

CITY OF ALBEMARLE
DEPARTMENT OF PUBLIC HOUSING
HOUSING CHOICE VOUCHER PROGRAM
ADMINISTRATIVE PLAN

TABLE OF CONTENTS

	PAGE NO.
PART A – STATEMENT OF APPROACH	A-1
PART B – ADMISSIONS	
OUTREACH TO FAMILIES & CONTACT WITH OWNERS	B-1
APPLICATION TAKING	B-2
WAITING LIST	B-4
ELIGIBILITY FOR ADMISSION	B-7
VERIFICATION & DOCUMENTATION	B-12
INFORMATION TO OWNERS & SCREENING	B-15
RECORDS MANAGEMENT	B-17
BRIEFING AND ISSUANCE OF VOUCHERS	B-18
EXPIRATION, EXTENSION AND ISSUANCE	B-19
REQUEST FOR TENANCY APPROVAL	B-21
CONTRACT EXECUTION	B-24
GROSS RENT AND RENT REASONABLENESS	B-27
RENT POLICY	B-29
ESTABLISHMENT OF PAYMENT STANDARDS	B-33
MAXIMUM ALLOWABLE SECURITY DEPOSITS	B-34
SUBSIDY STANDARDS	B-35
UTILITY ALLOWANCE	B-37
INITIAL INSPECTION	B-38
VACATED/ABANDONED UNITS	B-39
PART C – CONTINUED PARTICIPATION	
MAINTENANCE, OPERATIONS & INSPECTIONS	C-1
RECERTIFICATION	C-3
ANNUAL RENT ADJUSTMENT	C-9
GROUNDS FOR DENIAL OR TERMINATION	C-11
PART D – PORTABILITY	D-1
PART E – REVIEWS AND HEARINGS	
INFORMAL REVIEW	E-1
INFORMAL HEARING	E-3
PART F – SPECIAL HOUSING TYPES	F-1
PART G – COMMUNITY SERVICE AND FSS	G-1
PART H – DEFINITIONS	H-1

PART A

**STATEMENT OF OVERALLL APPROACH AND OBJECTIVE
IN ADMINISTERING
THE HOUSING CHOICE VOUCHER PROGRAMS**

1. Scope

This plan is intended to cover the Housing Choice Voucher Program administration or other applicable Section 8 Existing Programs administered by the City of Albemarle Department of Public Housing (hereinafter referred to as the “PHA” or “Department of Public Housing”).

The Department of Public Housing is responsible for complying with all changes in U.S. Department of Housing and Urban Development (HUD) regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. The original Plan and any changes must be approved by the City Council and a copy provided to HUD.

2. Objective

The overall objective is to permit qualified families to obtain decent, safe, sanitary, and affordable housing.

3. General Approach

The general approach of the program is to inform the community of the service, determine client eligibility, make the characteristics of the rental market known to program participants to enable them to search for housing within program rent levels and housing quality thresholds, and to ensure that the program is administered according to HUD rules and regulations regarding the program. In addition, programs are to be administered in a manner consistent with state law.

The Department of Public Housing shall use all program contracts and forms required by HUD, including the:

- Consolidated Annual Contributions Contract
- Housing Assistance Payment Contract
- Lease language in the addendum

Required contracts and forms shall be word-for-word as required by HUD; additions or modifications shall be approved by HUD headquarters.

4. Income Targeting

No less than 75% of all new admissions shall be families whose income at the time of their admission does not exceed 30% of the area median income. Not more than 25% of the dwelling units that were available for occupancy under Section 8 before the effective date of the Housing and Community Development Amendments of 1981 shall be available for leasing by low-income families other than very low-income families. Not more than 15% of the dwelling units which become available for occupancy under Section 8 on or after the effective date of the Housing and Community Development Amendments of 1981 shall be available for leasing by low-income families other than very low-income families.

The income limitations established above shall not apply to dwelling units made available under project-based contracts under Section 8 for the purpose of preventing displacement, or ameliorating the effects of displacement.

5. Equal Opportunity

It is the policy of the Department of Public Housing 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 Department of Public Housing shall comply with:

- The Fair Housing Act;
- Title VI of the Civil Rights Act of 1964;
- The Age Discrimination Act of 1975;
- Executive Order 11063, Equal Opportunity in Housing;
- Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act.

The Department of Public Housing shall not deny any family or individual the opportunity to apply for or receive assistance under the Housing Choice Voucher Programs on the basis of race, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability.

To further its commitment to full compliance with applicable Civil Rights laws, the Department of Public Housing will provide federal/state/local information to Voucher holders regarding “discrimination” and any recourse available to them if they are victims of discrimination. 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.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 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 Department of Public Housing’s owned facilities are inaccessible to or unusable by persons with disabilities.

Posters and housing information are displayed in locations throughout the Department of Public Housing’s office in such a manner as to be easily readable from a wheelchair. The Department of Public Housing Central Office is accessible to persons with disabilities.

6. Monitoring Program Performance

Program performance is monitored by means of data collections and file maintenance for review, periodic reports to proper departments and agencies, and audits and reviews (both internal and external) by the Department of Public Housing, independent public accountants, and HUD. HUD shall have full and free access to Department of Public Housing offices and facilities; and all accounts and other records regarding the administration of programs.

7. Housing Outside Areas Of Poverty Or Minority Concentration

The Department of Public Housing encourages program participation by owners of units outside areas of poverty or minority concentration. The purpose of these activities is to provide more choices and better housing opportunities to families.

The Department of Public Housing will periodically evaluate demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. Designated Department of Public Housing staff will initiate outreach to owners of properties in areas outside of poverty or minority concentration. Outreach will include formal and informal discussions and meetings. Printed material about the Housing Choice Voucher Program will be provided to owners. Furthermore, the Department of Public Housing will grant exception rents for accessible properties and properties in suburban areas outside areas of poverty or minority concentration, if the Department of Public Housing has jurisdiction in that area.

During the family briefing session, Voucher holders will be informed of the full range of areas where they may lease units inside the Department of Public Housing's jurisdiction and will be given a list of participating landlords with properties outside areas of poverty or minority concentration. Owner lists will be provided in the briefing packet and at the Department of Public Housing central office.

8. Record Retention

The Department of Public Housing shall maintain complete and accurate accounts and records in the form required by HUD. The Department of Public Housing shall retain during the course of the lease, and for at least three (3) years after, the following documents:

- Copy of the executed lease
- Housing Assistance Payment contract
- Application

The Department of Public Housing shall retain for a minimum of three (3) years, the following documentation:

- Records that provide income, racial, ethnic, gender, and disability status data for applicants and participants
- Notice to, and application of, ineligible applicants
- HUD-required reports
- Unit inspection reports
- Lead-based paint inspection records
- Supporting budget, financial accounts, and records
- Other records specified by HUD

9. Administrative Fee Reserve

All expenditures from the administrative fee reserve will be approved by the City Council and made in accordance with the approved budget.

10. Privacy Rights

Applicants and participants, including all adults (18 years of age and older) in their households, are required to sign the HUD Form 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

The Department of Public Housing's policy regarding release of information is in accordance with Federal, State, and local laws that may restrict the release of family information.

Any and all information that would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder marked "confidential". 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 for access and granting of accommodations based on this information must be approved by the Director of Housing Management.

OUTREACH TO FAMILIES & CONTACT WITH OWNERS

The Department of Public Housing will undertake outreach activities that will produce a demographically mixed applicant pool. Pamphlets, brochures, newspaper ads, radio spots, or other similar types or notices will be utilized as needed in the outreach effort. The Department of Public Housing will closely monitor the outreach process and adjust accordingly to maximize participation of both program participants and owners.

1. Public Notice

Methods of outreach may include contact with senior citizen centers, property management firms, and social service agencies serving eligible households throughout the county. Public appearances will be made to other civic groups.

2. Outreach to Owners

Outreach may be conducted as needed, at the discretion of the Department of Public Housing, by a mailing to apartment owners, real estate firms and property management firms with information about the program requirements and benefits of participation to landlords and tenants. The Department of Public Housing shall make special efforts to recruit owners of suitable properties located outside areas of low-income or minority concentrations.

3. Owner Disapproval

Owners may be disapproved for participation in the Department of Public Housing's Housing Choice Voucher Program due to a history of drug trafficking, a history of non-compliance with Housing Quality Standards, non-payment of local real estate taxes, or having a history or practice of renting units that fail to meet local housing codes. The Department of Public Housing shall not approve a unit, when directed by HUD, if there is a federal action pending; or there is a court or a Department of Public Housing determined violation of Fair Housing or other federal equal opportunity requirements. The Department of Public Housing shall not approve a unit if the owner is debarred, suspended, or denied participation.

In addition to other grounds authorized by HUD, the Department of Public Housing shall not enter into a Housing Assistance Payment contract with an owner who refuses, or has a history of refusing, to take action to terminate tenancy for activities engaged in by the tenant, any member of the tenant's household, any guest, or any other person under the control of any member of the household that:

- Threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenants or employees of the Department of Public Housing, owner, or other manager of the housing;
- Threatens the health or safety of, or right to peaceful enjoyment of the residences by, persons residing in the immediate vicinity of the premises; or,
- Is involved in drug-related or violent criminal activity.

The Department of Public Housing shall not enter into or renew a Housing Assistance Payment contract with an owner who refuses, or has a history of refusing to consent to local law enforcement agencies, or other agencies as HUD determines appropriate, to enter common areas of the project at any time and without advance notice upon a determination of probable cause by such officers that criminal activity is taking place in such areas.

APPLICATION TAKING

All admissions to the Housing Choice Voucher Program shall be made on the basis of a written application completed by the applicant family at the City of Albemarle Department of Public Housing or designated site. The Department of Public Housing will conduct interviews when the application process is open. The Application for Admission shall constitute the basic legal record of each family applying for admission and shall support the Department of Public Housing's determinations of eligibility status, priority status, and rent for which the applicant is qualified. All supplemental materials pertaining to eligibility shall be considered a part of the application record and carefully recorded. This includes verifications of income and family composition and such other data as may be required. The following conditions shall govern the taking and processing of applications:

1. Applications for the Housing Choice Voucher Program will be maintained on the Department of Public Housing's computer system. Applicants shall complete and sign the application and certify, subject to civil and criminal penalties, to the accuracy of all statements made therein. The Department of Public Housing reserves the right to require the signature of any or all adult members of the applicant household. Each complete application shall reflect the date and time of receipt by the Department of Public Housing, and any other factors upon which priority and preference are assigned.
2. Applicants will be required to submit verification documentation as part of the application process. Applicants will be supplied a list of required verifications for the purpose of determining eligibility.
3. Should applicants fail to provide required verification documentation within time frame established by the PHA, their case will be placed in an inactive status and the applicants will be required to reapply during the next enrollment period.
4. The Department of Public Housing reserves the right to suspend application taking when the current supply of completed full applications exceeds the number of families that could be reasonably expected to be housed within the next twelve months.
5. The Department of Public Housing will normally take applications from a central location which will allow for processing by staff persons knowledgeable of the rules and regulations governing the Housing Choice Voucher Program, but reserves the right to establish satellite locations for application taking, so long as all processing is done in a central location.
6. The Department of Public Housing reserves the right to establish times for taking applications, including by appointment. The Department of Public Housing staff may at its discretion provide for application interviews outside normal hours when necessary for hardship reasons.
7. Insofar as possible, if an interview is required, application interviews shall be conducted in private.
8. Applications shall be updated as applicants report changes in income and family circumstances. All modifications to applications shall be properly documented and the transaction initialed by the staff member making the change.

9. All active applications will be purged no less than once each 12 months. Notification shall be sent to each applicant informing him/her that unless he/she confirms his/her continued interest, his/her application will be retired from the active file. Returned notification will be attached to the respective application as evidence of unsuccessful effort to locate the applicant. All applicants will be instructed to notify the PHA whenever there is a change in family composition, income, address, and any other factors relative to their eligibility status. Applicants should notify the PHA if he/she no longer desires consideration for the Housing Choice Voucher Program.
10. Applicants on waiting lists for any other type of assisted housing will have no special status with respect to the Housing Choice Voucher Program. Applicants must submit separate applications for other programs. Applicants will not lose their place on any other PHA waiting list should they make an application for the public housing program. This right will be explained to each applicant who might have previously filed an application for a dwelling unit through any other PHA program.
11. The Department of Public Housing shall maintain such records as are necessary to document the disposition of all applications and to meet Department of Housing and Urban Development audit requirements.
12. If an applicant is determined to be ineligible on the basis of program guidelines, the applicant shall be notified, in writing of the reasons for the ineligibility determination. The applicant shall be informed of their right for an Informal Review of the determination. If, after the review, the applicant remains ineligible, or if the right to a review is waived, the applicant shall receive a written notice.
13. The Department of Public Housing shall not deny admission to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission.

WAITING LIST – ESTABLISHMENT, MANAGEMENT, AND PREFERENCES

1. Public Notice to Eligible Families (Opening the Waiting List)

- a. The Department of Public Housing shall make known to the public that pre-applications are being taken.

Publicity will include:

- (i) The dates, times, and location where families may apply;
- (ii) The programs for which applications will be taken;
- (iii) A brief description of the program;
- (iv) A statement that public housing residents must submit a separate application if they want to apply for Section 8; and
- (v) Limitations, if any, on whom may apply.

- b. Public notice shall be in the form of, but not be limited to, newspaper ads and radio announcements. The Department of Public Housing will give the public notice by publication in a local newspaper of general circulation, and also by minority media and other suitable means. The notice will comply with all HUD fair housing requirements.

2. Closing the Waiting List

The Department of Public Housing shall make known to the public that the waiting list will be closed and pre-applications will no longer be taken until further notice. Public notice shall be in the form of, but not be limited to, newspaper ads and radio announcements. The Department of Public Housing will give the public notice by publication in a local newspaper of general circulation, and also by minority media and other suitable means. The notice will comply with all HUD fair housing requirements.

3. Establishment of a Waiting List

Each eligible applicant household shall be placed on the waiting list based on the date and time of the application. Files and supporting documentation supplied by the families shall be maintained in a manner that is consistent with regulations governing the programs.

4. Preferences

Residency preference for applicant households living in Stanly County and applicants who are working or have been notified that they are hired to work in Stanly County. Proof of residency and/or work location will be required. Examples of required proof would be driver's license, utility bill, telephone bill or statement from employer and various other forms of documentation.

5. Selecting Applicants from the Waiting List

When funding is available, applicants shall be selected from the waiting list by order of preference, as described in this policy. The Department of Public Housing shall not select families in an order different from the order on the waiting list for the purpose of selecting relatively higher income families for residence. Applicants will be selected by date and time of application first from the In County Waiting List and then from the Out of County Waiting List.

When there is insufficient funding available for the family at the top of the waiting list, the Department of Public Housing will not admit any other applicant until funding is available for the first applicant. Families will only be offered vouchers in the waiting list sequence.

6. Updating the Pre-Application

It is the responsibility of the applicants who are on the waiting list to keep their application current. When an applicant's circumstances change, they shall be reported to the Department of Public Housing in writing or by proper form available from the Section 8 office.

If the applicant reports a change in family size (either increase or decrease) from the size stated on the pre-application form, it will not affect the applicant's placement on the waiting list.

7. Removal from the Waiting List and Purging

Applicants will be mailed an update inquiry to ensure the applicant's continued interest in, and need for, housing. An applicant, who does not return the inquiry by the requested deadline date, will have his/her name removed from the Waiting List. An extension of thirty (30) days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability.

Applicants will be mailed an update to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest. If the family fails to respond to this notification, the family will be purged from the waiting list. An extension of thirty (30) days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability.

Mailings to applicants which require a response will state that failure to respond within ten (10) days will result in the applicant's name being dropped from the waiting list. If the family has refused assistance (Voucher), their name will be removed from the waiting list.

8. Special Circumstances

a. 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 Department of Public Housing will make the decision taking into consideration the following factors:

- Which member applied as head of household;
- Which family unit retains the children or any displaced 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; and
- 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 Department of Public Housing.

b. Multiple Families in the Same Household

Families consisting of two families applying as a family unit will be treated as one family unit.

c. 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 on the school records will be allowed to claim the school-age child as a dependent.

ELIGIBILITY FOR ADMISSION

The Department of Public Housing will determine applicant eligibility in accordance with HUD guidelines.

1. Eligibility Criteria

- a. An applicant must be a family as defined in this policy.
- b. An applicant must be within the appropriate income limits.
- c. An applicant must furnish a copy of the Social Security Card or appropriate verification from the Social Security Administration for all family members from birth age.
- d. An applicant must furnish evidence of Citizenship/Eligible Immigrant Status such as a birth certificate or INS certification.
- e. All members of the applicant family that are eighteen (18) years of age or older must have a criminal background check performed before eligibility can be determined.

2. Family Composition

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

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

3. A single person may be:

- a. An elderly person
- b. A displaced person
- c. A person with a disability
- d. Any "other single" person

4. 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.

5. Spouse of Head

Spouse means the marriage partner of the head, who in order to dissolve the relationship, would have to be divorced. The term “spouse” does not apply to boyfriends, girlfriends, significant other, or co-heads.

6. 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.

7. Live-In Attendants

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

- (i) Is determined by the Department of Public Housing to be essential to the care and well being of an elderly person, a near elderly person, or a person with disabilities,
- (ii) Is not obligated for the support of the person(s), and
- (iii) Would not be living in the unit except to provide care for the person(s).

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

- (i) Income of the live-in aide is not counted for purposes of determining eligibility of benefits.
- (ii) Live-in aides are not subject to Non-Citizen Rule requirements.
- (iii) Live-in aides may not be considered as a remaining member of the tenant family.
- (iv) A live-in aide may only reside in the unit with the approval of the Department of Public Housing. Written verification will be required from a reliable, knowledgeable professional. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near elderly, or disabled.

- c. At any time the Department of Public Housing may refuse to approve a particular person as a live-in aide, or may withdraw such approval if:
- (i) The person commits fraud, bribery and any other corrupt or criminal act in connection with any federal housing program.
 - (ii) The person commits drug-related criminal activity or violent criminal activity.
 - (iii) The person currently owes rent or other amounts to the Department of Public Housing or to another Department of Public Housing in connection with Section 8 or public housing assistance under the 1937 Act.

8. Noncitizens Rule

Section 214 of the Housing and Community Development Act of 1980, as amended, prohibits the Secretary of HUD from making financial assistance available to persons who are other than United States Citizens, nationals, or certain categories of eligible noncitizens either applying to or residing in specified Section 214 covered programs.

9. Ineligibility Because of Eviction for Drug Crimes

Any tenant evicted from federally assisted housing by reason of drug-related criminal activity (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 USC 1437a(b))) shall not be eligible for federally assisted housing during the 3-year period beginning on the date of such eviction unless the evicted tenant successfully completes a rehabilitation program approved by the Department of Public Housing. A waiver may be granted if the circumstances leading to eviction no longer exists.

10. Ineligibility for Illegal Drug Users and Alcohol Abusers

Notwithstanding any other provision of the law, the Department of Public Housing shall prohibit admission to the Housing Choice Voucher Program for any household with a member who the Department of Public Housing determines is illegally using a controlled substance; or, the Department of Public Housing determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

In determining whether to deny admission to the Housing Choice Voucher Program to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, the Department of Public Housing may consider whether such household member has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

11. Authority to Deny Admission to Criminal Offenders

Except as provided above, and in addition to any other authority to determine eligibility, if the Department of Public Housing determines that the applicant or any member of the applicant household is or was, during a reasonable time preceding the date when the applicant would otherwise be selected for admission, engaged in any drug-related or violent criminal activity, convicted as a sex offender or other criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner, or Department of Public Housing employees, the Department of Public Housing may deny such applicant admission to the program; or, may require proof that the individual who engaged in criminal activity has not engaged in any criminal activity for a reasonable period. A reasonable period will be deemed five (5) years prior to the date of application for Housing Voucher Choice assistance.

12. Income Limitations

In order to be eligible for assistance, an applicant must be either:

- a. A very low-income family, or
- b. A low-income family in any of the following categories:
 - (i) 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 (choices: 30/60/90/120) days of voucher issuance. Programs include public housing, all Section 8 programs, and all Section 23 programs.

Definition of Continuously-Assisted: An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Act program when the family is admitted to the voucher program.
 - (ii) A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.
 - (iii) A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.
 - (iv) A low-income non-purchasing family residing in a project subject to a homeownership program under 24 CFR 248.173.
 - (v) A low-income family displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165
 - (vi) A low-income family residing in a HUD-owned multifamily rental housing project when the project is sold, foreclosed, or demolished by HUD.
 - (vii) Must meet HUD's 40% rule on income to rent ratio before assistance can be provided.

13. Special Eligibility: Law Enforcement And Security Personnel In Assisted Housing

For the purpose of increasing security for residents, the owner of a project-based assisted development may admit police officers and other security personnel who are not otherwise income eligible for assistance with approval from HUD.

14. Other Eligibility Criteria

- a. All utility bills must be paid in full prior to being accepted for Section 8 rental assistance. This includes, electric, natural gas, propane, fuel oil or any other type of utility needed to maintain the home in respect to lights, heating and/or cooling. The applicant may be required to provide proof of payment.
- b. Previous landlords must be paid in full for back rent or damages, prior to being accepted for Section 8 rental assistance. This will include any Public Housing in the United States, real estate agents, or individual landlords. The applicant may be required to provide proof of payment.
- c. Any outstanding debts owed to the City of Albemarle must be paid in full prior to being accepted for Section 8 rental assistance.

VERIFICATION AND DOCUMENTATION OF ELIGIBILITY FACTORS

When assistance is about to become available to an applicant on the waiting list, the Department of Public Housing will verify and document the applicant's eligibility factors. This is done to assure eligibility determination, preference and status, monthly rent share, and size of dwelling unit assigned are accurate and complete. The staff will review and/or verify information submitted on behalf of each applicant, including the applicant's claim of qualification for a preference. Verifications may be in the form of a written statement by a third party and be forwarded directly to the Department of Public Housing by the third party on behalf of the applicant. Alternate methods will require adequate documentation. Eligibility will be verified or re-verified, no longer than 60 days prior to issue of a Voucher.

The Department of Public Housing shall verify all items by type and manner as required by regulation.

1. Verification Policy

The Department of Public Housing shall require the family head and other such family members as it designates to execute a HUD-approved release and consent authorizing any depository or private source of income, or any federal, state, or local authority to furnish or release to the Department of Public Housing and to HUD such information as the Department of Public Housing or HUD determines to be necessary. Because eligibility for federal housing assistance is not based on a "declaration system" but upon verification of actual income and family circumstances, the Department of Public Housing is not limited to verification of data supplied by applicants or participants. Failure of an applicant to cooperate with the Department of Public Housing in obtaining verifications will result in the application being declared incomplete and inactive. A participant who fails to cooperate or to release information may have his assistance terminated. In addition, interim changes resulting in rent reductions will not be made for participants until after receipt of all required verifications. In consideration of the privacy rights of residents and applicants, the Department of Public Housing shall restrict its requests to those matters of income, family composition and other family circumstance which are related to eligibility, rent, unit size and type, admission priority rating, or other lawful determinations made by the Department of Public Housing.

As part of the application record of each applicant determined to be eligible for admission, a designated staff member or his/her supervisor shall certify that an investigation has been made of such family and that on the basis of this investigation, it has been determined that the applicant and his/her family meet all the conditions governing eligibility.

2. Mandatory Social Security Numbers

Families are required to provide verification of Social Security Numbers for all family members from birth and older 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 or social security numbers is grounds for denial or termination of assistance.

3. Other Verification Documentation

Examples of verification documentation include, but are not limited to, the following:

- a. Letters or other statements from employers and other pertinent sources giving authoritative information concerning all items and amounts of income and deductions, together with other eligibility and preference determinations;
- b. Verification forms supplied by the Department of Public Housing and returned properly completed by employers, public welfare agencies, etc;
- c. Originals, photocopies, or carbon copies of documents in the applicant's possession which substantiate his statements, or a brief summary of the pertinent contents of such documents signed and dated by the staff member who viewed them;
- d. Statements from self-employed persons, and from persons whose earnings are irregular, such as salesmen, etc., setting forth gross receipts, itemized expenses and net income (expenses incurred for business expansion or amortization of capital indebtedness are to be included in net income) or official tax documents demonstrating self-employed income;
- e. Memoranda of verification data obtained by personal interview, home visit, telephone, or other means, with source, date received, name and title of person receiving the information clearly indicated, and a summary of information received;
- f. Certified birth certificates, or other substantial proof of age, to support claims to the various entitlements in these policies for each member of the household;
- g. Proof of disability, or of physical impairment, if necessary to determine the applicant's eligibility as a family or entitlement to consideration under the criteria established in these policies, provided in written form by the appropriate government authority. Applicant must be declared disabled by the Social Security Administration;
- h. Statements from landlords, family social workers, parole officers, court records, drug treatment centers, clinics, physicians, or police departments, where warranted in individual cases;
- i. Receipts for allowable expenses claimed by participants.

4. Immigration and Naturalization Service (INS) Eligibility

The Department of Public Housing will obtain verification of eligibility for assistance under the rules of the INS. Eligible applicants must be citizens of the United States or noncitizens who have eligible immigration status. Each family member, regardless of age, is required to submit evidence of citizenship or eligibility in accordance with current INS regulation.

Verification shall be obtained at the time of initial application, from families receiving assistance since June 19, 1995, upon the first anniversary of participation, and whenever a family changes Section 214 covered programs. Otherwise, for each family member, the family is required to submit evidence of eligible immigration status only one time during continuously-assisted occupancy under any 214 covered program.

5. Notification to Applicants of Eligibility Status

- a. Eligible applicants: Eligible applicants with a grievance with the Department of Public Housing based on their placement on the waiting list, the issuance by the Department of Public Housing of a Voucher, or other pertinent matters may request an Informal Review.
- b. Ineligible applicants: If an applicant is determined to be ineligible on the basis of income, family composition or for any other reason or if an applicant does not qualify for a Preference, the applicant shall be notified in writing and the notification shall state that the applicant has the right to request an Informal Review. Such notice of applicant ineligibility does not preclude the applicant from exercising their rights if they believe they are being discriminated against on the basis of race, age, handicap, creed, religion, sex, or national origin.
- c. Ineligible for Reinstatement: Applicants determined to be ineligible will be permitted to make a new application only during the Department of Public Housing's normal application acceptance period.

6. Conflict of Interest

An employee of the Department of Public Housing who meets the eligibility guidelines of the program may be eligible to participate in the program provided they do not have decision making power regarding the program.

7. Suitability of the Family

The Department of Public Housing will take into consideration any of the criteria for admission, but may not otherwise screen for factors that relate to the suitability of the applicant family as tenants. It is the responsibility of the owner to screen the applicants as to their suitability for tenancy.

INFORMATION TO OWNERS AND SCREENING

1. Information To Owners

The Department of Public Housing will respond to inquiries from owners who have been approached by Voucher holders by explaining major program procedures including lease provisions, lease approval procedures, security deposits and damage/vacancy claim policy, housing quality inspections, contract provisions and payment procedures by furnishing copies of the pertinent forms.

The Department of Public Housing shall inform the owner that it does not conduct tenant screening. The Department of Public Housing may verify the validity of the Voucher and provide the additional information if available in PHA records:

- Provide the family's prior and/or current addresses
- Provide the name and address of current or past landlord
- May offer additional information about tenancy history of the family member
- May offer information about drug-trafficking by family members

This policy must be administered consistently to all families and owners. The briefing packets for the families and owners will contain this policy.

2. Owner Responsibility

Each Housing Assistance Payment contract entered into by the Department of Public Housing and the owner of a dwelling unit shall provide that the screening and selection of families for those units shall be the function of the owner.

The Department of Public Housing may elect to screen applicants for the program in accordance with such requirements as HUD may establish. If the owner of property, which receives project based assistance and is located in the PHA's jurisdiction, requests that the PHA obtain screening information on its behalf (such as sex offender status), upon such request by the owner, the PHA may make a request for information. The PHA, however, may not make such information available to the owner, but shall perform determinations for the owner regarding screening, lease enforcement, and eviction based on criteria supplied by the owner. In such cases the PHA can pass on the expense to the owner. The PHA must also have policies regarding confidentiality and records management.

The following may pertain if the PHA chooses to conduct screening.

- Under section 575 of the Quality Housing and Work Responsibility Act of 1998, the Department of Public Housing will require, as a condition of providing admission to the Housing Choice Voucher Program, that each adult member of the household provide a signed, written, authorization for the Department of Public Housing to obtain records regarding such member of the household from the National Crime Information Center, police department, and other law enforcement agencies.

- Under section 578 of the Quality Housing and Work Responsibility Act of 1998, the Department of Public Housing will require, as a condition of providing admission to the Housing Choice Voucher Program, that each adult member of the household provide a signed, written, authorization for the Department of Public Housing to obtain records from state and local agencies to determine whether an applicant is subject to a lifetime registration requirement under a state sex offender registration program.
- Before an adverse action is taken with respect to an applicant for occupancy on the basis of criminal history or that an individual is subject to a lifetime registration requirement under a state sex offender registration program, the Department of Public Housing shall provide the applicant with a copy of the registration information and an opportunity to dispute the accuracy and relevance of that information.
- Under section 575 of the Quality Housing and Work Responsibility Act of 1998, the Department of Public Housing, notwithstanding any other provision of law other than the Public Health Service Act (42 USC 201 et seq) may require each person who applies for admission to the Housing Choice Voucher Program to sign one or more forms of written consent authorizing the Department of Public Housing to receive information from a drug abuse treatment facility that is solely related to whether the applicant is currently engaging in the illegal use of controlled substances. In a form of written consent, the Department of Public Housing shall request only whether the drug abuse treatment facility has reasonable cause to believe that the applicant is currently engaging in the illegal use of a controlled substance.
- The Department of Public Housing shall make an inquiry to a drug treatment facility if the Department of Public Housing receives information from the criminal record of the applicant that indicates evidence of prior arrest or conviction or the Department of Public Housing receives information from the records of prior tenancy of the applicant that demonstrates that the applicant engaged in the destruction of property, engaged in violent activity against another person, or interfered with the right of peaceful enjoyment of the premises of another tenant.
- The applicant's signed written consent shall expire automatically after the Department of Public Housing has made a final decision to either approve or deny the applicant's application for admittance to the Housing Choice Voucher Program.
- The term "currently engaging in the illegal use of a controlled substance" means the illegal use of a controlled substance" means the illegal use of a controlled substance that occurred recently enough to justify a reasonable belief that an applicant's illegal use of a controlled substance is current or that continuing illegal use of a controlled substance by the applicant is a real and on-going problem.

RECORDS MANAGEMENT

All records obtained for the purpose of applicant screening shall be maintained confidentially and in accordance with section 543 of the Public Health Service Act (12 USC 290dd-2) to ensure that the records are not misused or improperly disseminated and are properly destroyed.

All records obtained for the purpose of applicant screening shall be:

Maintained in the applicant file in a locked file cabinet.

Destroyed no less than five business days after the date on which the Department of Public Housing gives final approval for an application for admission.

Destroyed in a timely manner if the Department of Public Housing denies the application and the date on which the statute of limitations for the commencement of a civil action from the applicant based upon that denial of admission has expired.

Confidentiality

The Department of Public Housing receiving information for the purpose of applicant screening shall not be disclosed to any person who is not an officer, employee, or authorized representative of the Department of Public Housing and who has job related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance. For judicial eviction proceedings, disclosures may be made to the extent necessary.

Any officer, employee, or authorized representative of the Department of Public Housing who knowingly and willfully requests or obtains any information concerning an applicant for, or tenant of the Department of Public Housing's Housing Choice Voucher Program, under false pretenses, or any officer, employee, or authorized representative of the Department of Public Housing who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and such to the fines of the state.

Any applicant or resident of the Department of Public Housing affected by negligent or knowing disclosure of information referred to in this subsection about such person by an officer, employee, or authorized representative of the Department of Public Housing which disclosure is authorized by this subsection, or any other negligent or knowing action that is inconsistent with this subsection, may bring a civil action for damages and such other relief as may be appropriate against the Department of Public Housing. The district court of the United States in the district in which the affected applicant or resident resides, in which such unauthorized action occurred, or in which the officer, employee, or representative alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters.

BRIEFING OF APPLICANTS AND ISSUANCE OF VOUCHERS

Briefing will be conducted as necessary to maintain a full program. Topics to be covered may include, but are not limited to, the following:

- Term of the Voucher
- Voucher extension/suspension policy and how to request an extension
- How the PHA determines the housing assistance payment for the family
- Fair Market Rents and Payment Standards
- Utility Allowance Schedule
- How the PHA determines the maximum rent for an assisted unit
- Where the family may lease a unit
- Explanation of how Portability works
- Lease Addendum
- Request For Tenancy Application (RFTA) form
- Explanation of how to request PHA approval to lease a unit
- PHA policy on providing information about a family to prospective owners
- PHA Subsidy Standards
- Policy on when PHA will consider granting exceptions to the Subsidy Standards
- HUD-required lead-based paint brochure
- Information of Federal, State, and local EEO laws
- Housing discrimination complaint form
- List of landlords
- Notice that if the family includes a disabled person, the family may request a current listing of accessible units
- Family obligations
- Grounds for which PHA may terminate assistance
- Informal Hearing Procedure

The Department of Public Housing will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation. If the applicant currently lives in a high poverty census tract, the Department of Public Housing shall explain the advantages of moving to an area that does not have a high concentration of low-income families.

The Department of Public Housing shall take appropriate steps to ensure effective communication with all family members in accordance with regulations for "Nondiscrimination Based on Handicap in Federally Assisted Programs". The Department of Public Housing shall provide applicants with information regarding Fair Housing and housing discrimination complaint forms. When an applicant claims that they have been subject to illegal discrimination which prevents leasing of a suitable unit, the Department of Public Housing shall provide the applicant with information on how to fill out a housing discrimination complaint.

Each household will receive necessary documents as required by regulation or current Department of Public Housing procedure. Upon issuance of a voucher, the family shall be responsible for finding an existing housing unit suitable to the holder's needs and wants. A voucher holder may select the dwelling unit in which he or she already resides if the unit meets Housing Quality Standards. The rent for the unit must also be reasonable as defined by HUD and the family must meet HUD's 40% income eligibility rule.

EXPIRATION, EXTENSION, AND ISSUANCE OF HOUSING CHOICE VOUCHERS

1. Expiration and Extension of Vouchers

The Voucher shall expire at the end of sixty (60) days unless within that time the applicant has turned in a Request for Tenancy Approval within the 40% rule.

If a Voucher is about to expire, an applicant must request, in writing, an extension to the Voucher. Approval of an extension shall be made at the sole discretion of the Department of Public Housing. The Department of Public Housing, at its discretion, may approve an extension on its own accord. The basis for this approval shall be documented and must be submitted at least ten (10) days prior to expiration of the voucher. Documentation can include turning a Request for Tenancy Application or verifiable proof of seeking a housing unit from several landlords.

If the Department of Public Housing believes there is a reasonable possibility that the applicant may find a suitable unit with additional advice or assistance, the Department of Public Housing may grant one or more extensions not to exceed a total of sixty (60) additional days. The special problem of ability to locate an accessible unit will be taken into account by the Department of Public Housing when considering requests by qualified handicapped persons for extensions of Vouchers.

If the family needs and requests an extension of the initial voucher term or a reasonable accommodation to make the programs accessible to and usable by a family member with a disability, the PHA may extend the term of the Voucher up to 120 days from the beginning of the initial term. The HUD field office may approve an additional extension of the term.

The Department of Public Housing, at its discretion, may suspend the term of a Voucher after the applicant submits a Request for Tenancy Application. The basis for the suspension shall be (1) Family decision not to participate and (2) Family not eligible to participate.

Expiration of a Voucher shall not preclude the applicant from filing a new application for another Voucher in accordance with this policy.

2. Continued Participation When Participant Moves

- a. If a participant notifies the Department of Public Housing that it wishes to obtain another Voucher for the purpose of moving to another assisted unit, the participant must provide the Department of Public Housing with at least thirty (30) days notice of its intention to move with continued assistance and request a new Voucher.

The participant must also give the owner proper written notice as provided in the lease and provide the Department of Public Housing with a copy of the notice. The participant may be issued another Voucher if they are moving after one year of residency unless there are unusual circumstances, as determined by the Department of Public Housing. In some cases, the Department of Public Housing may require that the owner and the participant agree, in writing, mutually to terminate the lease.

- b. Repayment Agreement. If a participant owes money to the Department of Public Housing, the participant must sign a Repayment agreement to repay the Department of Public Housing any amounts owed. If a participant owes money to the landlord for rent or damages, they may enter into a repayment agreement with the landlord. A copy of the payment receipt must be furnished to the Department of Public Housing's Housing Choice Voucher Program each month until payment is completed. Only one (1) repayment agreement at a time is allowed.
- c. Denial of Voucher to Participant. If the Department of Public Housing denies a new Voucher to a participant, for any reason, the participant may request an Informal Hearing as provided in this policy.
- d. Moves Required by the Department of Public Housing. If a participant is required to move by the Department of Public Housing due to a change in family size or composition, the Department of Public Housing will notify the participant that exceptions to the occupancy standards may be requested and of the circumstances in which the exceptions may be granted.

3. Family Break-up and Continued Participation of Remaining Family Member(s)

If the Head of Household leaves the household, a new Voucher which reflects the change in the family size or composition may be issued to the remaining family member(s), at the discretion of the Department of Public Housing. The remaining member of a tenant family means an adult individual remaining in a unit when the Head of Household of an assisted family has moved, unless this individual was an unrelated member of the former family who was necessary to care for the well-being of an elderly, disabled, or handicapped head of household or spouse and whose income was not counted for eligibility or gross family rent determination purposes. If the Head of Household has requested portability then the voucher will go with the Head of Household as long as they have met the eligibility criteria for portability.

If the family size changes, the family may be able to stay where they are living provided that they elect to do so. Situations where this may occur include the death of a household member, and the separation of a couple. If the couple has no children, either the couple will decide who retains the voucher, or the Department of Public Housing will decide.

Continued assistance shall be based on a case-by-case basis, based on the circumstances of the individual case. When a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the Department of Public Housing shall be bound by the court's determination of which family members continue to receive assistance in the program.

4. Notice of Proposed Housing Assistance Payment Termination

Prior to terminating the Housing Assistance Payment contract, the Department of Public Housing shall provide the participant and owner thirty (30) days written notice.

REQUEST FOR TENANCY APPROVAL

The Request for Tenancy Approval (RTFA) and a copy of the proposed Lease must be signed by both the owner and Voucher holder and submitted by the family during the term of the Voucher.

The Department of Public Housing will review the proposed lease and the Request for Tenancy Approval documents to determine whether they can be approved.

1. Approval of Request for Tenancy Approval

The Request will be approved if:

- a. The unit is an eligible type of housing.
- b. The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan).
- c. The rent is reasonable and may be approved.
- d. The Security Deposit, to be paid by the tenant, may be approved in accordance with the State of North Carolina Landlord Tenant Act.
- e. The proposed lease complies with HUD and Department of Public Housing requirements.
- f. The owner may be approved, and there are no conflicts of interest.
- g. The tenant meets HUD's 40% rent to income ratio eligibility standards.

2. Disapproval of Request for Tenancy Approval

If the Department of Public Housing determines that the RTFA cannot be approved for any reason, the landlord and the family will be notified in writing. The Department of Public Housing will instruct the owner and family of the steps that are necessary to approve the Request.

The owner will be given 10 calendar days to submit an acceptable Request for Tenancy Approval from the date of disapproval.

When, for any reason, a RTFA is not approved, the Department of Public Housing will furnish another Request for Tenancy Approval form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

3. Eligible Types of Housing

The Department of Public Housing will approve any of the following types of housing in the Voucher Program:

- All structure types can be utilized
- Manufactured homes where the tenant leases the mobile home and the pad
- Manufactured homes where the tenant owns the mobile home and leases the pad
- Group Homes
- Congregate (only the shelter rent is assisted)
- Single Room Occupancy other than hotel/motel rooms
- Units owned (but not subsidized) by the Department of Public Housing (following HUD-prescribed requirements)

A family can own a rental unit but cannot reside in it while being assisted, except in the case when the tenant owns the mobile home and leases the pad. A family may lease in and have an interest in a cooperative housing development. 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 Department of Public Housing will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

The Department of Public Housing may not permit a Voucher holder to lease a unit that is receiving Project-Based Section 8 assistance or any duplicative rental subsidies.

4. Lease Review

The Department of Public Housing will require owners to provide a copy of their lease with the tenant to the Department of Public Housing. The lease must be legal in the State of North Carolina and will include the HUD-mandated lease addendum. House Rules of the owner may be attached to the lease as an addendum, provided they are approved by the Department of Public Housing to ensure they do not violate any fair housing provisions and do not conflict with the lease addendum.

Each housing assistance payment contract entered into by the Department of Public Housing and the owner of a dwelling unit:

- a. Shall provide that the lease between the tenant and the owner shall be for a term of not less than one year, except that the Department of Public Housing may approve a shorter term for an initial lease between the tenant and the dwelling unit owner if the Department of Public Housing determines that such shorter term would improve housing

opportunities for the tenant and if such shorter term is considered to be a prevailing local market practice;

- b. Shall provide that the dwelling unit owner offer leases to tenants that are in a standard form used in the locality by the dwelling unit owner and contain terms and conditions that are consistent with state and local law and apply generally to tenants in the property who are not assisted under Section 8;
- c. Shall provide that during the term of the lease, the owner shall not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, for violation of applicable federal, state, or local law, or for other good cause;
- d. Shall provide that during the term of the lease, any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants; any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; or any violent or drug-related criminal activity on or near such premises engaged in by the tenant of any unit, any member of the tenant's household, or any guest or other person under the tenant's control shall be cause for termination of tenancy;
- e. Shall provide that any termination of tenancy shall be preceded by the provision of written notice by the owner to the tenant specifying the grounds for that action, and any relief shall be consistent with applicable state and local law; and,
- f. May include any addenda required by HUD.

CONTRACT EXECUTION

1. Housing Assistance Payment Contract Execution Process

The Department of Public Housing shall enter into a Housing Assistance Payment (HAP) contract with the property owner. The Housing Assistance Payment Contract is a written contract providing housing assistance payments to the owner on behalf of the eligible family.

a. Housing Assistance Payment Contract Execution

- (i) The Housing Assistance Payment contract shall be in the form required by HUD.
- (ii) The term of the Housing Assistance Payment contract shall begin on the first day of the term of the lease and end on the last day of the term of the lease.
- (iii) The Housing Assistance Payment contract shall terminate if the lease terminates.
- (iv) The Housing Assistance Payment contract shall state the amount of Contract Rent and define the Department of Public Housing's and owner's responsibilities under the program.
- (v) When the lease approval process is completed, the Department of Public Housing shall notify the landlord and family in writing of the lease approval or disapproval.
- (vi) The Department of Public Housing shall make an effort to execute the Housing Assistance Payment contract before the beginning of the lease term.
- (vii) The Housing Assistance Payment contract shall be executed no later than 60 calendar days from the beginning of the lease term.
- (viii) The Department of Public Housing shall not pay any Housing Assistance Payment to the owner until the Housing Assistance Payment contract has been executed.
- (ix) If the Housing Assistance Payment contract is executed during the period of 60 calendar days from the beginning of the lease term, the Department of Public Housing shall pay Housing Assistance Payment after the execution of the Housing Assistance Payment contract to cover the portion of the lease term before the Housing Assistance Payment contract was executed (maximum of 60 days).
- (x) Any Housing Assistance Payment contract executed after the 60-day period is void, and the Department of Public Housing shall not pay any Housing Assistance Payment to the owner.
- (xi) The Housing Assistance Payment plus tenant rent shall not be more than the rent to owner. It is the responsibility of the owner to return any overpayment.
- (xii) The owner shall not demand or accept any rent payment from the tenant in excess of the calculated tenant rent.

(xiii) The family shall not be responsible for payment of the portion of the rent to the owner covered by the Housing Assistance Payment under the Housing Assistance Payment contract.

b. **Initiating Payments**

(i) Once the contract is executed, the Department of Public Housing shall begin processing payments to the landlord.

(ii) If the Department of Public Housing fails to make a timely payment, the Department of Public Housing shall be obligated to pay all applicable state and/or local law late fees.

(iii) Unless otherwise authorized by HUD, the Department of Public Housing shall only use the following sources for payment of late payment fees:

(a) Administrative fee income; or,

(b) Administrative fee reserve.

c. For the Voucher Program, the Housing Assistance Payment equals the lesser of:

(i) The maximum subsidy determined by the Payment Standard minus total tenant payment (greater of 30% of the Monthly Adjusted Income or 10% Adjusted Income) or,

(ii) The rent charged by the owner.

d. **Distribution of Housing Assistance Payments**

The monthly Housing Assistance Payment is distributed as follows:

(i) The Department of Public Housing pays the owner the lesser of the Housing Assistance Payment or the rent to owner.

(ii) If the Housing Assistance Payment exceeds the rent to owner, the Department of Public Housing may pay the balance of the Housing Assistance Payment either to the family or directly to the utility supplier to pay the utility bill on behalf of the family.

2. **Change In Ownership**

➤ A change does require execution of a new contract.

➤ The Department of Public Housing will process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title and the Employee Identification Number or Social Security number of the new owner.

- The Department of Public Housing must receive a written request by the old owner in order to change the Housing Assistance Payment payee.

3. Change In Total Tenant Payment (TTP) Prior To Housing Assistance Payment Effective Date

When the family reports changes in factors that will affect the Total Tenant Payment prior to the effective date of the Housing Assistance Payment contract at admission, the information will be verified and the Total Tenant Payment will be recalculated. If the family does not report any change, the Department of Public Housing need not obtain new verifications before signing the Housing Assistance Payment Contract, even if verifications are more than 60 days old.

GROSS RENT AND RENT REASONABLENESS

1. Disapproval of Proposed Rent

If the proposed Gross Rent is not reasonable, at the family's request, the Department of Public Housing will negotiate with the owner to reduce the rent to a reasonable rent.

2. Fees and Charges to Family

The cost of meals or supportive services may not be included in the rent to owner, and the value of meals or supportive services may not be included in the calculation of reasonable rent.

The lease may not require the tenant or family members to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at not additional cost to unsubsidized tenants in the premises.

3. Rent Reasonableness: Comparability Factors

During Section 8 tenancy, an owner's rent must be "reasonable." The Department of Public Housing shall determine whether initial or adjusted rent for a Section 8 unit is reasonable in comparison with rent for units in the private unassisted market. To determine comparability, the Department of Public Housing shall consider:

- a. Location, quality, size, unit type, and age of the contract unit, and
- b. Any amenities, housing services, maintenance, and utilities to be provided by the owner in accordance with the lease.

4. Re-determination of Rent Reasonableness

The Department of Public Housing shall conduct a re-determination of reasonable rent in two cases:

- a. Before any increase of rent to owner; or,
- b. If there is a five percent (5%) decrease in the published Fair Market Rent (in effect 60 days before the contract anniversary) as compared with the Fair Market Rent in effect one year before the contract anniversary.

5. Documentation

The Department of Public Housing shall maintain records to document the basis for each determination that the initial and adjusted rent to the owner is reasonable during the assisted tenancy.

- a. The PHA shall document on a case-by-case basis that the approved rent is reasonable in comparison to rent for the comparable unassisted units.

- b. The following items will be used to document rent reasonableness: size (bedroom/square footage), location, quality amenities, housing services, age of unit, unit type, and utilities maintenance.
- c. In the tenant-based programs, a comparability determination shall be kept for at least three (3) years.

6. Limitations

Owner rents for some units may be subject to limits in addition to rent reasonableness to ensure that participants do not receive excessive compensation by combining HUD program assistance with assistance from other Federal, State, or local agencies, or with low income housing tax credits. Limits apply to:

- a. Units subject to rent control under local law;
- b. Units subject to rent restrictions under rules for the HUD HOME program;
- c. Project Based Certificate (PBC) units;
- d. Discretion of the Department of Public Housing because of other governmental subsidies in addition to Section 8 assistance.

7. Methodology

The Department of Public Housing will collect information on rents charged by the owner for other units in the premises or elsewhere. By accepting each monthly Housing Assistance Payment from the Department of Public Housing, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. Failure by the owner to provide other rent information to the Department of Public Housing may be cause for termination from the program.

The Department of Public Housing will also collect information on rents charged by owners of unassisted units. This data will be gathered from newspapers, realtors, inquiries of owners, and other available sources. The market areas for rent reasonableness are census tracts within the Department of Public Housing's jurisdiction. Subjects within a defined housing market area will be compared to similar units within the same area.

The Department of Public Housing maintains a database that includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an on-going basis.

The Department of Public Housing uses an appraisal method and tests subject units against selected units in the same area with similar characteristics. Adjustments are made for favorable and unfavorable differences between the subject unit and the comparables. Amenities, services, and facilities are given point values. The comparability analysis will use a minimum of three (3) comparables to determine the comparability of the adjusted rent.

RENT POLICY (Family Share of Rent)

1. Family Share of Rent

Family share of rent shall be calculated based on:

- a. 30% of the monthly adjusted income of the family; or,
- b. 10% of the monthly income of the family; or,
- c. If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.

2. Minimum Rental Amount

The Department of Public Housing shall require families to pay a minimum monthly rental amount of \$50. This minimum rent shall include any amount allowed for utilities.

3. Exemption for Hardship Circumstances

The Department of Public Housing shall immediately grant an exemption from application of the minimum monthly rental amount to any family unable to pay such amount because of financial hardship, which shall include situations in which:

- a. The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;
- b. The family would be evicted as a result of the imposition of the minimum rent requirement;
- c. The income of the family has decreased because of changed circumstances, including loss of employment;
- d. A death in the family has occurred.

If a resident requests a hardship exemption and the Department of Public Housing reasonably determines the hardship to be of a temporary nature, an exemption shall not be granted during the 90-day period beginning upon the making of a request for the exemption. A resident shall not be evicted during the 90-day period for non-payment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long-term basis, the Department of Public Housing shall retroactively exempt the resident from applicability of the minimum rent requirement for such 90-day period.

4. Payment Standard

The payment standard shall be used to determine the monthly assistance that may be paid for any family. The payment standard for each size dwelling unit in a market area shall not exceed 110% of the fair market rental for the same size of dwelling unit in the same market area and shall not be less than 90% of that fair market rental.

5. Rent not Exceeding Payment Standard

For a family receiving tenant-based assistance, if the rent for the family (including the amount allowed for tenant-paid utilities) does not exceed the applicable payment standard, the monthly assistance payment for the family shall be equal to the amount by which the rent (including the amount allowed for tenant-paid utilities) exceeds the greatest of the following amounts:

- a. 30% of the monthly adjusted income of the family.
- b. 10% of the monthly income of the family.
- c. If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those payments that is so designated.

6. Rent Exceeding the Payment Standard

For a family receiving tenant-based assistance, if the rent for the family (including the amount allowed for tenant-paid utilities) exceeds the applicable payment standard, the monthly assistance payment for the family shall be equal to the amount by which the applicable payment standard exceeds the greatest of the following amounts:

- a. 30% of the monthly adjusted income of the family.
- b. 10% of the monthly income of the family.
- c. If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by that agency to meet the housing costs of the family, the portion of those of those payments that is so designated.

7. Forty Percent (40%) Limit

At the time a family initially receives tenant-based assistance with respect to any dwelling unit, including transfer requests from existing Housing Choice Voucher tenants, the total amount that a family may be required to pay for rent may not exceed 40% of monthly adjusted income of the family.

8. Rent Reasonableness

The rent for dwelling units for which a housing assistance payment contract is established shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted local market.

The Department of Public Housing, at the request of the family receiving tenant-based assistance, may assist that family in negotiating a reasonable rent with a dwelling unit owner. The Department of Public Housing shall review the rent for a unit under consideration by the family (and all rent increases for units under lease by the family) to determine whether the rent (or rent increase) requested by the owner is reasonable. If the Department of Public Housing determines that the rent (or rent increase) for a dwelling unit is not reasonable, the Department of Public Housing shall not make housing assistance payments to the owner with respect to that unit.

In a rent control community, if a dwelling unit for which a housing assistance payment contract is exempt from local rent control provisions during the term of that contract, the rent for that unit shall be reasonable in comparison with other units in the market area that are exempt from local rent control provisions.

9. Rent Calculation for Manufactured Housing

For assistance to a family that owns a manufactured home, the rent for the space on which a manufactured home is located and with respect to which assistance payments are to be made shall include maintenance and management charges and tenant-paid utilities.

10. Treatment of Income Changes Resulting from Welfare Program Requirements

This section applies to families that receive benefits for welfare or public assistance from a state or other public agency under a program for which the federal, state, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in an economic self-sufficiency program.

a. Decreases in Income for Failure to Comply

For families whose welfare or public assistance benefits are reduced because of failure of any family member to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program or imposing a work activities requirement, the amount required to be paid by the family as a monthly contribution toward rent shall not be decreased.

b. Fraud

For families whose welfare or public assistance benefits are reduced because of an act of fraud by member of the family under the law or program, the amount required to be paid by the family as a monthly contribution toward rent shall not be decreased, during the period of reduction, as a result of any decrease in income of the family, to the extent that the decrease was the result of benefit reduction due to fraud.

c. Reduction Based on Time Limit for Assistance

The amount required to be paid as a monthly contribution toward rent by a family whose welfare or public assistance benefits are reduced as a result of the expiration of a lifetime time limit for a family, and not as a result of failure to comply with program requirements, shall be decreased, during the period of reduction, as a result of any decrease in income of the family, to the extent that the decrease was the result of benefit reduction due to expiration of a lifetime time limit.

d. Notice

The Department of Public Housing shall obtain written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced and cause for reduction prior to redetermination of monthly contribution toward rent.

e. Grievance

Any family affected by sections 10.a and 10.b above shall have the right to review the determination through the Department of Public Housing's Grievance Procedure.

11. Earned Income Disallowance

The earned income disallowance encourages resident self-sufficiency by rewarding certain residents who go to work or have increased earnings. To be eligible for the earned income disallowance a family must meet the following requirements.

Previously unemployed includes a person with disabilities who has earned, in the twelve months previous to employment, no more than would be received for ten (10) hours of work per week for 50 weeks at the established minimum wage.

Qualified Family

A family residing in housing assisted under the Housing Choice Voucher Program whose annual income increases as a result of:

- a. employment of a family member who is a person with disabilities and who was unemployed for one or more years previous to employment; or
- b. increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or
- c. new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits, or services under any State program for Temporary Assistance of Needy Families (TANF) funded under Part A of Title IV of the Social Security Act, as determined by the DOPH in consultation with

the local agencies administering TANF and Welfare-to-Work (WTW) Programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies, and transportation assistance provided that the total amount over a six-month period is at-least \$500.

Disallowance of increase in annual income

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

Second twelve month exclusion and phase-in - During the second cumulative twelve month period after the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, DOPH will exclude from annual income of a qualified family fifty (50%) percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

Maximum four year disallowance - The disallowance of increased income of an individual family member who is a person with disabilities as provided above is limited to a lifetime forty-eight (48) month period. This section only allows for a maximum of twelve months for the initial exclusion and a maximum of twelve months for the second twelve month exclusion.

The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program (including the determination of income eligibility and income targeting).

ESTABLISHMENT OF PAYMENT STANDARDS

Establishment and Changing of Payment Standards

Payment Standards are used to determine the amount of assistance the Authority will provide to owners on behalf of the participants in the Voucher Program. The payment standard for a family is the lower of the payment standard for the family unit size; or, the payment standard for the unit size rented by the family.

- a. Increasing the Payment Standard. The Department of Public Housing may, at its discretion, adopt annual increases of Payment Standard amounts on the Payment Standard Schedule so that participants can continue to afford to lease units with assistance under the Housing Voucher Program. The Payment Standard shall not be less than 90% of the current Fair Market Rents for the city or county in which the unit is located.
- b. Decreasing the Payment Standard. When revised Section 8 Existing Housing Fair Market Rents are published for effect in the Federal Register and any Fair Market Rent or HUD-approved, community-wide exception rent is lower than the corresponding Payment Standard amount on the Department of Public Housing's Payment Standard Schedule, the Department of Public Housing shall adopt a new Payment Standard amount not more than the revised Fair Market Rents or the HUD approved community-wide exception rent.
- c. Effect on Participants. Unless there has been a change in family size or composition or a change in the Department of Public Housing's Occupancy Standards, the Payment Standard for a participant at the time of recertification may not be less than the Payment Standard previously used for the participant in the unit.

MAXIMUM ALLOWABLE SECURITY DEPOSITS

The maximum deposit the owner may collect shall be in accordance with state law. For units leased in place, security deposits collected prior to execution of the lease which are in excess of this maximum amount do not have to be refunded until the family vacates the unit subject to the lease terms.

Landlords may not file a claim against the Department of Public Housing for damages to units, whether or not a security deposit is collected, unless expressly provided for in the Housing Assistance Payment contract, addendum, or regulation.

SUBSIDY STANDARDS

The subsidy standards determine the number of bedrooms for a family. “Family unit size” is the appropriate number of bedrooms for a family under the Department of Public Housing subsidy standards. The family unit size is used to determine the maximum rent subsidy for a family. The Department of Public Housing’s subsidy standards for determining Voucher size shall be applied in a manner consistent with Fair Housing guidelines.

1. Voucher Size

Generally, the Department of Public Housing assigns unit size based on the following guidelines:

- a. Persons of different generations, persons of the opposite sex over the age of five (other than spouses), and unrelated adults should be allocated a separate bedroom.
- b. Foster children will be included in determining unit size only if they will be in the unit for more than 4 months.
- c. Space may be provided for a child who is away at school but who lives with the family during school recesses.
- d. Space will not be provided for a family member, other than a spouse, who will be absent for a majority of the time, such as a member who is away in the military.
- e. Adults of different generations will have separate bedrooms.
- f. Single person families will be allocated (zero/one) bedroom.
- g. A live-in aide may reside in the unit to provide necessary supportive services for a member of the assisted family who is a person with disabilities. A live-in aide will be allocated one bedroom. This principle also applies when a person with disabilities chooses to reside in certain special housing types: congregate housing, a group home, shared housing, or a cooperative.

Voucher Size	Minimum # of Persons/Household	Maximum # of Persons/Household
0 BR	1	2
1 BR	1	2
2 BR	2	4
3 BR	3	6
4 BR	4	8
5 BR	6	10
6 BR	8	12

2. Exceptions to Subsidy Standards

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

UTILITY ALLOWANCE

1. Policy

The Department of Public Housing will maintain a utility allowance schedule for all tenant paid utilities (except telephone), for cost of tenant supplied refrigerators and ranges, and for other tenant paid housing services, such as trash collection, including disposal of waste and refuse. The Department of Public Housing must provide a utility allowance for tenant paid air conditioning costs if the majority of housing units in the market provide centrally air conditioned units or there is appropriate wiring for tenant installed air conditioners.

The Department of Public Housing will supply HUD a copy of the utility allowance schedule and at HUD request, the Department of Public Housing will provide HUD any information or procedures used in preparation of the schedule.

The Department of Public Housing will review its schedule of utility allowances each year and will revise its allowance for a utility category if there has been a change of 10% or more in the utility rate since the last time the utility allowance schedule was revised. The Department of Public Housing will maintain information supporting its annual review of utility allowances and any revisions made in its utility allowance schedule.

At HUD's direction, the Department of Public Housing will revise the utility allowance schedule to correct errors or as necessary to update the schedule.

The Department of Public Housing will use the appropriate utility allowance for the size of the dwelling unit actually leased by the family and, at reexamination, the Department of Public Housing will use the current utility allowance schedule.

On request from a family that includes a person with disabilities, the Department of Public Housing must approve a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation in accordance with 24 CFR part 8 to make the program accessible to an usable by the family member with a disability.

2. Direct Department of Public Housing Payment of Tenant Utility Cost

In cases where the Housing Assistance Payment exceeds the rent to owner, the Department of Public Housing will pay the balance of the Housing Assistance Payment:

- Directly to the utility supplier

INITIAL INSPECTION

Before approving a lease, the Department of Public Housing shall inspect the unit for compliance with Housing Quality Standards and Lead-Based Paint Regulation Requirements. If there are defects or deficiencies which must be corrected in order for the unit to be decent, safe and sanitary, the owner shall be advised by the Department of Public Housing of the work required to be done. Before a Contract is executed, the unit must be reinspected to ascertain that the work has been completed and that the unit passes Housing Quality Standards. The Department of Public Housing will be in compliance for special housing types, as applicable.

VACATED/ABANDONED UNITS

If the participant abandons the unit for thirty (30) days or more, the Department of Public Housing will assume that the participant has voluntarily terminated from the program. The owner is responsible for notifying the Department of Public Housing of abandonment in accordance with the contract documents between the owner and the Department of Public Housing.

If an assisted family vacates a dwelling unit before the expiration of the lease, rental assistance pursuant to this contract may not be provided for the unit after the month during which the unit was vacated.

The following information is provided for the purpose of illustrating the application of the provisions of the Act to the facts of the case. It is not intended to constitute an audit or to be used as a basis for an audit. The facts are based on information furnished by the taxpayer and are not to be taken as a representation of the actual facts.

The taxpayer is a resident of the United States and is a citizen of the United States. The taxpayer is a single individual and is not a partner in any partnership.

PART C

CONTINUED PARTICIPATION

MAINTENANCE, OPERATIONS AND INSPECTIONS

1. Maintenance and Operation

The owner shall provide all the services, maintenance and utilities which he or she agrees to provide under the Lease, subject to termination of Housing Assistance Payments or other applicable remedies if the owner fails to meet these obligations. The owner must correct life-threatening defects within 24 hours and must correct other defects within no more than 30 calendar days.

2. Housing Quality Standards (HQS)

Housing Quality Standards (HQS) are standards for safe and habitable housing established by HUD, by local housing codes, or by codes adopted by the Department of Public Housing that meet or exceed HUD's housing quality standards. All units rented under the Housing Choice Voucher Program must meet the applicable housing quality standard. However, HUD may waive this requirement to significantly increase access to affordable housing and to expand housing opportunities for families, except where such waiver could adversely affect the health or safety of families.

3. Inspections

The Department of Public Housing shall inspect every unit under the program before any assistance payment is made to determine whether the dwelling unit meets the housing quality standards, unless the Department of Public Housing owns the dwelling unit.

The initial inspection of dwelling units shall be made by the Department of Public Housing before the expiration of the 15-day period beginning upon a request by the resident or landlord to the Department of Public Housing.

If the Department of Public Housing provides Section 8 assistance to more than 1,250 families, then the initial inspection shall be before the expiration of a reasonable period beginning upon such request.

The Department of Public Housing shall make an annual inspection of each assisted dwelling unit to determine whether the unit is maintained in accordance with HQS. The Department of Public Housing shall utilize procedural guidelines and performance standards as established by HUD and shall conform such inspections to practices utilized in the private housing market.

If an eligible family assisted under Section 8 leases a unit that is owned by the Department of Public Housing (other than a public housing dwelling unit), the local government or another entity approved by HUD shall be required to make the inspections and rent determinations. The Department of Public Housing will be responsible for any expenses of such inspections and rent determinations.

4. Periodic Inspection/Quality Control Inspections

The Department of Public Housing will inspect each dwelling unit leased to a family at least annually and at such other times as may be necessary to assure that the owner is meeting the obligation to maintain the unit in decent, safe and sanitary condition and to provide the agreed upon utilities and other services. The Department of Public Housing shall notify the owner of any defects and shall consider complaints and other information brought to their attention.

5. Failure to Respond to Notification of Required Inspections

A written notification of the Quality Control Inspection will be sent to the family stating which family members are required to attend the inspection. The family may call to request another appointment up to five (5) days prior to the inspection.

If the family does not make the home available for inspection, and has not rescheduled or made prior arrangements with the Department of Public Housing, the Department of Public Housing will reschedule a second appointment.

If the family fails to appear for the second inspection/reexam appointment, and has not rescheduled or made prior arrangements, the Department of Public Housing will:

- Not schedule a third appointment
- Send the family a notice of termination and offer them an informal hearing

Exemptions to these policies may be made by the Director of Housing management if the family is able to document an emergency situation that prevented them from canceling or attending the appointment or if requested as a reasonable accommodation for a person with a disability.

6. Units Not Decent, Safe and Sanitary

If the owner fails to maintain a dwelling unit in decent, safe and sanitary condition, the Department of Public Housing may exercise any of its rights and remedies under the Contract, including termination of Housing Assistance Payments (even if the family continues in occupancy) and termination of the Contract. If the Department of Public Housing decides to terminate the Contract, and the family wants to move to another dwelling unit with assistance under the Department of Public Housing's Housing Choice Voucher Program, the Department of Public Housing shall issue another Voucher to the family unless grounds exist for the denial or termination of assistance as stated in this policy.

RECERTIFICATION OF FAMILY INCOME AND COMPOSITION

1. Annual Recertifications

The Department of Public Housing must reexamine the income and family composition of all participants at least once every twelve (12) months. At the first interim or annual certification on or after June 19, 1995, family members must report and verify their U.S. citizenship/eligible immigrant status. After consultation with the participant and upon verification of the information, the Department of Public Housing shall make appropriate adjustments in the Total Tenant Payment in accordance with schedules and criteria established by HUD or as determined by the Department of Public Housing.

A family's eligibility for Housing Assistance Payments shall continue until the amount payable by the family equals the Gross Rent for the dwelling unit it occupies, i.e. the Housing Assistance Payments equals zero (0) for a period of six (6) months. The termination of eligibility at such point will not affect the family's other rights under its lease nor will such termination preclude the resumption of payments as a result of subsequent changes in income or rents or other relevant circumstances during the term of the contract and lease.

If the Contract terminates at a time when the family is eligible for payments, the Contract shall not be renewed. Additionally, if six (6) months have elapsed since the date of the last re-certification, the Contract shall be terminated.

Income limits are not used as a test for continued eligibility at re-certification unless the family is moving under portability and changing their form of assistance.

a. Reexamination Notice to the Family

The Department of Public Housing will maintain a reexamination tracking system and the household will be notified by mail of the date and time for the interview at least 90 days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the Department of Public Housing will provide the notice in an accessible format. The Department of Public Housing will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

b. Persons with Disabilities

Persons with disabilities who are unable to come to the Department of Public Housing's office will be granted an accommodation by conducting the interview at the person's home, upon verification that the accommodation requested meets the need presented by the disability.

c. Failure to Respond to Notification to Recertify

The written notification must state which family members are required to attend the interview. The family may call to request another appointment date up to five (5) days prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with the Department of Public Housing, the Department of Public Housing will reschedule a second appointment.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, the Department of Public Housing will:

- Not schedule a third appointment
- Send family notice of termination and offer them an informal hearing

Exceptions to these policies may be made by the Director of Housing Management if the family is able to document an emergency situation that prevented them from canceling or attending the appointment or if requested as a reasonable accommodation for a person with a disability.

d. Documentation and Verification

The Department of Public Housing will obtain and document in the tenant file third party verification of the following factors:

- (i) Reported family annual income;
- (ii) The value of assets;
- (iii) Expenses related to deductions from annual income; and
- (iv) Other factors that affect the determination of adjusted income.

If third party verification is not obtained, the Department of Public Housing will document in the tenant file why third party verification was not obtained for the above factors.

e. Tenant Rent Increase

If tenant rent increases, a thirty (30) day notice is mailed to the family prior to the anniversary date.

If less than thirty (30) days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the month following the thirty (30) day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the anniversary date.

f. Tenant Rent Decreases

If tenant rent decreases, it will be effective on the anniversary date.

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

2. Interim Reexaminations

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

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

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

a. Interim Reexamination Policy

Program participants must report all increases in household income to the Department of Public Housing. Changes to the tenant rent based on the increased income must be greater than \$20 per month before a change will become effective.

b. Decreases in Income

Participants may report a decrease in income and other changes that would reduce the amount of tenant rent, such as an increase in allowances or deductions. The Department of Public Housing must calculate the change if a decrease in income is reported.

c. Department of Public Housing Errors

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

d. Other Interim Reporting Issues

- (i) An interim reexamination does not affect the date of the annual recertification.
- (ii) An interim reexamination will be scheduled at least every six (6) months for families who are paying the Minimum Rent.
 - If there is a change from benefit income to employment income, the Department of Public Housing will defer the family's rent increase for six (6) months in order to encourage families to move to self-sufficiency.

- This incentive will only be provided once to any family member.
- If the family member leaves the job without good cause after six (6) months and before twelve (12) months, the rent will be calculated retroactively to include the employment income.
- This incentive is not provided to persons who work seasonally.

3. Notification Of Results Of Recertifications

The HUD form 50058 will be completed and transmitted as required by HUD.

The Notice of Rent Change is mailed to the owner and the tenant. Signatures are required by the Department of Public Housing. If the family disagrees with the rent adjustment, they may request an informal hearing.

4. Standard for Timely Reporting of Changes

The Department of Public Housing requires that families report interim changes to the Department of Public Housing within thirty (30) days of when the change occurs. Any information, document or signature needed from the family that is needed to verify the change must be provided must be provided within thirty (30) days of the change.

- An exception will be made for recipients of Temporary Assistance to Needy Families (TANF) who obtain employment. In such cases, families will have to report within sixty (60) days of receipt of the Notice of Action from TANF that shows the full adjustment for employment income.

If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

5. Procedures when the Change is Reported in a Timely Manner

The Department of Public Housing will notify the family and the owner of any change in the Housing Assistance Payment to be effective according to the following guidelines:

- a. Increases in the Tenant Rent are effective on the first of the month following at least thirty (30) days' notice.
- b. Decreases in the Tenant Rent are effective the first of the month following that in which the change is reported if verification is received by the 20th of the month. Otherwise, it will be an additional 30 days.
 - However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.
 - The change will not be made until the third party verification is received.

6. Procedures when the Change is Not Reported by the Tenant in a Timely Manner

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

- a. Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to sign a repayment agreement.
- b. Decrease in Tenant Rent will be effective on the first of the month following the month that the change was reported.

7. Procedures when the Change is Not Processed by the PHA in a Timely Manner

"Processed in a timely manner" means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the Department of Public Housing in a timely manner.

In this case, an increase will be effective after the required thirty (30) days' notice prior to the first of the month after completion of processing by the Department of Public Housing.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

8. Reporting of Changes in Family Composition

All changes in family composition must be reported within thirty (30) days of the occurrence.

Household composition increases other than by birth, adoption or court-awarded custody must have the prior approval of the owner and the Department of Public Housing. The approval process will include a criminal background check, signing of all HUD and the Department of Public Housing's required certifications if the person is 18 years of age or older.

Documentation of any change received after the 20th of the month, will be addressed after the first of the next month. Rent changes will take place after 30 days unless deemed an emergency situation by the Director of Housing Management.

If the addition would result in overcrowding according to subsidy standards:

- The Department of Public Housing will not approve the addition other than birth, adoption or court-awarded custody.
- The Department of Public Housing will issue a larger Voucher.
- The Department of Public Housing will issue a larger Voucher (if needed under the Subsidy Standards) for additions to the family in the following cases:

Addition by marriage/or marital-type relation, when approved by landlord and the Director of Housing Management. Denials would include criminal behavior, drug activity or other reasons listed under eligibility criteria.

Addition of a minor who is a member of the nuclear family who had been living elsewhere.

Addition of an Department of Public Housing-approved live-in attendant.

Addition of any relation of the Head or Spouse.

Addition due to birth, adoption or court-awarded custody.

If a change due to birth, adoption, court-awarded custody, or need for a live-in attendant requires a larger size unit due to overcrowding, the change in Voucher shall be made effective immediately. The Department of Public Housing may determine whether to issue a Voucher in this instance based on funding availability.

9. Continuance of Assistance for "Mixed" Families

Under the Non-citizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

"Mixed" families who were participants as of June 19, 1995, shall continue receiving full assistance if they meet all of the following criteria:

- a. The Department of Public Housing implemented the Non-Citizen Rule prior to November 29, 1996; and
- b. The head of household or spouse is a U.S. citizen or has eligible immigrant status; and
- c. All members of the family other than the head, the spouse, parents of the head or the spouse, and children of the head or spouse are citizens or eligible immigrants. The family may change the head of household to qualify under this provision.

If the Department of Public Housing implemented the Non-Citizen Rule on or after November 29, 1996, mixed families may receive prorated assistance only.

10. Termination of Assistance

If termination of assistance is required, the Department of Public Housing will notify the family in writing a minimum of thirty (30) days prior to the termination and give the reasons for the termination. The family will also be notified in writing of the hearing procedures. If a hearing procedure is conducted, and the matter is decided in favor of the Department of Public Housing, the Department of Public Housing will give the family and the owner a notice in writing of the termination of the Housing Assistance Payment, with an effective date being the last day of the month following the month in which the notice was issued.

**ANNUAL RENT ADJUSTMENT DURING TENANCY
(Rent to Owner)**

At each annual anniversary date of the Housing Assistance Payment contract, the Department of Public Housing will adjust the rent to owner at the request of the owner in accordance with this section.

1. Amount of Annual Adjustment

Adjusted rent to owner equals the lesser of:

- a. The pre-adjustment rent (minus any previously approved special adjustments) multiplied by the annual adjustment factor (AAF) published by HUD, that is in effect sixty (60) days before the Housing Assistance Payment contract anniversary; or
- b. The reasonable rent; or,
- c. The amount requested by the owner.

2. Regulatory Adjustment Formula

Rent to owner may be increased or decreased by applying the two elements of the regulatory adjustment formula. The adjusted rent may not exceed the reasonable rent for comparable units rented on the private unassisted market. The rent to owner for a unit may not be increased at the annual anniversary date unless:

- a. The owner requests the adjustment by giving notice to the Department of Public Housing at least sixty (60) days before the next annual anniversary date; and,
- b. During the year before the annual anniversary date, the owner has complied with all requirements of the Housing Assistance Payment contract, including compliance with Housing Quality Standards.

3. Increase to Rent to Owner

The rent to owner will only be increased for housing assistance payments covering months commencing on the later of:

- a. The contract anniversary date; or
- b. At least sixty (60) days after the Department of Public Housing receives the owner's request.

4. PBC Adjustments

A PBC owner must request a rent increase at least one hundred twenty (120) days before the Housing Assistance Payment contract anniversary date. The owner's request for increase must be submitted in writing and in the form and manner required by the Department of Public Housing.

If the owner properly requests a rent increase by the one hundred twenty (120) day deadline, the Department of Public Housing must submit a comparability study to the owner at least sixty (60) days before the contract anniversary.

If the owner misses the one hundred twenty (120) day deadline, the owner does not receive any increase in the rent at the annual adjustment.

If the Department of Public Housing misses the sixty (60) day deadline, an increase in rent by application of the published factor is not subject to comparability. In this case, the owner receives the full annual adjustment by application of the published factor to the pre-adjustment rent.

The Department of Public Housing may not grant a rent increase unless during the year before the annual anniversary date, the owner has complied with all requirements of the Housing Assistance Payment contract, including compliance with Housing Quality Standards.

5. Special Adjustment Of Rent To Owner

At HUD's sole discretion, HUD may approve a special adjustment of the rent to owner to reflect increases in the actual and necessary costs of owning and maintaining the unit because of substantial and general increases in:

- a. Real property taxes;
- b. Special governmental assessments;
- c. Utility rates; or,
- d. Costs of utilities not covered by regulated rates.

The Department of Public Housing may make a special adjustment of the rent to owner only if the adjustment has been approved by HUD. The owner does not have any right to receive a special adjustment and the owner may not receive a special adjustment if the adjusted rent would exceed the reasonable rent.

The Department of Public Housing may withdraw or limit the term of any special adjustment and, if the special adjustment is approved to cover temporary or one-time costs, the special adjustment is only a temporary or one-time increase of the rent to owner.

For the tenant-based program, the owner must show that the requested adjustment meets the regulatory standard.

GROUNDNS FOR DENIAL OR TERMINATION OF ASSISTANCE

This section states the grounds for denial of assistance to an applicant or for denial or termination of assistance to a participant because of action or inaction by the applicant or participant.

1. Denial

The Department of Public Housing may deny an applicant admission to participation in the program, may deny issuance of another Voucher to a participant who wants to move to another dwelling unit, and may decline to enter into a Contract or to approve a lease, where requested by a participant, in the following cases:

- a. If the applicant or participant currently owes rent or other charges to the Department of Public Housing or another Department of Public Housing in connection with the Housing Choice Voucher Program or Public Housing Program under the U.S. Housing Act of 1937;
- b. If the applicant (as a previous participant in the Housing Choice Voucher Program) or participant has not reimbursed the Department of Public Housing or another Department of Public Housing for any amounts paid to an owner under a Contract for rent, or other amounts owed by the family under the Lease, or for a vacated unit;
- c. If the applicant or participant has committed any fraud in connection with any federal housing assistance program;
- d. If the applicant or participant currently owes rent or other charges to the current landlord, previous landlords or utility companies. This includes any money currently owed under a repayment agreement. Also, if the applicant has not completed any repayment agreement with a landlord or utility company as promised.
- e. If the applicant or participant has breached an agreement described in Paragraph 1, a, b, c and d;
- e. If the applicant or participant has violated any of the family obligations, some examples of which are listed below, or any other obligations of the family under the Section 8 Voucher Housing Program to:
 - (i) supply such certification, release, information or documentation as the Department of Public Housing or HUD determines to be necessary in the administration of the program, including information required for regular and interim recertifications of income and family composition;
 - (ii) allow the Department of Public Housing to inspect the dwelling unit at reasonable times and after reasonable notice;
 - (iii) notify the Department of Public Housing before vacating a unit;
 - (iv) use the dwelling unit solely for residence by the family and as the family's principal place of residence and shall not assign the Lease or transfer the unit;

- (v) not own or have any interest in the dwelling unit (other than a manufactured home if applicable);
 - (vi) not commit any fraud in connection with the Section 8 Existing Housing Voucher program; and,
 - (vii) not receive duplicative assistance under the Voucher program while occupying or receiving housing assistance for occupancy of any other unit assisted under any federal housing assistance program (including Section 8 and Public Housing).
- f. Any applicant who has been evicted from a public housing program or terminated from a Section 8 Rental Program shall not be eligible to receive any type of housing assistance for three (3) years.
 - g. When the unit is determined to be in violation of Housing Quality Standards due to tenant neglect.
 - h. Tenant does not meet the 40% rent to income eligibility rule for the requested unit.

2. Denial/Termination: Alcohol Abuse, Drug Use, Drug-Related and Violent Criminal Activity

The Department of Public Housing Choice Voucher Program recognizes that alcohol abuse, drug use, and drug-related criminal activity and violent criminal activity continues to be a serious national, regional and local social problem, and that it is in the state's best interest and in the best interest of the people it serves to deny and/or terminate Section 8 Housing Assistance in certain circumstances where persons have engaged in alcohol abuse, drug use, and drug-related or violent criminal activities. Thus, in accordance with federal regulations designed to permit the denial of Section 8 Housing Assistance to applicants, and the termination of Section 8 housing assistance to participants who have engaged in alcohol abuse, drug use, drug-related criminal activity or violent criminal activity, the Department of Public Housing:

- a. Will require the disclosure of information concerning arrests, convictions, and evictions relative to alcohol abuse, drug use, and/or drug-related or violent criminal activity from all applicants, including family members. A criminal background check will be required annually on all family members 18 years of age or older unless deemed unnecessary to disabilities by the Department of Public Housing
- b. May require the applicant, including family members to sign an authorization to release the applicant's, including family members, criminal record (if any) by the appropriate law enforcement authority.
- c. May deny admission to the program if an applicant, including family member, has been convicted of or engaged in the sale, distribution, use or possession, including drug paraphernalia, with the intent to distribute a controlled substance, or has been convicted of a felonious offense where the health or safety of others was threatened or harmed.
- d. May require a participant (family representative(s)) signing a lease, to sign the lease addendum for Drug-Free Housing.

- e. May terminate housing assistance for a participant, including family member, who is evicted for the sale, distribution, use or possession, including drug paraphernalia, with the intent to distribute a controlled substance, or evicted for a felonious offense where the health or safety of others was threatened or harmed.

In determining whether to deny admission or terminate assistance under the Housing Choice Voucher Program to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, the Department of Public Housing may consider whether such household member has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

3. INS Denial or Termination

Assistance to applicant shall be denied, and a tenant's assistance shall be terminated, in accordance with the procedures for any of the following events:

- a. Evidence of citizenship (i.e. the Declaration) and eligible immigration status is not submitted by the date specified or by the expiration of any extension granted; or,
- b. Evidence of citizenship and eligible immigration status is submitted timely, but INS primary and secondary verification does not verify eligible immigration status of a family member; and,
 - (i) The family does not pursue INS appeal or Department of Public Housing Informal Hearing rights; or,
 - (ii) INS appeal and Department of Public Housing Informal Hearing rights are pursued, but the final appeal or hearing decisions are decided against the family member.

4. Discretion to Enter into An Agreement

In the cases described above, the Department of Public Housing may, at its own discretion, offer the applicant or participant the opportunity to enter an agreement to pay amounts owed to the Department of Public Housing or any other Department of Public Housing. If the Department of Public Housing elects to make such an offer, the agreement shall be on terms prescribed by the Department of Public Housing.

5. Termination of Housing Assistance Payment Contracts

In the following cases, the Department of Public Housing may terminate Housing Assistance Payments that are being made on behalf of the participant under an outstanding contract:

- a. If the participant is absent from the unit for one hundred eighty (180) consecutive days;

- b. If the participant has caused Housing Quality Standards violations;
- c. If the participant has committed any fraud in connection with any federal housing assistance program;
- d. If the participant has violated any family obligation under the Section 8 Housing Program as stated in the Housing Voucher;
- e. If the participant has breached an agreement as described above in this policy, or;
- f. If any member of the family fails to sign and submit consent forms for obtaining continuing eligibility factor verification.
- g. All utilities must remain on at all times other than weather related causes. This includes electricity, natural gas, propane, fuel oil or any other type of utility needed to maintain the home in respect to lights, heating and/or cooling. If notification is received that a utility has been terminated, due to non-payment, Notice of Termination of the Housing Assistance Payment contract will be sent immediately.
- h. If any participant or family member has been engaged in or convicted of drug related activity, sex-related crimes or engaged in or convicted of a violent criminal activity.

6. Zero Subsidy Termination

For tenants whose subsidy payment is \$0.00, assistance shall be terminated after four (4) months and a Statutory 90 Day Notice shall be issued.

- a. The Department of Public Housing shall restart Housing Assistance Payments for \$0.00 assistance families if less than one hundred twenty (120) days elapsed since last payment; family notifies the Department of Public Housing of income reduction or Gross Rent increased so family's Total Tenant Payment is not greater than Gross Rent; and the family moves to new unit where there is Housing Assistance Payments.
- b. After one hundred twenty (120) days at \$0.00 Housing Assistance Payments, the family must reapply to receive further assistance.

7. Contract Enforcement

The provisions of Paragraph 18 c shall not affect or limit the right of the Department of Public Housing to exercise any contract remedy against the owner under an outstanding Contract, including the termination of Housing Assistance Payments to the owner.

8. Fraud

If the Department of Public Housing has reason to believe that a family may have committed fraud, the Department of Public Housing will take action to determine whether there has been program abuse.

9. Termination of Assistance

Once the Department of Public Housing decides to terminate assistance due to fraud, the Department of Public Housing will provide both the family and the owner with a thirty (30) day Notice of Termination of the Housing Assistance Payment contract. The Department of Public Housing may require repayment by the family of excess Housing Assistance Payment made on their behalf by the Department of Public Housing. Further, the Department of Public Housing shall refer all fraud cases to the Regional Inspector General for Investigation or to local or state prosecutors with a copy to Regional Inspector General for investigation and possible criminal prosecution.

10. Owner Termination of Tenancy

During the term of the lease, the owner may terminate tenancy for:

- serious or repeated violations of the lease;
- violation of federal, state, or local occupancy law;
- other good cause.

Termination of tenancy for “other good cause”:

- not accepting the offer of new lease or revision (can only be used after the first term of the lease);
- family history of disturbance to neighbors, destruction of property, or living or housekeeping habits which result in damage to the unit or premises;
- owner desires the unit for personal or family use or for other than residential rental unit (can only be used after the first term of the lease);
- business or economic reason such as sale of the property, renovation, or request for higher rent than the Department of Public Housing can approve (statutory 90-day notice required, can only be used after the first term of the lease).

11. Domestic Violence

An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of a lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence.

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PART D

PORTABILITY

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PORTABILITY

1. Portability into the County

If a Voucher holder wishes to move from another jurisdiction to the county, the Department of Public Housing at its discretion, will issue one of its own Vouchers provided it has available Vouchers to issue. If the Department of Public Housing does not have available Vouchers, it will bill the initial Department of Public Housing for assistance payments made on behalf of the family and limit the family to one move in any twelve month period. When contacted by the family, the Department of Public Housing shall inform the initial Department of Public Housing whether it will administer the existing Voucher, or absorb the family. The Department of Public Housing shall issue a Voucher for the term remaining and shall use the Department of Public Housing subsidy standards for issuance. The portable family must submit a Request for Tenancy Approval to the Department of Public Housing during the term of the Voucher. The Department of Public Housing shall notify the initial Department of Public Housing if the family fails to submit a Request for Tenancy Approval within the allotted time frame.

The Department of Public Housing will perform all of the functions normally associated with providing assistance to a family in a Housing Voucher Program including initial certification of the family's income, criminal background checks on all family members 18 years of age and older, from the County they are moving from and they will be less than thirty (30) days old, lease approval, annual recertification of income and annual inspection of the unit. Whether the Department of Public Housing or the initial Public Housing Authority administers the assistance, the Fair Market Rents and income limits of the area the family wants to move will be used to determine eligibility and the Payment Standards of the Department of Public Housing will be used to determine the amount of rent to be paid to the owner.

2. Portability Out of the County

If a participant in the Department of Public Housing's Voucher Program notifies the Department of Public Housing that he/she wishes to move to another jurisdiction and informs the Department of Public Housing concerning the area in which the family wants to move, the Department of Public Housing will determine whether the receiving Department of Public Housing administers a Housing Voucher Program and determine whether the receiving Department of Public Housing is willing to accept the family and issue one of its Vouchers. The Department of Public Housing shall advise the portable family on how to contact the receiving Department of Public Housing and request assistance from the same.

The Department of Public Housing will:

- Notify the receiving Department of Public Housing to expect the family;
- Verify to the receiving Department of Public Housing that the family met income-eligibility requirements for admission to the program and that a Voucher was issued to the family;
- State the date by which the family must submit a Request for Tenancy Approval in the jurisdiction of the receiving Department of Public Housing;
- Comply with the receiving Department of Public Housing's procedures for incoming portables;
- Supply the receiving Department of Public Housing with current 50058 and related verifications;

- Comply with financial procedures required by HUD, including the use of HUD required billing forms;
- Comply with billing and payment deadlines;
- Manage its programs so that it has the financial ability to provide assistance to portable/non-portable families; and
- Absorb portable families pursuant to HUD requirements.
- Manage the portability program in accordance to CFR § 982.355.

INFORMAL REVIEWS

This section sets forth the procedures for an Informal Review accorded applicants who have been determined by the Department of Public Housing not to meet the preference definition, or if they have been determined by the Department of Public Housing to be ineligible for participation.

1. Eligibility for an Informal Review

Applicants are entitled to an Informal Review if they have been determined by the Department of Public Housing to be ineligible for participation.

- a. **Notice to Applicant.** The Department of Public Housing shall give an applicant prompt written notice of a decision denying qualification for a preference or denying assistance to the applicant including a decision denying listing on the Department of Public Housing's waiting list, issuance of a Voucher, or participation in the program. The notice shall state that the applicant may request an Informal Review of the decision.
- b. **Request by the Applicant.** If the applicant requests an Informal Review, the request must be made in writing and must be made within ten (10) working days from the date of the notice.
- c. **INS Related Informal Reviews.** After receiving notification of the INS decision on appeal, or in lieu of requesting an appeal to the INS, the applicant family may request that the Department of Public Housing provide an Informal Review. This request must be made either within 14 days of the date the Department of Public Housing mails or delivers the notice of denial of assistance, or within 14 days of the mailing of the INS appeal decision (established by the date of the postmark).

The Department of Public Housing shall extend the period of time for requesting a review (for a specified period) upon good cause shown.

2. Decisions Not Subject to Review Procedures

Applicants cannot request an Informal Review for the following purposes:

- a. To review discretionary administrative determinations by the Department of Public Housing or to consider general policy issues or class grievances;
- b. To review the Department of Public Housing's determination of the number of bedrooms entered on a Voucher;
- c. To review the Department of Public Housing's determination that a unit located by the Voucher holder does not meet Housing Quality Standards;
- d. To review the Department of Public Housing's decision not to approve the lease for a unit;
or
- e. To review the Department of Public Housing's decision to disapprove a request by a Voucher holder to extend the term of the Voucher.

3. Informal Review Procedure

- a. The review will be conducted by person(s) other than those who made or approved the decision and their subordinates;
- b. The applicant shall be provided the opportunity to examine and copy, at the applicant's expense and at a reasonable time in advance of the review, any documents in the possession of the Department of Public Housing pertaining to the applicant's eligibility status, or in the possession of the INS (as permitted by INS regulations), including any records and regulations that may be relevant to the review;
- c. The applicant shall be provided the opportunity to present evidence and arguments in support of their eligibility and eligible immigration status. Evidence may be considered without regard to admissibility under rules of evidence applicable to judicial proceedings;
- d. The applicant shall be provided the opportunity to controvert evidence relied upon by the Department of Public Housing and to confront and cross-examine all witnesses on whose testimony or information the Department of Public Housing relies;
- e. The applicant shall be entitled to be represented by an attorney, or other designee, at the applicant's expense, and to have such person make statements on the applicant's behalf;
- f. The applicant shall be entitled to arrange for an interpreter to attend the review, at the expense of the applicant or the Department of Public Housing, as may be agreed upon by both parties;
- g. The applicant shall be entitled to have the review recorded by audiotape (a transcript of the review may, but is not required to, be provided by the Department of Public Housing); and,
- h. The Department of Public Housing shall provide the applicant family with a written final decision, based solely on the facts presented at the review, within fourteen (14) days of the date of the Department of Public Housing Informal Review. The decision shall state the basis for the decision.
- i. Applicants may present oral or written objections to the decision.
- j. After the review is completed, the Department of Public Housing must promptly notify the applicant in writing of the final decision and state the reasons for its determination.
- k. A decision against the family member under the INS appeal process or The Department of Public Housing Informal Review does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

INFORMAL HEARING

1. Eligibility for an Informal Hearing

Informal Hearings are accorded to participants in the following cases:

- a. A decision to deny or terminate assistance on behalf of the participant;
- b. A determination that a participant family is residing in a unit with a larger number of bedrooms than appropriate under the Department of Public Housing's occupancy standards; or
- c. In the case of an assisted family that wants to move to another dwelling unit with continued participation in the Department of Public Housing's program, a determination of the number of bedrooms entered on the Voucher under the standards established by the Department of Public Housing.
- d. INS Related Informal Hearings. After receiving notification of the INS decision on appeal, or in lieu of requesting an appeal to the INS, the participant family may request that the Department of Public Housing provide an Informal Hearing. This request must be made either within fourteen (14) days of the date the Department of Public Housing mails or delivers the notice of denial of assistance, or within fourteen (14) days of the mailing of the INS appeal decision (established by the date of the postmark).

2. Reasons For Which an Informal Hearing Will Not Be Held

Participants are not entitled to an Informal Hearing to:

- a. Review discretionary administrative determinations by the Department of Public Housing;
- b. Consider general policy issues or class grievances;
- c. Review the Department of Public Housing's determination that a unit does not comply with Housing Quality Standards; that the owner has failed to maintain or operate a contract unit to provide decent, safe and sanitary housing; or that the unit is not decent, safe and sanitary, or because of an increase in family size or change in family composition;
- d. Review a decision by the Department of Public Housing to exercise any remedy against the owner under an outstanding Contract (including termination of Housing Assistance Payment to the owner); or,
- e. Review the Department of Public Housing's decision not to approve a family's request for an extension of the term of the Voucher issued to an assisted family which wants to move to another dwelling unit with continued participation in the Housing Choice Voucher Program.

3. Notice to Participant

The Department of Public Housing shall give the Participant prompt written notice of a decision. The notice shall contain a brief statement of the reasons for the decision. It shall state that, if the Participant does not agree with the decision, he/she may request an Informal Hearing in writing, and shall state the time (within ten working days from the date of the notice) by which the request for the Hearing must be made.

4. Informal Hearing Procedures

- a. The hearing will be conducted by person(s) other than those who made or approved the decision and their subordinates;
- b. The participant shall be provided the opportunity to examine and copy, at the participant's expense and at a reasonable time in advance of the hearing, any documents in the possession of the Department of Public Housing pertaining to the participant's eligibility status, or in the possession of the INS (as permitted by INS requirements), including any records and regulations that may be relevant to the hearing;
- c. The participant shall be provided the opportunity to present evidence and arguments in support of their eligibility and eligible immigration status. Evidence may be considered without regard to admissibility under rules of evidence applicable to judicial proceedings;
- d. The participant shall be provided the opportunity to controvert evidence relied upon by the Department of Public Housing and to confront and cross-examine all witnesses on whose testimony or information the Department of Public Housing relies;
- e. The participant shall be entitled to be represented by an attorney, or other designee, at the participant's expense, and to have such person make statements on the participant's behalf;
- f. The participant shall be entitled to arrange for interpreter to attend the hearing, at the expense of the applicant or the Department of Public Housing, as may be agreed upon by both parties;
- g. The participant shall be entitled to have the hearing recorded by audiotape (a transcript of the hearing may, but is not required to, be provided by the Department of Public Housing); and
- h. The Hearing Officer shall provide the Department of Public Housing with a written final decision, based solely on the facts presented at the hearing, within five (5) business days of the date of the Department of Public Housing Informal Hearing. The decision shall state the basis for the decision;
- i. Participants may present oral or written objections to the decision;
- j. After the hearing is completed, the Department of Public Housing must promptly notify the participant in writing of the final decision, stating the reasons for its determination along with a copy of the issuance of decision as presented by the Hearing Officer, and;

- k. A decision against the family member under the INS appeal process or the Department of Public Housing Informal Hearing does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

SPECIAL HOUSING TYPES

The Department of Public Housing will make assistance payments on behalf of a family that utilizes a manufactured home as a principle place of residence. Such payments shall be made only for the rental of the real property on which the manufactured home owned by any such family is located. The rent for the space on which the manufactured home is located and with respect to which assistance payments are to be made shall include maintenance and management charges and tenant-paid utilities. The payment standard shall not exceed the amount approved or established by HUD.

- The Department of Public Housing will permit the use of certain special housing types in its program only if the applicant/participant 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 Department of Public Housing will not set aside any program funding for special housing types or for a special housing type. A family may choose whether to rent housing that qualifies as a special housing type or to rent other eligible housing in accordance with requirements of the program.

1. Verification of Need for Reasonable Accommodation

An example of acceptable documentation as verification of the need for reasonable accommodation would be a letter to the Department of Public Housing describing how the special housing type requested provides the accommodation that the person is in need of. The request and documentation will be reviewed by the Director of Housing Management and a written response stating approval or disapproval will be sent to the applicant/participant within thirty (30) days of receipt of the request.

A copy of the Department of Public Housing'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 Housing Quality Standards requirements in accordance with 24 CFR 982 Section M - Special Housing Types.

2. Single Room Occupancy (SRO)

HUD has determined that there is not a demand for Single Room Occupancy housing units in this area. Therefore, a single person may not reside in an Single Room Occupancy housing unit.

There are no Single Room Occupancy housing units in the Department of Public Housing's jurisdiction.

The Department of Public Housing and the general local government do not approve providing assistance for Single Room Occupancy housing under the program.

The Department of Public Housing and the general local government will certify to HUD that the property meets applicable local health and safety standards for Single Room Occupancy housing before approving any Single Room Occupancy unit.

The Department of Public Housing will use a separate lease and Housing Assistance Payment contract for each assisted person residing in a Single Room Occupancy.

a. **Single Room Occupancy Rent and Housing Assistance Payment**

The Department of Public Housing Single Room Occupancy payment standard will not exceed the Fair Market Rent/exception rent limit for Single Room Occupancy housing. While an assisted person resides in Single Room Occupancy housing, the Single Room Occupancy payment standard must be used to calculate the Housing Assistance Payment.

b. **Utility Allowance**

The utility allowance for an assisted person residing in Single Room Occupancy housing is 75% of the zero bedroom utility allowance.

c. **Housing Quality Standards**

The Department of Public Housing will ensure that all Single Room Occupancy units approved for the program are in compliance with all of the Housing Quality Standards for Single Room Occupancy as regulated in 24 CFR 982.605.

3. **Congregate Housing**

An elderly person or a person with disabilities may reside in a congregate housing unit.

The Department of Public Housing may approve a family member or live-in aide to reside with the elderly person or person with disabilities.

The Department of Public Housing will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

a. **Congregate Housing Lease and Housing Assistance Payment Contract**

For congregate housing there will be a separate lease and Housing Assistance Payment contract for each assisted family.

Unless there is a live-in aide, the Fair Market Rent/exception rent limit for a family that resides in a congregate housing unit is the zero-bedroom Fair Market Rent/exception rent limit.

However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the Fair Market Rent/exception rent limit for a family that resides in a congregate housing unit is the one bedroom Fair Market Rent/exception rent limit.

If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

b. **Housing Quality Standards**

The Department of Public Housing 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.

4. **Group Homes**

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 Department of Public Housing, a live-in aide may reside with a person with disabilities.

The Department of Public Housing 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 group home must be elderly persons or persons with disabilities. The Department of Public Housing 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 12 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.

a. **Group Home Lease and Housing Assistance Payment Contract**

There will be a separate Housing Assistance Payment 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 Department of Public Housing-approved live-in aide.

b. **Group Home Rent and Housing Assistance Payment Contract**

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 Department of Public Housing will consider whether sanitary facilities and facilities for food preparation and service, are common facilities or private.

c. **Maximum Subsidy**

(i) Unless there is a live-in aide, the family unit size is zero bedroom. If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

(ii) In a Regular Tenancy for a person who resides in a group home, the initial gross rent may not exceed either the Fair Market Rent/exception rent limit for the

family unit size or the pro-rata portion of the Fair Market Rent/exception rent limit for the group home size.

- (iii) For a Voucher Tenancy, 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 for the group home size.
- (iv) For the over FMR tenancy program, the payment standard for a person who resides in a group home is the lower of the Fair Market Rent/exception rent limit for the family unit size; or the pro-rata portion of the Fair Market Rent/exception rent limit for the group home size.

d. 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.

e. Housing Quality Standards

The Department of Public Housing 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.

5. Shared Housing

a. 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 Department of Public Housing may approve a live-in aide to reside with a family in order to care for a person with a disability. The Department of Public Housing 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 Housing Assistance Payment contract with the Department of Public Housing. However, housing assistance may not be paid on behalf of an owner. The Department of Public Housing 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.

b. Rent and Housing Assistance Payment 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 for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit.

c. Maximum Subsidy

For the Regular Tenancy program the initial gross rent may not exceed either the Fair Market Rent/exception rent limit for the family unit size or the pro-rata portion of the Fair Market Rent/exception rent limit for the shared housing unit size.

For the Voucher Program or over FMR tenancy the payment standard is the lower of the payment standard for the family unit size or the pro-rata portion of the payment standard for the shared housing unit size.

If the Department of Public Housing approves a live-in aide, the live-in aide will be counted in determining the family unit size.

d. 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.

e. Housing Quality Standards

The Department of Public Housing 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.

6. Cooperative Housing

The Department of Public Housing 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 Department of Public Housing will not approve assistance for a family in cooperative housing until the Department of Public Housing 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 Department of Public Housing may approve a live-in aide to reside with the family to care for a person with disabilities. The Department of Public Housing 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 Department of Public Housing approves a live-in aide, the live-in aide will be counted when determining the family unit size.

a. Rent

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.

b. Lease and Documents

The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to Section 8 limitations on rent to owner.

c. Housing Quality Standards

The Department of Public Housing will ensure that all cooperative housing units approved for the program are in compliance with all of the Housing Quality Standards regulated by 24 CFR 982.401.

7. Manufactured Homes

The Department of Public Housing will permit a family to lease a manufactured home and space with assistance under the program. The Department of Public Housing will provide assistance for a family that owns the manufactured home and leases only the space.

The Department of Public Housing may approve a live-in aide to reside with a family to care for a person with disabilities. The Department of Public Housing 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 Department of Public Housing approves a live-in aide, the live-in aide must be counted when determining the family unit size.

A manufactured home must meet all the Housing Quality Standards regulated by 24 CFR 982.401. In addition, the manufactured home also must meet the following requirements:

- a. 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.
- b. 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.

8. Manufactured Home Space Rental

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.

a. 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 Department of Public Housing.

The Department of Public Housing will not approve a lease for a manufactured home space until the Department of Public Housing has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the Department of Public Housing will redetermine that the rent is reasonable.

The Department of Public Housing will determine whether the rent to owner for a manufactured home space is reasonable rent in comparison to rents for other comparable manufactured home spaces. The Department of Public Housing 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 Department of Public Housing, 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 Department of Public Housing, the owner must provide the Department of Public Housing information on rents for other manufactured home space.

b. Housing Assistance Payments for Manufactured Home Space

The Fair Market Rent for a manufactured home space will be determined by HUD. Exception rents do not apply.

(i) Housing Assistance Payment 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 Fair Market Rent for a manufactured home space.

During the term of tenancy for the Regular Tenancy Program the amount of the monthly Housing Assistance Payment equals the lesser of:

- (a) The manufactured home space cost minus the higher of: the Total Tenant Payment or the Department of Public Housing's Minimum Rent;
or
- (b) 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.

(ii) Housing Assistance Payment for the Voucher or over FMR tenancy

For a voucher or over FMR tenancy, the payment standard is used to calculate the monthly Housing Assistance Payment for a family. The payment standard for a family renting a manufactured home space is the published Fair Market Rent for manufactured home space rental. The payment standard will be determined by the Department of Public Housing in accordance with this Admin Plan.

(iii) 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:

An amount obtained by subtracting 30% of the family’s monthly adjusted gross income from the sum of the amortization cost, the utility allowance, and the payment standard; or

The monthly gross rent for the manufactured home space minus the minimum rent. For the Voucher program the minimum rent is the higher of 10% of monthly gross income or the Department of Public Housing’s minimum rent.

(iv) Subsidy calculation for the over FMR tenancy program

During the term of an over FMR tenancy, the amount of the monthly Housing Assistance Payment for a family equals the lesser of:

(a) An amount obtained by subtracting the family’s Total Tenant Payment from the sum of the amortization cost, the utility allowance, and the payment standard; or

(b) The monthly gross rent for the manufactured home space minus the Department of Public Housing’s minimum rent.

c. Amortization Cost

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% to exclude debt service to amortize the cost of furniture, unless the Department of Public Housing 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 Department of Public Housing 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 Department of Public Housing 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.

d. **Utility Allowance Schedule for Manufactured Home Space Rental**

The Department of Public Housing will establish utility allowances for manufactured home space rental. For the first twelve (12) 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.

PART G

COMMUNITY SERVICE AND FAMILY SELF-SUFFICIENCY

COMMUNITY SERVICE AND FAMILY SELF-SUFFICIENCY

1. Policy Statement

It is the policy of the Department of Public Housing to enhance and promote economic and social self-sufficiency. As such, the Department of Public Housing shall provide the following for the enhancement of the economic and social-sufficiency of assisted families:

- Targeting (mandatory): Not less than 75% of dwelling units owned by the Department of Public Housing shall be occupied by families whose incomes at the time of commencement of occupancy do not exceed 30% of the area median income.
- Cooperation Agreements for Economic Self-Sufficiency (mandatory): The Department of Public Housing shall enter into cooperation agreement with state, local, and other agencies providing assistance to covered families under welfare or public assistance programs. The cooperation agreements shall facilitate the administration of this policy and the sharing of information regarding rents, income, assistance, or other information that may assist the Department of Public Housing or welfare or public assistance agency carry out its functions. The Department of Public Housing shall also seek to include in cooperation agreements with welfare or public assistance agencies provisions to provide for economic self-sufficiency services within the properties owned by the Department of Public Housing, provide for services designed to meet the unique employment-related needs of residents, and provide for placement of workfare positions on-site.

DEFINITIONS

FAMILY

1. The term "family" as used in this policy means:

- (i) A family with or without children;
- (ii) An elderly family;
- (iii) A near-elderly family;
- (iv) A disabled family;
- (v) A displaced family;
- (vi) The remaining member of a tenant family; and
- (vii) A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

2. The term "disabled family" as used in this policy means:

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.

3. The term "displaced family" as used in this policy means:

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.

4. The term "displaced person" as used in this policy means:

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.

5. The term "elderly family" as used in this policy means:

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.

6. The term “elderly person” as used in this policy means:

A person who is at least 62 years of age.

7. The term “live-in aide” as used in this policy means:

A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

- (i) Is determined to be essential to the care and well-being of the persons;
- (ii) Is not obligated for the support of the persons; and
- (iii) Would not be living in the unit except to provide the necessary supportive services.

8. The term “near-elderly family” as used in this policy means:

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.

9. The term “near-elderly person” as used in this policy means:

A person who is at least 50 years of age but below the age of 62.

10. The term “person with disabilities” as used in this policy means:

- (i) Has a disability as defined in section 223 of the Social Security Act;
- (ii) Has a physical, mental, or emotional impairment that:
 - (a) Is expected to be of a long-continued and indefinite duration;
 - (b) Substantially impedes his or her ability to live independently; and
 - (c) Is of such a nature that such ability could be improved by more suitable housing conditions; and
- (iii) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).
- (iv) Notwithstanding any other provision of the law, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing under this title, solely on the basis of any drug or alcohol dependency.

ANNUAL INCOME

1. Annual Income

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 exclusive of income that is temporary, non-recurring, sporadic, and exclusive of certain other types of income specified in this policy; and, amounts derived during the 12-month period from assets to which any member of the family has access.

(i) Annual Income includes, but is not limited to:

- (a) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (b) The net income from 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;
- (c) 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 (b.) above 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 \$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;
- (d) The full amount of periodic payments 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 payment for the delayed start of a periodic payment (except as provided in b. (xii) below);
- (e) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (see "lump sum additions" in (ii) (c) below);

- (f) Welfare assistance payments;
 - 1) 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 at 45 CFR 260.31 and are not otherwise excluded in Section b. below.
 - 2) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of the amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities plus the maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this section shall be the amount resulting from one application of the percentage.
- (g) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or persons not residing in the dwelling;
- (h) All regular pay, special pay and allowances of a member of the Armed Forces (whether or not living in the dwelling, see (ii) (e) below);
- (ii) Annual Income does not include the following:
 - (a) Temporary, non-recurring or sporadic income (including gifts);
 - (b) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
 - (c) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;
 - (d) Amounts of educational scholarships paid directly to the student or the educational institution, and amounts paid by the Government to a veteran, for use in meeting the costs of tuition, fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of the student. Any amount of such scholarship or payment to a veteran not used for the above purposes that is available for subsistence is to be included in income;
 - (e) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
 - (f) 1) Amounts received under training programs funded by HUD;

- 2) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
- 3) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
- 4) Amounts received under a resident service stipend, not to exceed \$200 per month, received by a resident for performing a service for the HA 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, playground patrol, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
- 5) Incremental earnings and benefits resulting from participation in qualifying State or local employment training programs and training of a family member as resident management staff.

(iii) Annual Income also does not include:

- (a) Income from employment of children (including foster children) under the age of 18 years;
- (b) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- (c) Adoption assistance payments in excess of \$480 per adopted child;
- (d) Payments received for the care of foster children or foster adults;
- (e) Income of a Live-in Aide, as defined in 24 CFR §5.403;
- (f) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
- (g) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit.
- (h) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.

- (i) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in applicable federal regulations apply. A notice will be published in the Federal Register and distributed to HAs and IHAs identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. The following is a list of types of benefits that qualify for that exclusion, effective July 23, 1990:
- 1) Payments received from programs funded under title V of the Older Americans Act of 1985 (42 U.S.C. 3050(f));
 - 2) The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b));
 - 3) Payment to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044(g), 5058);
 - 4) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626 (a));
 - 5) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
 - 6) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
 - 7) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b));
 - 8) Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503 2504);
 - 9) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Authority or the Court of Claims (25 U.S.C. 1407-1408) or from funds held in trust for an Indian tribe by the Secretary of the Interior (25 U.S.C. 117); and
 - 10) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 that are used to cover the cost of attendance at an educational institution (See 24 CFR 215.1(c)(6), 236.3(c)(6), 813.106(c)(6), and 913.106(c)(6));
 - 11) Payment received after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation M.D.L. No 381(EDNY);

- 12) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420, 94 Stat. 1785);
- 13) The value of any child care provided or arranged (or any amount received as payment for such child care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q.);
- 14) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));
- 15) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- 16) The earnings and benefits to any family member resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, section 22 of the 1937 Act, or any comparable Federal, State, or local law during the exclusion period.

If it is not feasible to anticipate a level of income over a 12 month period or the DOPH believes that past income is the best available indicator of expected future income, the DOPH may annualize income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

2. Monthly Income - One-twelfth (1/12) of Annual income. For purposes of determining priorities based on an applicant's rent as a percentage of monthly income.
3. Adjusted Income - Adjusted income means annual income of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions:
 - a. \$480 for each dependent;
 - b. \$400 for any elderly or disabled family;
 - c. The amount by which 3% of the annual family income is exceeded by the sum of:
 - (i) Unreimbursed medical expenses for any elderly family or disabled family;
 - (ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of such family (including the member who is disabled) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and are able to work because of such attendant care or auxiliary apparatus.
 - d. Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education;

4. Monthly Adjusted Income - One-twelfth of Adjusted Income.
5. Income for Eligibility - "Income for Eligibility" for purpose of determining eligibility for admission and for statistical reporting, means "Annual Income."
 - (i) Projects available for occupancy before 10/1/81; Income for eligibility shall not exceed the "Lower Income" limits.
 - (ii) Projects available for occupancy on or after 10/1/81; Income for eligibility shall not exceed the "Very Low Income" limits.

TOTAL TENANT PAYMENT

1. Total Tenant Payment for families whose initial lease is effective on or after August 1, 1982, shall be the higher of the following (provided that it does not exceed the applicable ceiling rent for the unit being occupied), rounded to the nearest dollar:
 - (i) 30% of monthly Adjusted Income; or
 - (ii) 10% of Monthly Income.
 - (iii) If the family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the monthly portion of such payments which is so designated. If the family's Welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this subsection shall be the amount resulting from one application of the percentage.
 - (iv) A minimum amount of \$50.

The \$50 minimum provision shall become effective immediately for all new admissions and April 1, 1996 for all tenants in possession. This provision shall expire as of September 30, 1997, unless Congress extends or reauthorizes this provision.
2. Total Tenant Payment does not include charges for excess utility consumption or other miscellaneous charges, such as maintenance charges, late charges, etc.

OTHER

- Absorption: In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family. The receiving HA uses funds available under the receiving HA consolidated ACC.
- Administrative Fee: Fee paid by HUD to the HA for administration of the program.

- **Administrative Plan:** The HUD required written policy of the HA governing its administration of the Section 8 Certificate and Voucher program. The Administrative Plan and any revisions must be approved by the HA's board and a copy submitted to HUD.
- **Admission:** The effective date of the first HAP contract for a family (first day of initial lease terms) in a tenant-based program. This is the point when the family becomes a participant in the program.
- **Annual Contributions Contract (ACC):** A written agreement between HUD and a HA to provide annual contributions to cover Housing Assistance Payments and other expenses pursuant to the Act.
- **Annual Income After Allowances:** The Annual Income less the HUD approved allowances.
- **Applicant or Applicant Family:** A family that has applied for admission to a program, but is not yet a participant in the program.
- **Assistance Payment:** The amount HUD pays the owner for a unit occupied by a Section 8 tenant. Includes HUD's share of the contract rent and any utility reimbursement due the tenant. It is the gross rent for the unit minus the TTP.
- **Assisted Tenant:** A tenant who pays less than the market rent as defined in the regulations.
- **Certificate:** A certificate issued by the PHA under the Section 8 Rental Assistance Program, declaring a family to be eligible for participation in this program and stating the terms and conditions for such participation. This program was terminated by Congress.
- **Certificate or Voucher Holder:** A family holding a voucher or certificate with unexpired search time. Replaced by Housing Choice Voucher Holder.
- **Certificate Program:** Rental certificate program, no longer in effect.
- **Child Care 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 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 child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. The Authority will not normally determine child care expenses as necessary when the household contains an additional unemployed adult who is physically capable of caring for children.
- **Co-Head:** An individual in the household who is equally responsible for the lease with the Head of Household. (A family never has a Co-Head and a Spouse and a Co-Head is never a Dependent.)

- **Continuously Assisted:** An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.
- **Contract Rent:** In the Section 8 Certificate Program, Contract Rent is the total rent paid to the owner, including the tenant payment and the HAP payment from the PHA.
- **Dependent:** A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a Full Time Student. An unborn child shall not be considered a dependent.
- **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, and the frequency of interaction between the persons involved in the relationship.
- **Disability Assistance Expense:** Anticipated costs for care attendants and auxiliary apparatus for disabled family members which enable a family member (including the disabled family member) to work.
- **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 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.
- **Drug-Related Criminal Activity:** The illegal manufacture, sale, distribution, use, or the possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802)).
- **Drug Trafficking:** The illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802)).
- **Elderly Household:** A family whose head or spouse or whose sole member is at least 62 years of age; may include two or more elderly persons living together or one or more such persons living with another person who is determined to be essential to his/her care and well-being.
- **Eligible Family:** A family is defined by the HA in the administrative Plan, which is approved by HUD.
- **Exception Rent:** In the certificate program an initial rent (contract rent plus any utility allowance) in excess of the published FMR. In the certificate program the exception rent is approved by HUD, or the HA under prescribed conditions, and is used in determining the initial

contract rent. In the voucher program the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program.

- **Excess Medical Expenses:** Any medical expenses incurred by elderly or disabled families only in excess of 3% of Annual Income which are not reimbursable from any other source.
- **Fair Market Rent:** The rent limit published in the Federal Register for Section 8 Rental Assistance, which includes utilities (except telephone) and ranges and refrigerators. It is used as a standard to obtain privately owned, existing, decent, safe and sanitary rental housing of modes (non-luxury) nature with suitable amenities. In the Rental Voucher Program, it is used as a cap for the Payment Standard, used in the ACC calculation of subsidy dollars, and is used to calculate the administrative fees.
- **Family Share:** The amount calculated by subtracting the housing assistance payment from the gross rent.
- **FMR/Exception Rent Limit:** The Section 8 existing housing fair market rent published by HUD headquarters or any exception rent. In the certificate program the initial contract rent for a dwelling unit plus any utility allowance may not exceed the FMR/exception rent limit.
- **Foster Child Care Payment:** Payment to eligible households by state, local, or private agencies appointed by the state, to administer payments for the care of foster children.
- **Gross Rent:** The sum of the Contract Rent and the utility allowance. If there is no utility allowance, Contract Rent equals Gross Rent.
- **Handicapped Assistance Expenses:** Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled Family member and that are necessary to enable a Family member (including the Handicapped or Disabled member) to be employed, provided that the expenses are neither paid to a member of the Family nor reimbursed by an outside source.
- **Head of Household:** Head of Household means the adult member of the family who is held primarily responsible and accountable for the family, particularly in regard to lease obligations.
- **Housing Assistance Payment:** The monthly assistance payment by a HA. The total assistance payment consists of a payment to the owner under the family's lease and an additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a "utility reimbursement" payment.
- **Housing Assistance Payments Contract:** A written contract between a HA and an owner in the form prescribed by HUD headquarters, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.
- **Housing Choice Voucher:** A voucher issued by the Department of Public Housing under the Housing Choice Voucher Program, declaring a family to be eligible for participation in this program and stating the terms and conditions for such participation.

- **Housing Quality Standards (HQS):** The HUD minimum quality standards for housing assisted under the tenant-based programs.
- **Income:** Income from all sources of each member of the households as determined in accordance with criteria established by HUD.
- **Income for Eligibility:** Annual income.
- **Initial HA:** In portability, the term refers to both an HA that originally selected a family that later decides to move out of the jurisdiction of the selecting HA and a HA that absorbed a family that later decides to move out of the jurisdiction of the absorbing HA.
- **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 HA has authority under state and local law to administer the program.
- **Lease:**
 - a. 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 HA.
 - b. In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA.
 - c. Lease Addendum: In the lease between the tenant and the owner, the lease language required by HUD.
- **Live-In Aide/Caretaker:** A person who is employed by and resides with an Elderly, Disabled, or Handicapped person or persons to provide medical care, and who:
 - a. Is determined by the HA to be essential to the care and well-being of the person(s);
 - b. Is not obligated for support of the person(s); and
 - c. Would not be living in the unit except to provide supportive services. (See 24 CFR §913.106(c) for treatment of a Live-In Aide's Income.)
- **Lower Income Family:** A family whose Annual Income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median

income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs of unusually high or low family incomes.

- **Medical Expenses:** Those 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. Medical expenses, in excess of 3% of Annual Income, are deductible from annual income for elderly and disabled families only.
- **Military Service:** Military service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard, and since July 29, 1945, the Commissioned Corps of the United States Public Health Service.
- **Minor:** A "minor" is a person less than eighteen years of age. (An unborn child may not be counted as a minor but is counted for eligibility of a single, pregnant female.) An infant is a child under the age of two. Unemancipated minors shall not be eligible for participation in the public housing program because they cannot be legally held to a contract.
- **Mixed Family:** A family with citizens and eligible immigration status and without citizens and eligible immigration status as defined in 24 CFR 5.504 (b)(3).
- **Monthly Adjusted Income:** One-twelfth (1/12) of the Annual Income after allowances or Adjusted Income.
- **Net Family Assets:** "Net Family Assets" include the value of, or equity in, real property, savings, bonds, stocks, and other forms of capital investments after deducting reasonable costs that would be incurred in the disposition of such assets. The value of personal property such as furniture and automobiles is to be disregarded in the Net Assets determination. Also, the interests in Indian trust land and equity accounts in HUD homeownership programs is to be disregarded. (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 as 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.) In determining Net Family Assets, the HA shall include the value of any 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 resident received important consideration not measurable in dollar terms.
- **Occupancy Standards:** (Now referred to as Subsidy Standards) Standards established by a HA to determine the appropriate number of bedrooms for families of different sizes and compositions.
- **Over-FMR Tenancy (OFTO):** In the Certificate Program, a tenancy for which the initial gross rent exceeds the FMR/exception rent limit.

- **Owner:** Any persons or entity having the legal right to lease or sublease a unit to a participant.
- **Participant:** A family that has been admitted to the HA's certificate program or voucher program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (first day of initial lease term).
- **Payment Standard:** The amount used to calculate the housing assistance a family will receive in the Department of Public Housing's Housing Choice Voucher Program.
- **Persons with Disabilities:** Individuals with any condition or characteristic that renders a person an individual with a handicap as defined in 24 CFR 8.2.
- **Portability:** Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial HA.
- **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 Department of Public Housing (HA or HA):** Any State, County, municipality or other government entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development or operation of housing for lower income families.
- **Reasonable Rent:** A rent to owner that is not more than rent charged for comparable units in the private unassisted market and unassisted units in the premises.
- **Receiving HA:** A HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a certificate or voucher and provides program assistance to the family.
- **Recertification:** Process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.
- **Regular Tenancy:** Tenancy other than an over-FMR tenancy.
- **Rent to Owner:** Total monthly rent payable to the owner under the lease for the unit. Rent owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.
- **Security Deposit:** A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under lease.
- **Spouse:** Spouse means the husband or wife 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 that person, a member of the immediate family of that person, or the spouse or intimate partner of that person. The term "immediate family member" means, with respect to a person--

a spouse, (brother or sister, or child) of that person, or an individual to whom that person stands in loco parentis; or

any other person living in the household of that person and related to that person by blood or marriage.

- **Subsidy Standards:** Standards established by a HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.
- **Tenant Rent:** The amount payable monthly by the Family as rent to the HA. Where all utilities (except telephone) and other essential housing services are supplied by the HA, tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the HA and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Utility Allowance. (Tenant Rent is a term established and defined by 24 CFR (§913) and as such, is occasionally awkward in ordinary usage. For this reason, the term "Tenant Rent" is used interchangeably with "rent" elsewhere in this ACOP to refer to the net monthly payment by the family to the HA. The only exception is the term "rent" as defined in this policy in reference to admission priorities based on an applicant's rent as a percentage of monthly income).
- **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.
- **Utility:** Electricity, gas, heating fuel, water and sewage services, and trash and garbage collection. Telephone service is not included as a Utility.
- **Utility Allowance:** If the cost of utility (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 by the HA 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 quality living environment.
- **Utility Reimbursement/Credit Rent/Zero Rent:** The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit. If the utility allowance exceeds the Total Tenant Payment, a zero rent condition exists.
- **Very Low-Income Family:** A family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for small and larger families. HUD may establish income limits higher or lower than 50 percent 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.

- 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 Program: The rental voucher program.
- Waiting List: List of families organized according to HUD regulations and HA policy who are waiting for subsidy to become available.
- Waiting List Admission: An admission from the HA waiting list.
- Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by federal, state or local governments.