not include food stamps, emergency rental and utilities assistance, SSI, SSDI, or Social Security.

Welfare-to-work (WTW) family. A family assisted by a PHA with Voucher funding awarded to the PHA under the HUD welfare-to-work voucher program (including any renewal of such WTW funding for the same purpose).

Deleted: child care

Deleted: © Copyright 2006 Nan McKay & Associates
Unlimited copies may be made for internal use.

Formatted: Indent: Left: 0"

Deleted: 2/1/2009 ADMIN PLAN



THE HOUSING AUTHORITY
OF THE CITY OF FORT MYERS, FLORIDA

PUBLIC COMMENT FORM TO
2021 ADMINISTRATIVE PLAN CHANGES

I _____, from the _____
(Name) (Property Name)

property, would like to comment on the 2021 Administrative Plan for The Housing Authority of The City of Fort Myers.

My comments are below:

COMMENTS:

