

# Upper Explorerland

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# Regional Housing Authority

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Amended and Approved [08/17/17](#)

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## Section 8 Administrative Plan



Equal Housing Opportunity

The Administrative Plan covers the current requirements for the Section 8 Housing Choice Voucher Program

## SECTION I. INTRODUCTION

1. Mission Statement: To promote adequate and affordable housing economic opportunity and suitable living environment free from discrimination.
2. Purpose of Policy: The purpose of this plan is to establish guidelines for the HA staff to follow in determining eligibility for the Section 8 Housing Voucher Program. The basic guidelines for this plan are governed by requirements of the The Department of Housing and Urban Development (HUD), with latitude for the local policies and procedures. The Policies and Procedures governing admissions and continued occupancy are outlined in this plan and these requirements are binding upon applicants, residents, landlords and this HA alike. Notwithstanding the above, changes in applicable federal law or regulations shall supersede provisions in conflict with this policy.

Federal Regulations shall mean those found in Section 24 CFR (Code of Federal Regulations).

3. Primary Responsibilities of the HA:
  - Informing eligible families of the availability of Section 8 assistance;
  - Encouraging owners to make their units available for lease by Section 8 participants.
  - Determining the maximum amount of housing assistance payments that can be used for family-paid utilities; and posting the utility allowances annually;
  - Receiving applications from families and determining their eligibility for assistance;
  - Inspecting Section 8 units to determine that they meet or exceed Section 8 Housing Quality Standards;
  - Approving leases;
  - Making Housing Assistance Payments to owners;
  - Perform annual and periodic re-examinations of income, family composition and redetermination of rent;
  - Informing all applicants and resident families if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the PHA;
  - Offering LEP services to individuals who need language assistance. 8/17/17
4. Objectives: The objectives of this plan are to:
  - A. Promote the overall goal of decent, safe and sanitary housing by using the Section 8 program to house eligible families in private rental housing; therefore, increasing the housing stock for very low-income families

- B. Improve the Region's housing stock by requiring participating landlords to meet Section 8 Housing Quality Standards for their rental property.
- C. Facilitate the efficient management of the HA and compliance with Federal Regulations by establishing policies for the efficient and effective management of the Section 8 program and staff.
- D. Comply in letter and spirit with the Title VI of the Civil Rights Act of 1964, and all other applicable Federal laws and regulations to insure that occupancy in assisted housing is administered without regard to race, color, religion, sex, handicap, familial status and national origin.
- E. The Housing and Community Development Act of 1974 reflects Congress's intent that, where possible, the nation's existing housing stock should be preserved. The Section 8 Program will allow the HA to utilize existing housing stock and allow a family who qualifies for Section 8 assistance and lives in substandard housing to remain if the owner brings the house up to HQS standards and the Section 8 participant decides to remain in that unit.

5. Outreach:

- A. Outreach to Owners: The HA will encourage participation by owners of suitable units located outside areas of low income by distributing and communicating information concerning property owners leasing units under the Section 8 programs through the local media (newspaper, radio, brochures, etc.).
- B. Outreach to Potential Clients: The HA may make known to the public, through publications in a newspaper of general circulation the availability and nature of housing assistance for lower-income families. The notice shall inform such families where they may apply for Section 8 rental assistance. The HA shall take affirmative actions to provide opportunities to participate in the program to persons who, because of such factors as race, ethnicity, sex of household head, age, our source of income, are less likely to apply for Section 8 rental assistance.

**SECTION II. FAIR HOUSING POLICY AND EQUAL OPPORTUNITY HOUSING PLAN**

- 1. Fair Housing Policy: The Fair Housing Policy of the HA will comply fully with all Federal, State, and local nondiscrimination laws and in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment and with the Americans with Disabilities Act.  
Specifically, the HA shall not on the basis of race, color, religion, sex, handicap, familial status, creed or national origin, deny any family or individual the opportunity to apply for or receive assistance under HUD's Section 8 Programs, within the requirements and regulations of HUD and other regulatory authorities. To further its commitment to full

compliance with applicable Civil Rights laws, the HA will provide access to information to Section 8 participants regarding “discrimination”. Also, this subject will be discussed during the briefing session and any complaints will be documented and made part of the applicants/participants file.

For families and/or individuals who report apparent discrimination in obtaining assisted housing, the HA shall assist them by providing the family/individual with a HUD Housing Discrimination Complaint Form, HUD-903. The individual can complete this form and report apparent discrimination. For example, a resident may be trying to obtain other rental housing and/or is attempting to purchase a home and experiences apparent discrimination.

2. Equal Opportunity Housing Plan: The HA is a participant in the tenant-based program and is required to comply with equal opportunity requirements imposed by contract or federal law (Ref: 24 CFR 982.54). This includes applicable requirements under:
  - A. The fair housing act, 42 U.S.C. 3610-3619 (implementing regulations at 24 CFR parts 100, et seq.);
  - B. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d (implementing regulations at 24 CFR part1);
  - C. The age discrimination act of 1975, 42 U.S.C. 6101-6107 (implementing regulations at 24 CFR, part 146);
  - D. Executive Order 11063, Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46FR1253 (1980), as amended, Executive Order 12892, 59FR 2939 (1994) (implementing regulations at 24 CFR, part 107);
  - E. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (implementing regulations at 24 CFR, part 8; and
  - F. Title II of the Americans with Disabilities Act, 42 U.S.C. 12101, et seq.

3. Equal Opportunity Posting Requirements:

There shall be maintained in the HA’s office waiting room a bulletin board which will accommodate the following posted materials:

- A. Statement of Policies and Procedures Governing the Section 8 Administrative Plan.
- B. Income Limits for Admission
- C. Utility Allowances
- D. Informal Review and Hearing Procedure
- E. Fair Housing Poster

### SECTION III. PRIVACY RIGHTS

Applicants will be required to sign the Federal Privacy Act Statement, which states under what conditions HUD will release information concerning Section 8 participants. Requests for information by other parties must be accompanied by a signed release request in order for the HA to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law or regulations (Reference HUD Form 9886).

1. **Policy for releasing information:** The Upper Explorerland Regional Housing Authority shall not disclose any personal information (including any information on medical or disability) contained in its records to any person or agency unless the individual about whom the information is requested gives written consent to such disclosure or as required by law. If required by law, the information must be requested in writing indicating the reason to obtain this information. If the Upper Explorerland Regional Housing Authority feels the reason is appropriate, the request for information may be granted. The person who the information is being requested will be notified. The individual and/or organization requesting information will be charged a technical assistance fee for us to gather the information. A copy cost fee of \$1.00 per page will be requested. All costs will be paid in advance before the Housing Authority will release the information. **2/18/2004.**

### SECTION IV. DEFINITION OF TERMS

Section 24 part 5 and Section 982.4 Definitions effective from time to time are incorporated by reference as if fully set out herein. Copies of this regulation are available in the HA office.

1. Absorption: In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family.
2. Adjusted Income: Adjusted Family Income is the income on which total tenant payment is to be based and means the Total Annual Income less the following allowances:
  - A. A deduction of \$480.00 for each member of the family (other than head of household or spouse) who is:
    - (1) Seventeen (17) year of age or younger, or
    - (2) Who is eighteen (18) years of age or older and a verified full-time student and/or is disabled or handicapped according to this Section.
  - B. A deduction of dollar amounts anticipated to be paid for the care of children (including foster children) under thirteen (13) years of age where care is necessary to enable a family member to be gainfully employed or to further his/her education. The dollar amount must be verified and reflect reasonable charges and cannot exceed the amount of income from employment (if employed).

- C. A deduction of \$400.00 for Elderly Family whose head, spouse or sole member is sixty-two (62) years of age or older and/or is handicapped or disabled according to this Section.
- D. A deduction for any elderly family:
- (1) That has no Handicapped Assistance Expense, an allowance for medical expenses equal to the amount by which the medical expense shall exceed three (3%) percent of Total Annual Family Income.
  - (2) That has Handicapped Assistance Expenses greater than or equal to three (3%) of Total Annual Family Income, an Allowance for Handicapped Assistance computed in accordance with paragraph F of this Section, plus an allowance for medical expenses that is equal to the Family's medical expenses.
  - (3) That has Handicapped Assistance Expenses that are less than three (3%) percent of Total Annual Family Income, an allowance for combined Handicapped Assistance expense and medical expense that is equal to the amount by which the sum of these expenses exceeds three (3%) percent of Total Annual Family Income. Expenses used to compute the deduction cannot be compensated for, nor covered by, insurance.
- E. A deduction for any family that is not an elderly family but has a handicapped or disabled member other than the head of household or spouse. Handicapped Assistance Expense in excess of three (3%) percent of Total Annual Family Income, but this allowance may not exceed the employment received by family members who are eighteen (18) years of age or older as a result of the Assistance to the Handicapped or Disabled person.
- F. 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 **actively seek employment**, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for 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.
3. Administrative Fee: Fee paid by HUD to the HA for administration of the program and will include hard-to-house fees paid for moves by families with three or more minors, persons with disabilities, and extra counseling money that may be authorized by HUD.
  4. Administrative Fee Reserve: (formerly "operating reserve") Account established by HA from excess administrative fee income. HA administrative fees may only be used to

cover costs incurred to perform HA administrative responsibilities for the program in accordance with HUD regulations and requirements.

5. Administrative Plan: The administrative plan describes HA policies for administration of the tenant-based programs. The document is the administrative plan for the HA. Passed and approved **7/13/11**. Revision #2-**12/12/13** Revision #3 **5/22/14**. Revision #4 **9/11/14**, Revision #5 **05/25/17**, Revision #6 **08/17/17**
6. Admission: The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is a point when the family becomes a participant in the program.
7. Adult: An adult is:
  - 18 years of age or older, or
  - A person that has been relieved of the disability of non-age by the juvenile court.

**Note:**

Only persons who are adults 18 years of age or older shall be eligible to enter into a lease agreement for occupancy.

8. Annual Contributions Contract (ACC): A written contract between HUD and a HA. Under the contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program.
9. Annual Income: Annual Income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of certain other types of income specified in this policy. Annual Income includes, but is not limited to, the following: Ref: CFR 5.609.

Computation of Annual Income:

- a. Use current family circumstances to anticipate income, unless the verification indicates an imminent change. **If EIV income data is more than current tenant-provided documentation, the PHA will use EIV income data to calculate anticipated annual income unless the tenant provides the PHA with documentation of a change in circumstances (reduction in hours, change of employment (HUD defines a substantial difference as one that is \$200.00 or more per month.**
- b. Annualized all income, including income that may not last the full 12 months, (such as unemployment benefits). When circumstances change, an interim reexamination may be processed. Converting income to an annual figure may be achieved by (i)

annualizing current income or (ii) averaging known sources of income that vary to compute an annual income. **If an applicant or participant does not have any income, participants will be required to complete a form quarterly on how they are paying for their basic needs. Resolution 14-02 09/11/14**

Calculation Examples:

a. *Regular Employment*

- (i) Hourly wages times number of hours worked per year. (2080 hours for full-time employment with a 40-hour week and no overtime.)
- (ii) Weekly wages times 52.
- (iii) Bi-weekly wages times 26.
- (iv) Semi-monthly wages times 24.
- (v) Monthly wages times 12.
- (vi) Tips: Average tips per week x 52 = average annual tips.
- (vii) Overtime: Average overtime hours per week x overtime rate x 52 = annual overtime.

b. *Non-Regular Employment:* Includes employment where wages, hours, and employers worked for are flexible and no business related deductions are claimed. In general this category applies to those types of employment which do not readily fit in the regular employment category. For example, a person who does yard work for the same employer, same wage, same number of hours per period could and should be verified under the procedures for regular employment. However, if the client's wages, employers, and hours change frequently, their employment would be considered non-regular.

(i) Verification: The client must Self-Declare the following information:

- (a) Type of work or services performed
- (b) Average amount of income earned per month
- (c) Signature of client and date prepared

(ii) Calculation: Average monthly income times 12 = annual income from non-regular employment.

c. *Public Assistance:* (Includes but not limited to AFDC, General Assistance, Supplemental Security Benefits, and Unemployment Compensation.)

- (i) Calculation
  - (a) Monthly Benefit x 12 = annual benefit
  - (b) Overpayments: In the case of benefits where a previous overpayment is currently being deducted the gross amount of the benefit minus the deduction for repayment shall be used.

d. *Pension/Social Security*: Includes Social Security Benefits, Veterans Benefits, Pension Retirement, and Annuity Benefits.

(i) *Calculation*:

(a) Monthly Benefit x 12 = annual benefit

(b) Overpayments: In the case of benefits where a previous overpayment is currently being deducted the gross amount of the benefit minus the deduction for repayment shall be used.

e. *Child Support, Alimony, and Support Payments Made by Other Individuals*: Includes regular payments made by a parent for the support of a minor child residing in the household, regular payments made by relatives, friends, or other persons to the family, or on behalf of the family for basic rent and utilities.

(i) *Calculation*:

a. Amount of payment x frequency = annual support income

b. Frequency = Monthly (12)  
Weekly (52)  
Semi-Monthly (24)  
Bi-weekly (26)

f. *Lump-Sum Payments*: Generally lump-sum amounts received by a family are considered assets, not income, i.e., inheritance, insurance, settlements, proceeds from the sale of property, etc. Deferred payments made because of a delay in processing a periodic payment such as unemployment, welfare benefits, etc., must be counted as income. Lump sum payments caused by delays in processing periodic payments for Social Security or SSI, are not counted as income. If an interim reexamination was not conducted to reduce the Total Tenant Payments, any lump sum amounts received by the family will be treated as an asset. The following example will apply only if an interim reexamination to reduce the Total Tenant Payment is conducted.

(i) Example: Family member loses her job on October 10, 1997. Unemployment benefits are delayed. On December 10, 1997 family received a lump-sum payment of \$600 for October 21, 1997 through December 7, 1997. Beginning December 8, 1997 the family receives \$100 per week in unemployment benefits.

(a) Family requests and receives an interim reexamination. The interim reexamination reduces the family's Total Tenant Payment and is effective November 1, 1997, and annual income is computed as shown below. Income is annualized even though unemployment income is not expected to last the full twelve months and family is reminded to come in for an interim when circumstances change.

(b) Any amounts deducted from lump sum payments for attorney's fees shall be deducted from the lump sum amount which is counted as income.

- (c) Any lump sum amounts, counted as income, shall be included as income for the entire year (until the next annual reexamination), or for 12 months, whichever is greater.
- (ii) Calculation:
  - (a) \$600 (Lump-sum payment) plus \$5,200 (\$100/week unemployment) = annual income from unemployment.

**g. Zero Income:** Applicants or participants with Zero Income will be reviewed on a monthly basis by completing an expense form. **17-04**

**Assets** (24 CFR 5.609(b)(2), and (3))

Family Assets include interest, dividends, and any other net income of any kind from real or personal property, to include any assets disposed of at less than fair market value within the last two years.

**I. Total Value of Assets Calculation**

- a. *Savings and Checking Accounts, Certificates of Deposit, IRA and KEOUGH Accounts:* Account balance or certificate of deposit value = total asset value of savings and checking accounts/certificates of deposit, IRA and KEOUGH accounts.
- b. *Stocks:* Number of shares x current per share value = total asset value of stocks.
- c. *Bonds:* Cash value of bond x number of bonds = total asset value of bonds.
- d. *Notes and Mortgages Held:* Principal amount remaining = total asset value of notes and mortgages held.
- e. *Trusts:*
  - (i) If trust is irrevocable, it is not counted as an asset.
  - (ii) If trust is revocable, current amount of trust = total value of trust.
- f. *Real Property Owned:* Current market value minus amount owed (if any) = total asset value of real property owned.
- g. *Assets under \$5,000:* Applicants and participants will be allowed to self-certify that they have assets under \$5,000. **(13-02)**

**II. Income from Assets Calculation**

- a. *Savings and Checking Accounts, Certificates of Deposit, IRA and Keogh Accounts:* Account balance x interest rate = annual income from savings/certificates of deposit, IRA and KEOGH accounts.

- b. *Stocks*: Amount of dividends paid x frequency of payment = annual dividend income.
- c. *Notes and Mortgages Held*: Interest portion of the payment x frequency of payment = annual note or mortgage income: (Repayment of principal is not considered income.)
- d. *Trusts*: Use of amount of annual proceeds as determined through verification.
- e. *Real Property Owned (if property is income producing)*:
  - (i) If income tax return for property is available, use the amount of net annual income from tax return.
  - (ii) If no income tax return is available, only the following deduction will be allowed:
    - (a) Amount of payments received x frequency of payment = gross annual income, then
    - (b) If balance owed on property, amount of interest portion of payments made x frequency of payment = annual interest deduction.
- f. *Assets Disposed of*: Assets disposed of for less than fair market value during the two years preceding effective date of certification or recertification are included as assets. Cash value of the asset, the amount the family would receive if the asset were converted to cash, must be used. Cash value is market value minus reasonable costs that were or would be incurred in selling or converting the asset to cash. Expenses which may be deducted include the following:
  - (i) Penalties for withdrawing funds before maturity
  - (ii) Brokers/legal fees assessed to sell or convert the asset to cash
  - (iii) Settlement cost for real estate transactions.

If the fair market value exceeds the gross amount the family received by more than \$1,000, count the whole difference between the cash value and the amounts received. If the difference is less than \$1,000, ignore it.

Assets disposed of for less than fair market value, as a result of a foreclosure, bankruptcy, divorce or separation, are not counted.

Assets put into trust, or business assets disposed of for less than fair market value, are counted.

(a) *Calculation:*

Include the difference between cash value and the amount received for any asset disposed of at less than fair market value within the last two years. (Cash value = the fair market value less reasonable costs.)

(b) Calculating Income from Assets:

<u>Type of Asset</u>	<u>Cash Value Per Year</u>	<u>Actual Income from Asset</u>
Checking Account	0	0
Savings Account	\$ 2,000	\$115
Certificates of Deposit	\$10,000	\$ 988
Rental Property	<u>\$15,000</u>	<u>0</u>
Totals	\$27,300	\$1,101

Since total assets exceed \$5,000, imputed income must be calculated:

Total Assets multiplied by the passbook rate established by the HA's HUD field office.

**III.** Overall Asset Calculation To determine what amount to use for assets in the overall calculation of total annual income for both rent and eligibility; use the following calculations:

- a. Add total value of all assets = total asset value
- b. Add total income from all assets = total asset income
- c. If total asset value is less than \$5,000, use total asset income in determining total annual income.
- d. If total asset value is \$5,000 or more use the larger of the following:
  - (i) Total asset value multiplied by the passbook rate established by the HA's HUD field office, presently 2%.
  - (ii) Total asset income.

**IV.** Asset Verification Guide:

- a. *Savings and Checking Accounts, Certificates of Deposit, IRA and Keogh Accounts:* Statement from the financial institution containing the following:  
When an asset of any household member does not exceed \$500.00 in a

checking or saving account a recent bank statement will be an acceptable means of verification. 11/14/07

- (i) Date prepared
  - (ii) Account number
  - (iii) Account balance
  - (iv) Interest rate (if the rate is variable, statement must give current applicable rate)
  - (v) Name of the account holder(s)
  - (vi) Signature of authorized person
- b. *Stocks*: A statement from a broker or a statement from the issuing corporation containing the following information:
- (i) Date prepared
  - (ii) Account number
  - (iii) Number of shares
  - (iv) Current per share value or current total value of shares
  - (v) Amount of dividends earned
  - (vi) Frequency of payment of dividends
  - (vii) Name(s) of shareholders
  - (viii) If a statement from broker, authorized signature
- c. *Bonds*: A copy of the face of the bond showing the following information:
- (i) Face value
  - (ii) Maturity date
  - (iii) Interest rate (if any)
  - (iv) Type of bond
- d. *Trusts*: Client must provide a copy of the trust document or a statement from the trust officer containing the following information:
- (i) Amount of trust
  - (ii) Type of trust (revocable or irrevocable)
  - (iii) Annual proceeds of trust
  - (iv) Beneficiary of trust
  - (v) If statement from trust officer
    - (a) Date prepared
    - (b) Authorized signature

**Note:** due to type of verification required, the following forms of verification shall be provided by the client:

e. *Notes and Mortgages Held:* (This is where the client receives payments.) The client must provide a copy of the note or mortgage containing the following information:

- (i) Date of transaction
- (ii) Amount of transaction
- (iii) Balance owing
- (iv) Amount of payments reflecting the distribution between principal and interest (repayment of principal amount is not considered income)
- (v) Frequency of payments
- (vi) Interest rate
- (vii) Name of person(s) holding the note of mortgage

f. *Real Property Owned: (Includes Mobile Homes):*

- (i) Client must provide a current appraisal or current market analysis prepared by a licensed real estate agent, broker, or mobile home dealer containing the following information:
  - (a) Date prepared
  - (b) Current market value of the property
  - (c) Authorized signature
- (ii) Copy of the deed or other title instrument showing the name(s) of the owner(s).
- (iii) If property is mortgaged, a statement from mortgagor(s) showing:
  - (a) Balance
  - (b) Amount of payments reflecting distribution between interest and principal
  - (c) Frequency of payments
- (iv) For income-producing property:
  - (a) Copy of lease or rental agreements containing the following information:
    - Term
    - Amount of payments
    - Frequency of payments
  - (b) Copy of rental income schedule from income tax return or copy of property tax statement. This information will be used to determine allowable expenses.

V. Allowances

The following allowances are amounts, as applicable, to be subtracted from the annual income to determine the adjusted income.

1. Dependent Allowance. A \$480 deduction for any family member (excluding foster children, head of household, or spouse) who qualifies as one of the following:
  - a. Under 18 (even if they have children of their own), or
  - b. Handicapped or disabled, or
  - c. A full-time student. (The regulations clarify that an educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.
  
2. Elderly Household Allowance. A \$400 deduction for families in which the head of household or spouse is at least 62, handicapped, or disabled. Only one deduction per family is permitted even if both the head of household and spouse are elderly.
  
3. Child Care Allowance. Any reasonable child care related expense billed by a care facility or private individual providing child care (only those amounts not reimbursed by an agency or individual outside the family can be counted). This deduction applies to expenses relating to the care of any children under the age of 13 residing with the family. Such care must be NECESSARY for a family member to be gainfully employed, to actively search for employment or to further his/her education. Child care for the convenience of the family is not an allowable expense. For example, if there is an adult family member who is capable and available to provide child care residing with the family, who chooses not to care for the child, child care expenses are not deductible. The deduction for child care expenses may not exceed the amount of income earned.

VI. Handicap Assistance Allowance.

- a. Anticipated expenses for attendant care and auxiliary apparatus for a handicapped family member may be deducted if such expenses:
  - (i) Are needed to enable a family member (including the handicapped member) to be employed, and
  - (ii) Exceed three percent of annual income, and
  - (iii) The amount exceeding three percent does not exceed the earned income of the household member enabled to work.
  
- b. Any family with a handicapped or disabled family member may qualify for this allowance even if neither the head of household nor spouse is handicapped or disabled.

- c. Auxiliary apparatus includes items such as wheelchairs, ramps, adaptations to vehicles, special equipment to enable a blind person to read or type, etc., which directly relates to permitting the handicapped person or other family members to work.

(i) Example

Head	36	Earned Income	\$12,000
Son	15	Handicapped	
Handicapped expenses for care of handicapped son			\$3,500

Handicapped Assistance Allowance:

Annual Income	\$22,000
	<u>X .03</u>
3% of Annual Income	\$ 660
Total Handicap Assistance Expense	\$3,500
	<u>\$ 660</u>
<u>Allowable</u> Handicap Expense	\$2,840

(Note: \$2,840 allowable expense is not greater than amount earned by spouse who is enabled to work.)

- d. When a care provider takes care of children under the age of 13 and a handicapped/disabled member 13 or older, expenses must be prorated appropriately since the way in which child care and handicap assistance expenses are computed differ.
- e. A family, whose head of household or spouse is elderly, handicapped, or disabled, is also permitted to deduct medical expenses. If a family has both handicap assistance and medical expenses, a special calculation is required.

**VII. Medical Expense Allowance**

Medical expense deductions are allowed only for families where the head of household or spouse is at least 62, handicapped or disabled. If the family is eligible for a medical expense deduction:

- a. Count medical expenses of all family members and,

b. Include expenses that are not covered by insurance or other sources and that are anticipated to be incurred during the 12 months following the family's examination/reexamination, such as:

- (i) Services of doctors and health care professionals
- (ii) Services of health care facilities
- (iii) Medical insurance premiums
- (iv) Prescription/non-prescription medicines (provide Doctor's statement)
- (v) Transportation to and from treatment facilities
- (vi) Dental expenses
- (vii) Eyeglasses, hearing aids, batteries
- (viii) Live-in attendant or periodic medical assistance
- (ix) Monthly payment(s) on accumulated medical bills
- (x) Medical care of a permanently confined family member if his/her income is included in annual income
- (xi) IRS allowable medical expenses

c. Allow only that portion of the total medical expenses which exceeds three percent of annual income:

(i) <u>Example</u>	Head of Household	64
	Spouse	63
	Annual Income	\$12,000
	Total Medical Expenses	\$ 1,500
	Annual Income	\$12,000
		<u>X .03</u>
	3% of Annual Income	\$ 360
	Total Expenses	\$ 1,500
	Minus 3% of Annual Income	<u>-360</u>
	Allowable Medical Expense	\$ 1,140

d. If an elderly family member has both handicap assistance and medical expenses a special calculation is required. The HA will follow steps outlined by form HUD 50058.

- (i) Example 1: Family has \$1,000 in medical expenses and \$500 in expenses for handicap assistance. Annual income is \$20,000. \$4,000 of annual income is earned because it enables a family member to work. Three percent of annual income is \$600.

Total Handicap Assistance Expense	\$500
Minus 3% of Annual Income	<u>\$600</u>

Handicap Allowance	000
Total Medical Expense	\$1,000
Minus: Balance of 3% of Annual Income	<u>\$ -100</u>
Allowable Medical Expense:	\$ 900

- (ii) Example 2: Family has \$2,000 in medical expenses and \$3,500 in expenses for handicap assistance. Annual income is \$20,000. \$2,400 of annual income is earned because the handicap assistance enables a family member to work. Three percent of annual income is \$600.

Total Handicap Assistance Expense	\$3,500
Minus 3% of Annual Income	<u>-600</u>
	\$2,900

Maximum Allowance for  
Handicap Assistance \$2,400  
(cannot exceed income generated)

Total Medical Expense \$2,000

Allowable Medical Expense \$2,000  
(Entire 3% was deducted to compute  
The handicap allowance)

### VIII. Third Party Verifications:

If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period. When a third party verification cannot be attained for income purposes under the Section 8 Program, other alternatives will be granted.

Copies of stubs or verifications from other agencies will be acceptable. (1/17/2001)

Third party verification to the employer: If we do not get this back in 14 days, we will call the employer. If we do not receive verification from the employer or there is a discrepancy in the participants check stubs from the employer's verification, a telephone call will be made to the employer and the lowest amount will be accepted based on the average of three months check stubs. (7/1/2004)

**Participants who receive lump-sum payments which are included as income and fall in the categories listed above must report the income to the Section 8 Coordinator as soon as possible but no later than ten (10) calendar days after receipt of the funds.**

**Unreported Income: If a Section 8 participant fails to report changes in income, as required, the Section 8 assistance will be terminated unless a payment agreement has been signed.**

10. Applicant: (applicant family) A family that has applied for admission to a program, but is not yet a participant in the program.
11. Budget Authority: An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment in a HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.
12. Business Income: Net income from operation of a business or profession. Generally net income equals gross income less business expense (income tax or receipts required). Income tax will be required when business has been in existence for six months or more and income tax has been filed. (7/1/2004)
13. Child: A member of the family, other than the family head or spouse, who is under 18 years of age.
14. Child Care Expenses: Child care expenses are amounts anticipated to be paid by the family for the care of children under thirteen (13) years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his/her education and only to the extent such amounts are not reimbursed. In the case of child care necessary to permit employment, the amount deducted must be verified and reflect reasonable charges and shall not exceed the amount of income received from such employment. The HA will not normally determine child care expenses as necessary when the household contains an additional unemployed adult who is physically capable of caring for the children. An example of an exception may be an unemployed adult that is not capable of caring for a child because of some type of disability and/or handicap. The head of household must document the disability/handicap that prevents the adult from providing child care.
15. Child Custody: An applicant/participant family who does not have full custody of a child/children may only claim a child as a dependent by the following:
  - A. The applicant/participant must have primary custody of the child or verification that he or she has custody of the child more than 50% of the time.
  - B. The applicant/participant must provide sufficient evidence that the child would reside with the Section 8 participant.

Note:

The same child cannot be claimed by more than one applicant.

16. Citizen: A citizen or national of the United States
17. Common Space: In shared housing: Space available for use by the assisted family and other occupants of the unit.
18. Congregate Housing: Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing.
19. Contiguous Metropolitan Statistical Area (MSA): In portability, a MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.
20. 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 Section 8 program.
21. Contract Authority: The maximum annual payment by HUD to a HA for a funding increment.
22. Cooperative Housing (Term includes mutual housing): Housing owned by a non-profit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing.
23. Dependent: A member of the family (except for foster children and foster adults), other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. An unborn child shall not be considered a dependent.
24. Disabled Persons: (See "Handicapped Person")
25. Displaced Family: A person, or family, displaced by governmental action, or 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.
26. Domicile: The legal residence of household head or spouse as determined in accordance with State and local law.
27. Drug related Criminal Activity: Term means: Felony conviction or eviction from a HUD Housing Program (see Drug and Criminal Activity Policy)
  - A. Drug Trafficking, which is: The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a controlled substance (as defined in section 102 of the controlled substances act (21 U.S.C.802), or
  - B. Illegal use, or possession for personal use, of a controlled substance (as defined in Section 102 of the controlled substances act (21 U.S.C. 802)

28. Earned Income Disallowance for Persons with Disabilities (See CFR 5.61.7).
29. Elderly Family: A family whose head or spouse or whose sole member is at least sixty-two (62) years of age, or disabled, or handicapped and may include two or more elderly, disabled or handicapped persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.
30. Elderly Person: A person who is at least sixty-two (62) years of age.
31. Evidence of Citizenship or Eligible Immigration Status – The documents which must be submitted to evidence citizenship or eligible immigration status (Reference CFR 5.508(b)).
- When the head of household does not have eligible immigration status, birth certificates will be required by all household members. **5/18/2005**
32. Exception Rent: In the voucher program, the HA may adopt a payment standard up to the exception rent limit approved by HUD.
33. Extremely Low Income: Families whose incomes do not exceed the higher of the Federal poverty level or 30% of the area median income.
34. Fair Market Rent (FMR): The rent, including the cost of utilities (except telephone), that would be required to be paid in the housing market area to obtain privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. FMR's for existing housing are established by HUD for housing units of varying sizes (number of bedrooms), and are published in the Federal Register in accordance with 24 CFR part 888.
35. Familial Status: A single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same as single persons (Reference Federal Register published February 13, 1996 pages 5,662 and 5,663). In Section II "Reinventing Parts 812 and 912 of the Federal Register states:

"The April 10, 1992 proposed revisions to parts 812 and 912, which concern section 5(b) of the Fair Housing Amendments Act of 1988 (FHAA) and the treatment of single, pregnant women obtaining custody, are not included in this final rule. The statutory prohibition against housing discrimination towards such persons is sufficiently clear and enforceable. Since the percentage limit for occupancy by single persons (which could have been used to mask instances of discrimination against persons in these protected classes) has been eliminated, it

is no longer necessary to distinguish persons in the FHAA-protected classes from other single persons.”

36. Family: (See Below) The term “family” as used in this policy means:

- A. Two or more persons sharing residency whose income and resources are available to meet the family needs, where the person to be designated head of household meets the HA’s definition of adult and who are either related by blood (parent, child, grandparent, grandchild, sister, brother), marriage or operation of law, or who have evidenced a stable family relationship. (See stable relationship definition.) Page 33.

**Note:**

If an individual is 18 and qualifies under the definition of family, some recognized and acceptable basis of family relationship must exist as a condition of eligibility.

- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;
- E. A displaced family;
- F. The remaining member of a tenant family (Refer Definition No. 101); and
- G. A single person who is not elderly or a displaced person, or a person with disabilities, or the remaining member of a tenant family.

**Note:**

**Housing assistance limitation for single persons.** A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family may not be provided (for tenant-based assistance) housing assistance for which the family unit size exceeds the one bedroom level (Ref. 982.207 Housing assistance limitation for single persons, published in the Federal Register on 2/13/96).

**The rule does not prohibit a single person from residing in a larger unit (2 or more bedrooms) with the amount of subsidy for a zero or one-bedroom family unit size. The limit is on the amount of subsidy paid (NOT the SIZE of the UNIT!**

37. Family Self-Sufficiency (FSS) Program: The program established by a HA to promote self-sufficiency of assisted families, including the provision of supportive services (42 U.S.C. 1437u). Reference 24 CFR, part 984. The housing authority will lower its program size as FSS families successfully complete the program and go off when there are not funds to pay for a FSS Coordinator.

38. Family Share: The portion of rent and utilities paid by the family.

39. Family Unit Size: The appropriate number of bedrooms for a family. Family unit size is determined by the HA under the HA subsidy standards.

40. FMR/Exception Rent Limit: The Section 8 housing fair market rent published by HUD Headquarters, or any exception rent. For a tenancy in the voucher program the HA may adopt a payment standard up to the exception limit.
41. Foster Children: With the prior written consent of the HA, a foster child may be added as a Section 8 Participant. The factors considered by the HA in determining whether or not consent is granted may include:
- A. Whether the addition of a new occupant may require the issuance of a new voucher, and whether such document is available.
  - B. The Section 8 landlord's obligation to allow reasonable accommodation for handicapped persons.
42. Full-Time Student: A member of a family (other than the head of household or spouse) who is carrying a subject load which is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with diploma, as well as an institution offering a college degree. Verification will be supplied by the attended educational institution.
- 43. Full Time Student Eligibility: See HUD's definition of a full time student.**
44. Funding Increment: Each commitment of budget authority by HUD to a HA under the consolidated ACC for the HA program.
45. Gross Rent: The sum of the rent to owner plus any utility allowance.
46. Group Home: A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-aid).
47. Handicapped Assistance Expense: Reasonable expenses that are anticipated, during the period for which Total Annual Family Income is computed, for the 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 or reimbursed by an outside source.
48. Handicapped Person and/or Disabled Person: A person having a physical or mental impairment which:
- A. Is expected to be of long-continued and indefinite duration.
  - B. Substantially impedes his/her ability to live independently; and
  - C. Is of such a nature that such disability could be improved by more suitable housing conditions.

**Note:**

**All three conditions must be met to qualify as handicapped.**

A person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423) or in Section 102(7) of the Development Disabilities Assistance and Bill of Rights Act (42 USC 6007(7)), or is handicapped as defined below:

D. Section 223 of the Social Security Act defines disability as:

- (1) "Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12 Months); or
- (2) In the case of any individual who has attained the age of fifty-five (55) and is blind (within the meaning of "blindness" as defined in Section 416(l)1 of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."

E. Section 102(5) of the Development Disabilities Services and Facilities Construction Amendments of 1970 defines disability as:

"A disability attributable to mental retardation, cerebral palsy epilepsy or another neurological condition of an individual found by the Secretary (of Health and Human Resources) to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen (18), which has continued or can be expected to continue indefinitely and which constitutes a substantial handicap to such individual."

49. Hazardous Duty Pay: Pay to a family member in the Armed Forces away from home and exposed to hostile fire.
50. Head of Household: The adult member of the family who is the head of household for purposes of determining income eligibility and rent. Also, the head of household is primarily responsible and accountable for the family, particularly in regard to lease obligations.
51. Homeless Family: Any individual or family who lacks a fixed, regular, and adequate nighttime residence.
52. Housing Agency (HA): Housing Agency (formerly Public Housing Agency (PHA), PHA and HA are the same thing) A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.

53. Housing Assistance Payment (HAP): The monthly assistance payment by the HA. The total assistance payment consists of:
- A. A payment to the owner for rent to owner under the family's lease.
  - B. An additional payment to the family if the total assistance payment exceeds the rent to owner.
54. Housing Assistance Payment (HAP) Contract: A written contract between a HA and an owner, in the form prescribed by HUD, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.
55. Housing Quality Standards (HQS): The HUD minimum quality standards for housing assistance under the tenant-based programs.
56. HUD – Housing & Urban Development: The U.S. Department of Housing and Urban Development.
57. HUD Requirements: HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters, as regulations, Federal Register notices or other binding program directives.
58. Income Exclusions: Annual Income does not include such temporary, non-recurring or sporadic income as the following:
- A. Temporary: Casual, sporadic temporary, non-recurring income, including gifts.
  - B. Medical Reimbursements: Amounts that are specifically received from, or are a reimbursement of, the cost of illness or medical care.
  - C. Lump-sum additions to family assets: Such as, but not necessarily limited to, inheritances, insurance payments, including payments under health and accident insurance and workmen's compensation, capital gains, and settlements for personal or property losses.
  - D. Scholarships: Full amounts of educational scholarships paid directly to the student or to a veteran for use in meeting the cost of tuition, fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of the student, (include amounts allocated for housing in athletic scholarships). PIH Notice 2005-16.
  - E. Relocation payments: Made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636).

- F. Food Stamps: The value of the coupon allotments for purchase of food in excess of the amount actually charged an eligible household pursuant to the Food Stamp Act of 1973 [7 USC 2017(b)].
- G. Domestic Volunteers Service Act: Payments received by participants or volunteers in programs pursuant to the Domestic Volunteers Service Act of 1973 [42 USC 5044(g), 5058].
- H. Income of a live-in aide: (as defined in this policy).
- I. Job Training Partnership Act: Payments received from the Job Training Partnership Act [29 USC 1552(b)].
- J. Hazardous Duty Pay: For a family member in the Armed Forces away from home and exposed to hostile fire.
- K. Minor Income: Income from employment of children (including foster children) under the age of eighteen (18).
- L. Foster Care: Payment received for the care of foster children.
- M. Alaska Native Claims Settlement Act: Payments received under the Alaska Native Claims Settlement Act: Payments received under the Alaska Native Claims Settlement Act [43 USC 1626(a)], or reparation payments made by foreign governments in connection with the Holocaust.
- N. Sub marginal Land Income: Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes [25 USC 459(e)].
- O. Home Energy Assistance Program: Payments or allowances made under the Department of Health and Human Services Low-Income Home Energy Assistance Program [42 USC 8624(f)].
- P. Grand River band of Ottawa Indians: Income derived from the disposition of funds of the Grand River band of Ottawa Indians (Pub. Law 94-540, 90 Stat. 2503-2504).
- Q. Indian Claims Commission or the Court of Claims: The first \$2,000.00 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC 1407-1408), or from funds held in trust for an Indian tribe by the Secretary of Interior [25 USC 117(b), 1407].
- R. Older Americans Act: Payments from Programs under Title V of the Older Americans Act of 1965 [42 USC 3056(f)].

- S. HUD Training: Amounts received under training programs funded by the Department of Housing and Urban Development.
- T. Plan to Attain Self-Sufficiency: Amounts received by a disabled person 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).
- U. Other Publicly Assisted Programs: 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.
- V. Earned Income Tax Credit Refund: For taxable years after December 31, 1990, the earned income tax credit refund. Effective Date: July 25, 1994.
- W. A Resident Service Stipend: A resident stipend is a modest amount (i.e., \$200 or less per month), received by a resident for performing a service for the owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination and resident management. No resident may receive more than one such stipend during the same period of time. The exclusion exempts resident service stipends from annual income, but only if the resident service stipend does not exceed \$200 per month. Compensation from state or local employment training programs and the training of a family member as a resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance.
- X. Adoption Assistance Payments: Income payments received for the care of adopted children to the extent that the payments exceed \$480 per adopted child.
- Y. Student Financial Assistance: This exclusion exempts from annual income all amounts received from student financial assistance. Student financial assistance is interpreted broadly to include various scholarships, educational entitlements, grants, work-study programs and financial aid packages.
- Z. Earned Income of Full-Time Students: This exclusion exempts earnings in excess of \$480 for each full-time student eighteen years old or older, except for the head of household and spouse. The exemption only applies to earnings in excess of \$480 since the family already receives \$480 deduction from income for any full-time student.

AA. Adult Foster Care Payments: This exclusion removes from the computation of annual income payments for the care of foster adults, usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone. Currently, only payments for the care of foster children are excluded from annual income. In adding this exclusion, the Department is not requiring that housing authorities or owners permit foster adults in assisted housing.

BB. Compensation from state or local Job Training Programs and Training of Resident Management Staff: this exclusion exempts compensation received from qualifying employment training programs and the training of resident management staff. To qualify under this exclusion, the compensation received must be a component of a state or local Employment Training Program with clearly defined goals and objectives. Moreover, only the compensation received incident to the training program is excluded, (i.e., any additional income received during the training program, such as welfare benefits will continue to be counted as income). In addition, this exclusion only covers compensation received while the resident participates in the employment training program and the duration of participation must be for a limited period determined in advance. An example of compensation which falls under this exclusion is compensation received from on-the-job training and during apprenticeship programs.

CC. Property Tax Rebates: This provision excludes state rent credits and rebates for property taxes paid on a dwelling unit.

DD. Home Care Payments for Developmentally Disabled Children or Adult Family Members: This exclusion exempts amounts paid by a state agency to families who have developmentally disabled children or adult family members living at home. States that provide families with home care payments do so to offset the cost of services and equipment needed to keep a developmentally disabled family member at home.

EE. Deferred periodic payments. Of supplemental security income and social security benefits that are received in a lump sum payment.

59. Infant: A child under the age of two years.

60. Initial Contract Rent: In the voucher program, the contract rent at the beginning of the initial lease term.

61. Initial HA: In portability, the term refers to both:

A. A HA that originally selected a family that subsequently decides to move out of the jurisdiction of the selecting HA.

- B. A HA that absorbed a family that subsequently decides to move out of the jurisdiction of the absorbing HA.
62. Initial Lease Term: The initial term of the assisted lease. The initial lease term must be for at least one year.
63. Initial Payment Standard: The payment standard at the beginning of the HAP contract term.
64. Initial Rent to Owner: The rent to owner at the beginning of the initial lease term.
65. Interim Redetermination of Rent: Changes of rent between admissions and reexaminations and the next succeeding reexamination.
66. INS: The U.S. Immigration and Naturalization Service.
67. Jurisdiction: The area in which the HA has authority under State and local law to administer the program.
68. 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 established the conditions for occupancy of the member's cooperative dwelling unit by the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA. For purposes of part 982, the cooperative is the Section 8 "owner" of the unit, and the cooperative member is the Section 8 "tenant".
69. Lease Addendum: In the lease between tenant and the owner, the lease language required by HUD.
70. Live-in-Aide: A person who resides with an Elderly, Disabled, or Handicapped person or persons 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),
  - C. Would not be living in the unit except to provide supportive services. The income of a Live-in-Aide that meets these requirements is not included as income to the tenant family; and,
  - D. A Live-in-Aide must be approved in advance, by the HA.

71. Low-Income Family: A family whose Annual Income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD with adjustments for smaller and larger families. (Section 982.201(b)) describes when a low-income family is income-eligible for admission to the voucher program.
72. Manufactured Homes: A Manufactured structure that is built on a permanent chassis, that is designed for use as a principal place of residence, and meets the HQS.
73. Manufactured Home Space: In manufactured home space rental: a space leased by an owner to a family. A manufactured home owned and occupied by a family is located on the space.
74. Medical Expense: Those necessary 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 three percent (3%) of Annual Income, are not deductible from income by elderly families and disabled families.
75. 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.
76. Minimum Rent: The minimum rent established is \$25.00 approved 11/19/2012. Resolution 11-12. The minimum rent established is \$50.00 approved 3/21/2013. Resolution 13-01.
77. Minor: A "minor" is a person under eighteen years of age. (An unborn child may not be counted as a minor.)
78. Mixed Family: A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.
79. Monthly Adjusted Income: One-twelfth of Adjusted Annual Income.
80. Monthly Income: One twelfth of Annual Income. For purpose of determining priorities based on an applicant's rent as a percentage of family income, family income is the same as monthly income.
81. Mutual Housing: See definition of "cooperative housing," above.
82. National: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

83. Net Family Assets: Net Family Assets means the net cash value after deducting reasonable costs that would be incurred in disposing of real property, checking and savings accounts, stocks, bonds, cash on hand, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD home ownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.) In determining Net Family Assets, this HA shall include the value of any business or family assets disposed of by an applicant or Tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or Tenant receives important consideration not measurable in dollar terms.
84. Noncitizen: A person who is neither a citizen nor national of the United States.
85. Notice of Funding Availability (NOFA): For budget authority that HUD distributes by competitive process, the federal register document that invites applications for funding. The document explains how to apply for assistance and the criteria for awarding the funding.
86. Occupancy Standards: UERHA will determine occupancy standards to any applicant/participant to based on the “two heartbeats per room” rule. This means that there will be two people in every bedroom regardless of age or gender. This is a general rule set forth by HUD. [Resolution 2017-02](#)
87. Owner: Any person or entity with a legal right to lease a unit to a participant.
88. Participant: A family that has been admitted to the HA program, and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family.
89. Payment Standard: In a voucher, the maximum subsidy payment for a family (before deducting the family contribution). For a Voucher tenancy, the HA sets a payment standard in the range from 90 percent to 110 percent of the current FMR rent limit. At least annually the HA will review and when necessary, revise Payment Standards. The Payment Standards will be the same as the HUD FMRs unless the budget doesn't permit for this adjustment. The HA will implement the new Payment Standards at the annual reexaminations or when the household moves. If the Payment Standards

decrease, the HA will implement the new standards whenever a participant family moves. 10/13/2004

90. Portability: Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial HA. An individual who wants to go portable and is residing in the initial HA jurisdiction at the time their application is placed on the waiting list needs to provide verification of residency. Lease, utility bills in their name, payroll records, drivers' license, state ID's and/or school records need to be provided before they can go portable. (1/17/2001). The PHA will allow portability when the HA budget can afford to manage the voucher and the receiving PHA is billing. Portability is allowed when the receiving PHA is absorbing or the Payment Standard is the same as the initial PHA's. (7/1/2004) The PHA requires applicants reaching the top of the Section 8 waiting list requesting portability to provide verification of a local address in addition to providing an updated driver's license or State ID vehicle registration and documentation verifying school registration for all school age children on the application. (8/9/2012) Resolution 8-12.
91. Preference: At the option of the HA, a preference system can be used to select among applicant families. Preference will be given to any residents of federal assisted housing going through a conversion. (4/30/2001)
92. Premises: The building or complex in which the dwelling unit is located, including common areas and grounds.
93. Private Space: In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.
94. Program: The tenant-based voucher program.
95. Project Based: Rental assistance that is attached to the structure.
96. QHWRA: Quality Housing Work Responsibility Act of 1998.
97. Reasonable Rent: A rent to owner that is not more than either.
  - A. Rent charged for comparable units in the private unassisted market; or
  - B. Rent charged by the owner for a comparable unassisted unit in the building or premises.
98. Receiving HA: In portability, a HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a voucher, and provides program assistance to the family.

99. Recertification: Recertification is sometimes called reexamination. The process of securing documentation which indicates that tenants meet the eligibility requirements for continued occupancy.
- 100 Re-examination Date: The date on which any rent change is effective or would be effective if required as a result of the annual re-examination of eligibility and rent.
100. Remaining Member of the Tenant Family: The person(s) of legal age remaining in the subsidized unit after the person(s) who signed the voucher has (have) left the premises, other than by eviction, who may or may not normally qualify for assistance on their own circumstances. An individual must have received housing subsidy under the program to which he/she claims head of household status for one year before becoming eligible for Section 8 subsidy as a remaining family member. This person must complete forms necessary for Section 8 assistance within ten calendar days from the departure of the leaseholder and may remain in the unit for a reasonable time (not more than 60 calendar days for the date individual request head of household (status) pending the verification and hearing process. This person must, upon satisfactory completion of the verification process, then execute all required Section 8 subsidy documents and cure any monetary obligations in order to maintain assistance. Any person who claims him or herself as a remaining member shall, in the event that the HA declares him or her ineligible for remaining member status, be entitled to an informal hearing. The informal hearing process is described in Section XI., of this policy.
101. Rent to Owner: The total monthly rent payable to the owner under the lease for the unit. Rent to Owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.
102. Repayment Agreements: Repayment agreements will be set up for up to twelve (12) months. All amounts will be paid in full before a Voucher is issued to the family.  
(4/30/2001)
103. Shared Housing: A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family.
104. Single Person: A person who lives alone or intends to live alone, and who does not qualify as an elderly family or a displaced person, or as the remaining member of a tenant family.
105. Single Room Occupant (SRO): Single Room Occupancy (SRO) Housing is a unit which does not contain sanitary facilities or food preparation facilities, or which contains one but not both types of facilities, and is suitable for occupancy by an eligible individual who is capable of independent living. SRO Housing is not substandard solely because it does not contain sanitary facilities or food preparation facilities, or both.

106. Special Admission: Admission of an applicant that is not on the HA waiting list, or without considering the applicant's waiting list position.
107. Spouse: A spouse is the legal husband or wife of the head of the household. This includes common law marriage.
108. Stable Relationship: Being together for three months or more. (Documentation required).
109. Subsidy Standards: Standards established by HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and composition.
110. Suspension: Stopping the clock on the term of a family voucher on the date that the HA receives the request for lease approval by the family (See also Section XIII 3,E,(1)).
111. Temporarily Absent Family Members: Any person(s) on the lease that is not living in the household for a period of more than thirty (30) days is considered temporarily absent.
112. Tenant: The person or persons (other than a live-in aide) who executes lease as lessee of the dwelling unit.
113. Tenant-Based: Rental assistance that is not attached to the structure.
114. Tenant Rent: The actual amount due, calculated on a monthly basis, under a lease or occupancy agreement between a family and the family's current landlord. The tenant payment is the amount the tenant pays toward rent and allowance for utilities. To arrive at a tenant rent, the utility allowance is subtracted from total tenant payment or minimum rent. If the utility allowance is greater than the total tenant payment or minimum rent, the tenant rent is zero and there is a utility reimbursement payment (URP). The URP is the difference between the total tenant payment or minimum rent and utility allowance.
115. Total Tenant Payment (TTP):
- A. For the Voucher Program.
    - (1) TTP is (1), (2) and (3) below. The utility allowance is applicable for the Voucher Program. Voucher families will pay the owner the difference between the monthly rent to owner and the housing assistance payment. Voucher families will also pay the cost of tenant-furnished utilities under the lease (Reference Notice 96-7 (HA) for Section 8 Voucher Program).
    - (2) For families admitted to the program after 10/1/1999, and when the HA adopted payment standard exceeds the gross rent and the family remains in the same unit or complex the gross rent will be used as the payment standard.
    - (3) For families currently on the program, the above applies at their second re-exam past 10/1/1999.

116. Utilities: Utilities may include water, electricity (see CFR 982.517), gas, garbage, and sewage services and, where applicable, trash and garbage collection.
117. Utility Allowance: The utility allowance, if any, determined for the Section 8 program for tenant purchased utilities (except telephone) that are normally included in rent. In accordance with statutory changes effective July 1, 2014 the utility allowance is limited to the family size for which the voucher is issued, irrespective of the size of unit rented by the family, with the exemption for families with a person with disabilities. The utility allowance for a family is the lower of utility allowance amount for the family unit size or the utility allowance amount for the size of the unit rented by the family. As required by 24 CFR 88.214, the Utility Allowance Schedule will be reviewed on an annual basis and adjusted as needed. At least annually, the HA shall determine whether there has been a substantial change in utility rates that were used to calculate allowances. If there has been a change of more than 10% individually or cumulatively, the utility allowance will be adjusted to reflect such increases. Such change shall be processed according to federal regulations. The HA will give tenants a utility allowance for stoves and refrigerators when these appliances are provided by the tenant. The determination regarding provision of appliances is between the landlord and the tenant; the HA will not be involved.
118. Utility Hook-Up Charge: In a manufactured home space rental: costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical or sewer line.
119. Utility Reimbursement Payment (URP) Utility Reimbursement Payment is the amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment or minimum rent for the family occupying the unit.
120. Very Low-Income Family: A Lower Income Family means a family whose annual income does not exceed fifty (50%) of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.
121. 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.
122. Voucher: A document issued by a HA to a family selected for admission to the voucher program. The voucher describes the program and the procedures for HA approval of a unit selected by the family. The voucher also states the obligations of the family under the program.
123. Voucher Holder: A family holding a voucher with unexpired search time.

124. Wage Earner: A person in a gainful activity who receives any wages. Said wages or pay covers all types of employee compensation including salaries, vacation allowances, tips, bonuses, commissions and unemployment compensation. The terms “Wage Earner” and “Worker” are used interchangeably.
125. Waiting List Admission: An admission from the HA waiting list.
126. 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.

## SECTION V. APPLYING FOR SECTION 8 ASSISTANCE

1. How to Apply:
  - A. Families wishing to apply for housing assistance will complete a preliminary application for Section 8 Rental Assistance at the Upper Explorerland RHA office on any Monday of the month except Holidays from 8:00 a.m. – 3:30 p.m. (8/8/2007) Applications will be taken on a day other than a Monday when a reasonable accommodation or an individual’s work schedule does not permit the individual to come in on a Monday. Each situation will be on a case-by-case approval by the housing authority staff (required Doctor and employer statement will be required). (11/14/07) Verification of identity is required.
  - B. Applications will be accepted at the following location: Upper Explorerland Regional Housing Authority, 134 W. Greene Street, Postville, Iowa.
  - C. Applications are taken to compile a waiting list. Due to the demand for housing in the HA’s jurisdiction, the HA will take applications on an “open enrollment” basis, depending on the length of the waiting list.
  - D. Completed applications will be accepted for all applicants and the information will be verified by the HA.
  - E. Applications will be made in person at the HA office. An exception will be made upon request of a reasonable accommodation.
  - F. The application must have the date and time listed.
  - G. Individuals who have a physical impairment which would prevent them from completing an application in person may call the HA to make special arrangements to complete their application.
  - H. The PHA will ask all applicants and resident families if they require any type of accommodation, in writing, on the intake application, reexamination documents, and notices of adverse action by the PHA, by including the following language: “If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our program and services, please contact the housing authority.” 8/17/17

- I. The PHA will identify Limited English Proficiency (LEP) individuals who need language assistance; 2. Identify language assistance measures; 3. Train staff; 4. Provide notice to LEP persons; and 5. Monitor and update the LEP plan. 8/17/17
2. Closing of Application Taking: If the HA is taking applications, the HA may suspend the taking of applications if the waiting list is such that additional applicants would not be able to be housed within the next 12-month period.
3. Opening of Application Taking: When the HA decides to start taking applications the following procedures will be followed:

**NOTE:**

**The HA will make known to the public through publication in a newspaper of general circulation, and other suitable means the availability and nature of housing assistance for eligible families.**

The Notice must contain the following:

- A. The HA will publish the date applications will be accepted and the location where applications can be completed.

**NOTE:**

**If the HA anticipates suspending the taking of applications after a period of time, the date of acceptance and closing of applications must be published.**

- B. Advise families that applications will be taken at the designated office or mailed.
- C. Briefly describe the Housing Assistance program; and
- D. State that applicants for Section 8 assistance must specifically apply for Section 8 assistance.
- E. To reach persons who cannot read newspapers, the HA will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as well as public service announcements, will be made.

## **SECTION VI. MISSED APPOINTMENTS FOR APPLICANT OR PARTICIPANT.**

1. Missed Appointment Without Notification: An applicant or person receiving assistance who fails to keep an appointment without notifying the HA and without re-scheduling the appointment prior to their appointment time shall be sent a notice of termination of the

process or assistance for failure to KEEP THEIR APPOINTMENT. (Failure to allow the HA to inspect the dwelling unit IS CAUSE FOR TERMINATION ALONG WITH COMPLYING AND COMPLETING THE FOLLOWING:

- A. Complete Application
  - B. Bringing in Verification Information
  - C. Program Briefing
  - D. Leasing Signature Briefing
  - E. HQS Inspections
  - F. Recertification
  - G. Interim Adjustment
  - H. Other Appointments or Requirements to Bring in Documentation as Listed in this Plan
  - I. Informal Hearing and Reviews (PHA has to be notified). When notified prior to the hearing or review the PHA will reschedule only one additional time. When not notified, termination will begin.
2. Process when Appointment(s) and Briefings are Missed. For most of the functions above and briefings, the family may be given two appointments. Appointments rescheduled for briefing sessions need to be rescheduled within 30 days of the date they reached the top of the wait list. Appointments need to be rescheduled prior to their scheduled date and time or the HA may begin the termination or denial process. Applicants who are more than 30 minutes late for their scheduled office appointment must reschedule their appointment if it is within the 30 days (05/2007). The applicant or participant will be given an opportunity for an informal review or hearing pursuant to Section XI.
- If the representative of the HA makes a determination in favor of the applicant or participant, the HA will comply with decision unless the HA is not bound by a hearing decision concerning a matter for which the HA is not required to provide an opportunity for a hearing pursuant to 24 CFR 982554(c) and 982.555(b)
3. Letters Mailed to Applicants by the HA: If an applicant claims they did not receive a letter mailed by the HA that requested the applicant to provide information or to attend an interview, the HA will determine whether the letter was returned to the HA. If the letter was not returned to the HA, the applicant will be assumed to have received the letter.

If the letter was returned to the HA and the applicant can provide evidence that they were living at the address to which the letter was sent, the applicant will be reinstated with the date and time of the application in effect at the time the letter was sent.

Applicants must notify the HA if their address changes during the application process

## **SECTION VII. MISREPRESENTATION BY THE APPLICANT OR PARTICIPANT**

If an applicant or Section 8 participant is found to have made willful misrepresentations at any time which resulted in the applicant or Section 8 participant being classified as eligible, when, in fact, they were ineligible, applicant will be declared ineligible and the Section 8 participant will be terminated because of the act of fraud by the applicant/Section 8 participant. If such misrepresentation resulted in the Section 8 participant paying a lower rent than was appropriate the Section 8 participant shall be required to pay the difference between the actual payments and the amount of which should have been paid. In justifiable instances, the HA may take such other actions as it deems appropriate, including referring the Section 8 participant to the proper authorities for possible criminal prosecution. Fraud cases in excess of \$5,000 will be reported to the HUD Office of Inspector General.

## **SECTION VIII. SECTION 8 ELIGIBILITY CRITERIA**

1. Eligibility: All individuals who are admitted to the Section 8 Program in the HA must be individually determined eligible under the terms of this plan. In order to be determined eligible, an applicant must meet the following requirements:
  - A. The applicant family must qualify as a family as defined in Section IV.(p 20)
  - B. The applicant family's Annual Income as defined in Section IV, must not exceed income limits established by HUD for the Section 8 Programs.
  - C. Head of Household must be:
    - (1) 18 years of age or married, or
    - (2) A person that has been relieved of the disability of non-age by a juvenile court.
  - D. College Students: Have to establish a household separate from parents or legal guardian for at least one year prior to applying for Section 8. (Copy of Income tax, FASFA). See HUD regulations regarding college students.
2. Ineligible: Applicants are not automatically determined eligible to receive federal assistance. An applicant will not be placed on a waiting list or offered Section 8 assistance under the following circumstances:

If the applicant's annual family income exceeds the Income Limits established by HUD and published in the Federal Register, the applicant will be declared ineligible.

3. Informed of Ineligibility: If the applicant has failed to meet any outstanding requirements for eligibility and is determined ineligible, he/she will be so informed and the reasons stated in writing. The applicant will be granted ten days from the date stated on the ineligible letter to request an informal meeting. The applicant may bring any person he/she wishes to represent them at the informal meeting. The request for an informal meeting may be submitted in writing and/or the request may be verbal. However, the request must be received by the HA within the time frame established by the HA for the meeting.
4. Single Person: In addition, under Section 24 CFR 5.405, the HA is permitted to determine as eligible, single persons living alone or intending to live alone who do not meet any of the definitions of a family (Ref CFR 5.403). Single persons are only eligible for a one bedroom voucher.
5. Declaration of Citizenship: Section 214 of the Housing and Community Development Act of 1980 prohibits HA's from making financial assistance available to a person other than United States citizens, nationals, or certain categories of eligible noncitizens in HUD's assisted housing programs. This law is referred to as the "Noncitizens Rule" and is effective June 19, 1995. Note: When a head of household does not have eligible emigration status, birth certificates will be required by all other household members. **5/18/2005**
6. Adding a Person to the Household: Once an applicant becomes a participant in the HA's tenant-based program, the head of household must request **permission** before adding another person to the household (Except for birth, adoption or court-awarded custody of a child). The person added must meet all eligibility requirements before the HA will approve any addition to the tenant-based program.
7. Complaint Procedures: Complaints made by the public against a current Section 8 Participant should be made in writing with a signature. The Housing Authority will investigate all complaints.
8. Paperwork Signature: All household members who are 18 years of age or older need to be present to sign all paperwork at the time of admission. **(5/31/2012)**

## **SECTION IX. VERIFICATION AND DOCUMENTATION**

Families are required to provide Social Security Numbers for all family members age 6 and older prior to admission, if they have been issued a SSN by the Social Security Administration. Members:

1. Social Security Number (SSN): Submit SSN; or verified by other sources. Verification will be done through the providing of a valid Social Security card issued by the Social Security Administration. The HA will accept copies of the Social Security card only when it is necessary for the HA to verify by mail the continuing eligibility of participating families. If an applicant or tenant cannot provide his or her Social Security card, other documents listed below

showing his or her Social Security Number may be used for verification. He or she may be required by the HA to provide one or more of the following alternative documents to verify his or her SSN. The documents include:

- Driver's license that displays a photo
- Identification card issued by a Federal, State or local agency
- Identification card issued by an employer or trade union
- Identification card issued by a medical insurance company
- Earnings statements or payroll stubs
- IRS Form 1099, or W2 Form
- Benefit award letters from government agencies
- Medicaid Cards
- Unemployment benefit letter
- Retirement benefit letter
- Life insurance policies
- Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
- Verification of Social Security benefits with the Social Security Administration

**Note:**

If the HA verifies Social Security benefits with the Social Security Administration, the acceptance of the SSN by the Social Security Administration may be considered documentation of its validity.

Applicants may not become participants until the documentation is provided and verified. The applicant will retain their position on the waiting list during this period. The applicant will be given a reasonable time, subject to the circumstances, to furnish the documentation before losing their place on the waiting list and the time may be extended if such circumstances require an extension. The decision will be made by a HA representative and documented, in writing, and placed in the applicant's file.

2. Employer Identification Number (EIN) and applicable consent form.

3. Additional Documentation that may be required in determining eligibility:

The PHA will be accessing income information from the EIV system:

- Temporary Assistance to Needy Families (TANF)
- Birth Certificate, or Driver's license that displays the date of Birth and/or form(s) that are issued by a Federal, State, City of County Agency that displays the date of Birth.
- Child Care Verification
- Employer's Verification
- Social Security Benefits

- Assets Verification
- Bank Accounts: Checking Accounts
- Savings Account
- Marriage Certificate: If a marriage certificate is not available the following information is acceptable
- Drivers License that displays the same address and last names
- Federal Tax Forms that indicate that the family filed taxes as a married couple during the last tax-reporting period.
- Court Report(s)
- Current reports from drug treatment centers or facilities
- Supplemental Social Security Income (SSI) Benefits
- Unemployment Compensation
- VA Benefits
- Documentation to support medical expenses
- Any other reasonable information needed to determine eligibility may be requested by the HA.

**Resolution #200** Approval of the Section 8 Housing Choice Vouchers Verification Procedures was passed by the board. **1/26/2005** See Attachment. Page 78

**Note: Ineligibility**

For the purposes of this plan, if a member of the current family has committed acts of fraud or has a felony conviction in the past three (3) years they will not be allowed to be a participant on the program. The HA shall prohibit assistance to any household that includes any individual who is subject to a registration requirement under a state sex offender registration program.

Individuals who have been evicted from any Section 8 or Public Housing Program for engaging in criminal activities, including drug-related criminal activities will be denied assistance for three years from date of eviction. Eviction for meth from a Section 8 or Public Housing Program is cause for a **life time** denial from Section 8 and Public Housing Programs.

4. Separation with Children: Separation means the ending of co-habitation by mutual agreement. If an applicant is separated from a person and has children by that person or former spouse, applicant must provide at least one of the verifications listed below:
  - A. A FINAL divorce decree. Applies to individuals who are divorced and not separated and is the only documentation accepted for individuals that are divorced.
  - B. Receiving court-ordered child support from former spouse.
  - C. Verification that applicant is pursuing child support through Child Support Recovery or Clerk of Court Office.

- D. If applicant is receiving personal child support, then applicant can make arrangements to have the child support paid through the court system, either through the Clerk of Court office, or through Child Support Recovery.
  - E. Receiving TANF through the Department of Human Services for former spouse's children.
  - F. A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.
  - G. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
  - H. Written statement from Lawyer that applicant has filed suit for divorce.
  - I. Food stamp verification. If no other documentation is available.
5. Separation – No Children: If applicant is separated from a person and has no children by that person, applicant must provide at least one of the verifications listed below:
- A. A notarized statement from current landlord (not family) verifying that the current landlord knows that the applicant and spouse have not lived together for the last six (6) months or more.
  - B. Income tax statements from both husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
  - C. Food Stamp Verification. If no other documentation is available.

**Note:**

This section also applies to program participants.

6. U.S. Citizenship Verification and Appeal Procedures: The housing authority (HA) must follow the verification procedures (to be provided by HUD) and verify the person or person's declaration of U.S. citizenship or eligibility status through the INS SAVE system.

Once the verification is completed and verification from the INS SAVE system confirms the declaration of U.S. Citizenship and the applicant(s) meets all other conditions for occupancy as outlined in the Section 8 Administrative Plan, the application will be processed for assistance.

If the INS SAVE system does not confirm U.S. Citizenship, the HA must request that a manual search be conducted for INS records. The HA must request the secondary verification (manual search) by INS within ten calendar days of receipt of the initial failed

verification. INS will issue a decision within 30 days of its receipt of the request for a secondary verification. If the secondary verification fails to confirm eligible immigration status, the HA shall notify the family of the right of appeal to INS. If INS is unable to issue a decision within 30 days, the INS will inform the family and the HA of the reasons for the delay. When the HA receives a copy of the INS decision (and the decision does not confirm the declaration of U.S. Citizenship), the HA will notify the family of its right to request a formal hearing. The informal hearing will be conducted in accordance with Section XI.

A. Assistance to an applicant may not be delayed, denied, or terminated, if:

- (1) The primary and secondary verification of any immigration documents that were timely submitted has not been completed;
- (2) The family member of who required evidence has not been submitted has moved;
- (3) The family member who is determined not to be in an eligible immigration status following INS verification has moved.
- (4) The INS appeals process has not been concluded.
- (5) For a tenant, the HA hearing process has not been concluded;
- (6) Assistance is prorated;
- (7) Assistance for a mixed family is continued.

B. Assistance to an applicant shall be denied, and a tenant's assistance shall be terminated, upon the occurrence of any of the following:

- (1) Evidence of citizenship (i.e. the declaration) is not timely submitted;
- (2) Evidence of citizenship and eligible immigration status is timely submitted but INS primary and secondary verification does not verify eligible immigration status;
- (3) The family does not pursue INS appeal or HA informal hearing rights;
- (4) INS appeal and informal hearing rights are pursued but the final appeal or hearing decisions are decided against the family member.

C. Notice must be given to the family and shall advise:

- (1) That financial assistance or housing will be denied or terminated, and provide a brief explanation of the reasons;
- (2) That they may be eligible for proration of assistance;
- (3) In the case of a tenant, the criteria and procedures for obtaining relief for mixed families and other families; and,
- (4) Any future appeal rights have been exercised.

## **SECTION X. GROUNDS FOR DENIAL OR TERMINATION OF ASSISTANCE**

1. Denied Admission: The HA may deny an applicant admission to participate in the Section 8 Program or, with respect to a current participant, may refuse to issue another

Voucher for a move to another unit, approve a new lease, or execute a new Contract for the Section 8 participant, if the applicant or participant: (Ref: 24 CFR 982.552).

- A. Owes rent, other amounts, or judgments to any HA, the applicant will be declared ineligible. At the HA's discretion, the applicant may be declared eligible upon payment of the debt.

**NOTE:**

**Applicants that owe a HA money will not be processed for receiving assistance. The applicant must pay the funds owed prior to the application being processed. Repaying funds that are due does not necessarily qualify an applicant for housing assistance. Such payments will be considered along with other factors in the application process. Any money owed to a HA which has been discharged by bankruptcy shall not be considered in making this determination. (Documentation will be required).**

- B. Has violated any Family obligation listed on the voucher, or their lease. Lease violations will not only terminate the Families rental assistance, they will not be able to reapply for at least one year from their termination date.

1. A family member has engaged in or threatened violent or abusive behavior towards PHA personnel.

- Abusive or violent behavior towards PHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence. Including spoken or written words tending to intimidate or menace other involved, or suggested with being directly or explicitly stated. A declaration of intention or determination to inflict punishment or injury, in retaliation for, or conditionally upon, some action or course. Sending threatening or harassing emails, instant messages, or website entries. Repeated attempts to target a specific PHA staff member by directly contacting them, or indirectly using or disseminating their personal information, causing them distress, fear, or anger. **8/17/17**

- C. Engage in drug-related criminal activity or violent criminal activity, including criminal activity by a Family member. (Reference 24 CFR 982.553(a)(1)(2))
- D. Breaches a repayment agreement to the HA and/or owner.
- E. Committed acts which would constitute fraud in connection with and/or has been evicted from a federally assisted housing program.

- F. Did not provide information required within the time frame specified (the applicable dates are contained in the letters from the HA to the applicant) during the application process.
  - G. The HA shall deny the admission of a Family, if the applicant, or any member of the applicant's family does not sign and submit consent forms that are provided by the HA for the purpose of verifying employment and income information.
  - H. The applicant family must have properly completed all application requirements, including verifications. Misrepresentation of income, family composition or any other information affecting eligibility will result in the family being declared ineligible. In the event the misrepresentation is discovered after admission, the assistance will be terminated for such misrepresentation.
  - I. If the applicant is a former Public Housing or Section 8 participant who vacated the unit in violation of program requirements, the applicant may be declared ineligible.
  - J. If you are in the process of being evicted, eligibility for rental assistance ends after you vacate the unit. They are not eligible for a continued assistance, and cannot reapply for at least one year from the termination date.
  - K. When a Program Participant moves in a non-authorized household member, their rental assistance will be terminated and they will not be able to reapply for 1 year. The HA will request 2 forms of verification from the participant to prove the non-authorized household member's address. Statement from a family member is a non-acceptable means.
  - L. If the PHA is determined to have a shortfall of funds then those in a payback will be the first to be denied assistance based on amount owed and will be reinstated in the same manner. If there are not enough participants in a payback then the last leased up will be first off and then will be reinstated in the same manner. **Resolution #14-03 9/11/14.**
2. Notification of Denial: If an applicant is denied admission, the HA will notify the applicant, in writing, of its determination and inform the applicant that they have an opportunity for an informal review on such determination. The denial letter will allow the applicant ten (10) calendar days to request an informal review (verbal and/or in writing) with the HA. (Reference Section XI)
  3. Time Frames for Denial: As a general rule applicants may be denied admission to the Section 8 Programs for the following time frames, which shall begin on the date of application, unless otherwise provided for herein below:

The PHA will consider all credible evidence, including but not limited any convictions of household members related to drug and criminal activity, and any eviction or

notice to evict based on drug-related or violent criminal activity. The PHA will request a felony conviction search for a 3-year period and will consider alternatives and factors on a case-by-case basis, choose not to terminate assistance. Applicant/Participant will be required to provide documentation to support request for determination. The PHA will admit an otherwise- eligible family who evicted from federally-assisted housing within the past 3 years for drug-related criminal activity, if the PHA is able to verify that the household member who engaged in in the criminal activity has completed a supervised drug rehabilitation program approved by the PHA, or the person who committed the crime, is no longer living in the household.

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- A. Denied admission for life to any household that includes any individual who is subject to a registration requirement under a sex offender registration program.
- B. The PHA will request a felony conviction search for a 3-year period and will consider alternatives and factors on a case-by-case basis, choose not to terminate assistance. Applicant/Participant will be required to provide documentation to support request for determination. 08/17/17
- C. Denied admission for life to any applicant who has been convicted of manufacturing or producing methamphetamine on the premises of the assisted housing. Premise is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

## **SECTION XI. APPLICANT DENIED ASSISTANCE AND PROVIDED OPPORTUNITY FOR INFORMAL REVIEW OR PARTICIPANT ASSISTANCE IS TERMINATED AND PROVIDED OPPORTUNITY FOR INFORMAL HEARING**

1. Applicant Informal Review: The HA must give an applicant for participation prompt notice of a decision denying assistance to the applicant. The notice must contain a brief statement of the reasons for the HA decision. The notice must also state that the applicant may request an informal review of the decision and must describe how to obtain the informal review. The request must be in writing and presented to the HA within ten days of the notice of denial.
  - A. Rules of Hearing Officer: All hearings and reviews will be conducted at 134 W. Greene Street at the Upper Explorerland Regional Planning Commission office in Postville, Iowa. When the Hearing Officer cannot be present due to extended leave, the hearings will be conducted by the Executive Director of the Upper Explorerland Regional Planning Commission. (July 1, 2004)
  - B. Informal Review Process: The HA must give an applicant an opportunity for an informal review of the HA decision to deny an applicant's admission. The review may be conducted by any person or persons designated by the HA, other than a

person who made or approved the decision under review or a subordinate of this person. The applicant must be given an opportunity to present written or oral objections to the HA decision. The HA must notify the applicant of the final decision after the informal review. This notice must include a brief statement of the reasons for the final decision.

C. Informal Review Not Required: An informal review is not required to be given by the HA in the following circumstances:

- (1) Discretionary administrative determinations by the HA.
- (2) General policy issues.
- (3) A determination of the family unit size under the HA subsidy standards.
- (4) An HA determination not to approve the suspension or extension of a voucher term.
- (5) A determination not to grant approval to lease a unit under the program, or to approve a proposed lease.
- (6) A determination that a unit selected by the applicant is not in compliance with HQS.
- (7) A determination that the unit is not in accordance with HQS because of the family size or composition.

2. Participant Informal Hearing: The HA must give an opportunity to the participant for an informal hearing to consider whether the HA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and HA policies. Under the following circumstances:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- A determination of the appropriate utility allowance for tenant-paid utilities from the HA utility allowance schedule.
- A determination of the family unit size under the HA subsidy standards.
- A determination that the voucher program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the HA subsidy standards, or the HA determination to deny the family's request for an exception from the standards.
- A determination to terminate assistance for a participant family because of the family's action or failure to act.

**Note:**

In the cases described hereinabove, the HA must give the opportunity for an informal hearing before the HA terminates housing assistance payments for the family under an outstanding HAP contract.

A. The HA is not required to given an informal hearing for any of the following:

- Discretionary administrative determinations by the HA.
- General policy issues.

- Establishment of the HA schedule of utility allowances for families in the program.
  - A HA determination not to approve an extension or suspension of a voucher term.
  - A HA determination not to approve a unit or lease.
  - A HA determination that an assisted unit is not in compliance with HQS. Provided, however, that the HA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in the Voucher/Lease Addendum, or in other HUD rules and regulations or HA policies.
  - A HA determination that a unit is not in accordance with HQS because of the family size.
  - A HA determination to exercise or not to exercise any right or remedy against the owner under a HAP contract.
- B. Notice to the Family: The HA must notify the family that the family may ask for an explanation of the basis of the HA determination, and if the family does not agree with the determination, the family may request an informal hearing on the decision. The HA must give the family prompt written notice that the family may request a hearing, and this notice must contain a brief statement of the reasons for the decision, state that if the family does not agree with the decision, the family may request an informal hearing on the decision. The family has ten days from the date of the notice to request in writing an informal hearing. The hearing will be scheduled by the HA within ten days from the date of the request.
- C. Hearing Procedures: The HA must give the participant an opportunity for an informal hearing of the HA decision terminating assistance to the participant. The hearing may be conducted by any persons designated by the HA, other than a person who made or approved the decision under review or a subordinate of this person. The person who conducts the hearing may regulate the conduct of the hearing in accordance with the HA hearing procedures. The HA and the participant shall each have the right to review any and all relevant documents which may be used in the hearing. If these documents are not made available for review, they may not be used in the hearing. Any fees for copying or procuring the documents shall be at the expense of the requesting party. The requesting party will be charged \$1.00 per page and the current technical assistance rate for whomever procures the documents. The participant may be represented by a lawyer or other representative at the hearing. Costs of representation shall be the responsibility of the participant. The participant must be given an opportunity to present written or oral objections to the HA decision. The HA and the family must be given the opportunity to present evidence and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. The HA must notify the applicant of the final decision after the informal hearing. This notice must include a brief statement of the reasons for the final

decision presented at the hearing. A copy of the hearing decision shall be furnished to the family in writing within five (5) days. (7/1/2004)

## **SECTION XII. SECTION 8 APPLICANT SELECTION PROCESS**

1. Housing Voucher Selection and Participation Process:
  - A. Equal Opportunity: the Fair Housing Act makes it illegal to discriminate on the basis of race, color, religion, sex, handicap, familial status and national origin. This HA shall not deny any family the opportunity of applying for a Housing Voucher.
  - B. Types of Selection: The HA may admit an applicant for participation in the program either:
    - (1) As a special admission (see definition below), or
    - (2) As a waiting list admission. Also, a Section 8 Participant is responsible for finding an existing housing unit suitable to the holder's needs and desires (Reference 24 CFR 982.353, Where family can lease a unit).
  - C. Special Admissions: If HUD awards the HA program funding that is targeted for families living in specified units:
    - (1) The HA must use the assistance for the families living in these units.
    - (2) The HA may admit a family that is not on the HA waiting list, or without considering the family's waiting list position. The HA must maintain records showing that the family was admitted with HUD-targeted assistance.
    - (3) For housing covered by the Low-Income Housing Preservation and Resident Home ownership Act of 1990 (41 USC 4101 et seq.):
    - (4) A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and
    - (5) A non-purchasing family residing in a HOPE 1 or HOPE 2 project.
    - (6) Preference will be given to any residents of federally assisted housing going through a conversion. (4/30/2001)
    - (7) Preference will be given to any participant of federally assisted housing displaced by a federally declared disaster. They have to be in temporary housing and registered with FEMA. (9/2005)
2. Organization of the Waiting List: The HA waiting list must contain the following information for each applicant listed:
  - A. Applicant name;
  - B. Family unit size (number of bedrooms for which family qualifies under HA occupancy guidelines);
  - C. Date and time of application;

3. Order of Selection from the Waiting List:
  - A. When a Housing Voucher is available, the HA will select the family at the top of the waiting list in accordance with Section XII., 2, above. The order of admission from the waiting list **MAY NOT** be based on family size, or on the family unit size for which the family qualifies for under the HA occupancy guidelines. If the HA does not have sufficient funds to subsidize the family unit size of the family at the top of the waiting list, the HA **MAY NOT** skip the top family to admit an applicant with a smaller family unit size. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.
4. Maintaining the Waiting List: The HA will remove an applicants name from the waiting list for the following:
  - A. The HA will remove names of applicants who do not respond to HA request for information or updates.
  - B. The HA will remove the names of applicants who refuse the HA's offer of tenant-based assistance.
5. Procedure for Removing an Applicants Name from the Waiting List: The applicant will be notified by the HA in writing, that they have fourteen (14) calendar days, from the date of the written correspondence, to respond to the HA's request. The correspondence will also indicate that their name will be removed from the waiting list if they fail to respond within the time frame specified. The HA's system of removing applicant's names from the waiting list WILL NOT violate the rights of a disabled person(s). If an applicant's failure to respond to a request from a HA for information or updates was caused by the applicant's disability, the HA will provide reasonable accommodations and give the applicant an opportunity to respond. An example of a reasonable accommodation would be to allow an applicant to be reinstated on the waiting list based on the original date and time of their application if the applicant indicates that they did not respond due to a disability. If the disability is not apparent, the HA may request the applicant to have a doctor submit a written statement indicating that the applicant did not respond due to their disability.
6. Purging the Waiting List: To ensure that the HA's waiting list reflects the most current applicant information the waiting list will be updated and purged every so often.
7. Top of the Waiting List: All potential tenants will schedule an appointment with the UERHA staff within 14 days of their top of the waiting list letter. Briefing sessions and

intake will be done in the Upper Explorerland RHA office by appointment. (See missed appointments (p.35). Elderly persons over 62 years of age and handicapped or disabled individuals can request an in-home session, and paperwork done by mail if requested within the 14 days (7/1/2004)

### SECTION XIII. ORIENTATION OF FAMILIES AND ISSUANCE OF VOUCHER

1. Briefing: The purpose of the briefing is to go over the Housing Voucher holder packet in order to fully inform the participant about the program so that he/she will be able to discuss it with potential landlords.
2. Briefing Attendance Requirement: All families with individuals 18 years of age or older will be required to attend the briefing prior to lease-up. The RHA requires that all household members who are 18 years of age or older need to be present to sign all paperwork at the time of admission Resolution dated 5/31/2012. Failure to attend a scheduled briefing (without notice to the HA) will result in the family's application being placed in the inactive file and the family may be required to reapply for assistance. Applicants who provide prior notice of an inability to attend a briefing will be scheduled for the next briefing. Sessions need to be scheduled within 30 days of top of list letter.  
Failure of an applicant, without good cause, to participate in a scheduled briefing shall result in withdrawal of his/her application. The applicant will be notified of such withdrawal and determination of ineligibility and of his/her right to an informal review as outlined in Section XI above.
3. Format of the Briefing: When a Family initially receives its Housing Voucher, a full explanation (oral) of the following shall be provided to assist the Family in finding a suitable unit and to apprise the Family of its responsibilities and the responsibilities of the Owner (this may be done either in group or individual sessions depending on the circumstances). Also, families will be given adequate opportunity to raise questions and to discuss the information listed below: (Reference 24 CFR 982.301).

The briefing packet shall contain:

- Term of Voucher, a description of the HA's Voucher extension or suspension policies and how to request them.
- How HAP is determined  
For Voucher: information on Payment Standard and Utility Allowance
- How maximum rent is determined.
- What family should consider when deciding whether to lease a unit, such as: unit condition; reasonableness of rent; cost of tenant paid utilities; whether the unit is energy efficient; and proximity of unit to public transportation, employment, schools and shopping.
- Where family may lease a unit, including information on portability.

- HUD required “lease addendum”.
- Request for Tenancy Approval and explanation of how to request approval to lease a unit.
- HA policy on providing information about family to prospective owners.
- The HA’s subsidy standards, including any exceptions of these standards.
- HUD brochure on how to select a unit.
- HUD Lead Based Paint brochure.
- Fair Housing Brochure and information, HUD-401 and a Discrimination Complaint Form HUD-903.
- List of landlords or real estate agents who may be willing to lease a unit or may be able to help the family locate a unit.
- Notice that if family includes a disabled person they may request a current listing of available accessible units known to the HA.
- Family Obligations under the Section 8 program.
- Grounds on which the HA may terminate assistance.
- Informal hearing procedures.
- The HA’s policy on providing information to owners about a participant’s tenancy history.
- Additional information as determined by the HA.

Briefing Session:

- a. The briefing session will be informal with an opportunity for the applicants to ask questions to ensure that they have an adequate understanding of the program and procedures to be followed.

Briefing session topics will include:

- Description of how the program works.
- Family and owner responsibilities
- Where the family may lease a unit, including renting a dwelling unit inside or outside the HA’s jurisdiction.
- Portability. An individual who wants to go portable and is residing in the initial PHA jurisdiction at the time their application is placed on the waiting list and has since moved out of the PHA’s jurisdiction needs to provide verification of residency, Lease, utility bills in their name, payroll records, or school records need to be provided before they can go portable. (1/17/2011)
- Applicants reaching the top of the top of the Section 8 waiting list requesting portability are required to have any updated local Driver’s license or State ID, vehicle registration and documentation verifying school registration for all school age children listed on the application. (8/9/2012)
- Advantages of moving to an area that does not have a high concentration of poor families.

- Description of the Family Self-Sufficiency program and an explanation of how to apply.

**Security Deposit, or Utility Deposit** Assistance if funding is available.

**Repayment agreements** will be set up for up to twelve (12) months. All amounts will be paid in full before a Voucher is issued to the family. (4/30/2001)

**The Housing Authority will grant a move** within the first year of a lease for medical, employment, or protection (Police record) reasons only. A 30-day notice will be required with a mutual recession of the lease from the first to the first. (7/18/2001)

**Note:**

**Portability: For a family that qualifies to lease a unit outside the HA jurisdiction under portability procedures, the briefing must include an explanation of how portability works. The HA may not discourage the family from choosing to live anywhere in the HA jurisdiction, or outside the HA jurisdiction under portability procedures.**

- A. When issuing a Housing Voucher, the HA shall give the Family a Section 8 Participant's Packet, which includes: (Reference 24 CFR 982.301).
  - (1) The term of the voucher is 60 days. A Voucher is valid for a period of 60 days from the date of issuance. Prior to expiration, the family may contact the HA to inquire about assistance the HA can provide the family in locating suitable housing. The family must submit a Request for Tenancy Approval within the 60-day period unless an extension has been granted by the HA. Once the family has submitted a Request for Tenancy Approval the clock **is stopped** and/or suspended on the term of the voucher (See "Suspension"). When the clock is stopped (suspended), the time remaining days will be reinstated to the initial 60-day period of the Voucher, if necessary. If the unit is not approved for any reason, the remaining days will be reinstated to the initial term of the voucher. If the initial term is not adequate for finding a unit to lease, the family may request an extension of the initial term as described below.
  - (2) Requesting for extensions of the term. A family may request an extension of the Voucher time period. All requests for extensions should be received prior to the expiration date of the Voucher. Extensions are permissible at the discretion of the HA primarily for the following reasons:
    - (a) Extenuating circumstances such as hospitalization or a family emergency for an extended period of time which has affected the family's ability to find a unit within the initial 60-day time period. The HA representative will verify the extenuating circumstances prior to granting an extension.
    - (b) The family has evidence that they have made a consistent effort to locate a unit and request support services from the HA, throughout the initial 60-day period with regard to their inability to locate a unit.
    - (c) The family has turned in a Request for Tenancy Approval prior to the expiration of the 60-day time period, but the unit has not passed HQS.

- (d) Time Period for extensions: A HA representative may grant one or more extensions not to exceed a total of 60 days. The initial term plus any extensions **MAY NOT** exceed 120 calendar days for the beginning of the initial term.
  - (e) Extensions for Disabled Persons: The HA representative must grant an extension of up to 120 days for persons who are disabled.
  - (f) 30 days from the date of inspection will be granted beyond voucher expiration if necessary (10/30/2002)
4. Approval of Lease and Execution of Related Documents: Reference: 24 CFR 982.302 and 982.305.
- When a family finds a unit, and the owner is willing to lease the unit under the program, the family may request the HA to approve the lease and unit.
- A. If the HA determines that a unit which an Eligible Family wishes to lease meets HQS and the proposed Lease is approved, the HA shall notify the Owner and the Family of its determination of Lease approval.
  - B. After receiving notification from the HA, the Owner and HA representative shall schedule a meeting to execute and sign the Contract. After the contract is executed, the Owner and Family shall execute and sign the Lease and provide a copy to the HA.
  - C. The HA shall retain the following in its files:
    - (1) The Request for Tenancy Approval;
    - (2) The approved Lease;
    - (3) Inspection report;
    - (4) HA certification that the current rent being charged for comparable units in the private unassisted market, taking into account the location, size, type, quality, amenities, facilities and management and maintenance service of such unit. This certification will be maintained for three years to comply with HUD regulations and HUD inspections; and;
    - (5) Executed Contract.

#### **SECTION XIV. HA DISAPPROVAL OF OWNER**

**NOTE: Property Owners cannot participate in the program if they are disapproved by the HA as outlined in Section XIV below.**

- 1. Owner Debarred: The HA must not approve a unit if the HA has been informed (by HUD or otherwise) that the owner is debarred, suspended, or subject to a limited denial of participation. Also, when directed by HUD, the HA must not approve a unit if:
  - A. The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and the action is pending; or

- B. A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.
2. HA Administrative Discretion: The HA will deny approval to lease a unit from an owner for any one of the following:
- A. Owner has violated obligations under a HAP contract.
  - B. Owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
  - C. The owner has engaged in drug trafficking.
  - D. The owner has a history or practice on non-compliance with the HQS requirements, State or local housing codes.
  - E. The individual circumstances and seriousness of such conditions will be considered prior to disapproval of an owner.
  - F. Landlords who have accepted side payments for additional rent will not be eligible to participate on any Section 8 Rental Assistance Program.
  - G. Landlords that have received three (3) warnings about HQS violations will be placed on an inactive list for two years. When the two years are up they will be placed on a 1-year probation period. If violation occurs they will be placed indefinitely on the inactive list. (7/1/2004)
  - H. A landlord who does not evict a participant when police records show that drug trafficking is in evidence in the unit, the landlord and/or manager will be placed on the inactive list for two years. When the two years are up they will be placed on a one-year probation period. (7/1/2004)
3. Eligible Units:
- A. The types of housing units that are eligible for the Voucher Programs are: apartments, single family homes, townhouses, duplexes, fourplexes, mobile homes, congregate and independent group homes.
  - B. Single Room Occupancy (SRO) Housing is eligible for assistance on the Voucher Program if:
    - (i) The property is located in an area where there is significant demand for SRO units (as determined by HUD).
    - (ii) The HA approves the use of SRO units for such purposes,
    - (iii) The HA certifies to HUD that the property meets applicable local health and safety standards for SRO housing.
  - C. Some units or developments sponsored by the FMHA may be eligible for residency by a voucher holder if occupancy does not create a situation of duplicate subsidy.
4. Ineligible Units:

- A. Any Public Housing or Indian Housing unit.
- B. Units in which the facility is being assisted under other Section 8 subsidy programs.
- C. Nursing homes, board and care homes, or facilities providing continual psychiatric, medical or nursing services.
- D. Colleges or other school dormitories.
- E. Units on the grounds of penal, reformatory, medical, mental and similar public or private institutions.
- F. Housing owned in whole, or in part, by the family to be assisted.
- G. Units that are owned by landlords that have been barred from participating in the program.

**Note: Renting from a relative**

After May 18, 1998, if the owner is parent, child, grandparent, grandchild, sister, or brother of any member of the participant family, the HA must not approve the unit. However, if the HA determines that approval of the unit would provide reasonable accommodation for a family member who is a disabled person, the unit may be approved.

**SECTION XV. OWNER RESPONSIBILITY FOR SCREENING TENANTS**

1. Suitability for Tenancy. The HA must inform the owner that the HA has not screened the family's behavior or suitability for tenancy and that such screening is the owner's own responsibility.
2. Family's Background: An owner may consider a family's background with respect to such factors as:
  - A. Payment of rent and utility bills.
  - B. Caring for a unit and premises.
  - C. Respecting the rights of others to the peaceful enjoyment of their housing.
  - D. Drug-related criminal activity or other criminal activity that is a threat to the life, safety, or property of others and compliance with other essential conditions of tenancy.
3. Information Provided Owner Concerning Tenancy: The HA can give the owner the family's current address (as shown in the HA records) and the name and address of landlord at the family's current and prior addresses, if known to the HA.

**SECTION XVI. WHERE A FAMILY CAN LEASE A UNIT WITH TENANT-BASED ASSISTANCE AND PORTABILITY PROCEDURES (WHEN PORTABILITY IS AVAILABLE)**

1. Assistance in the Initial HA's Jurisdiction: The family may receive tenant-based assistance to lease a unit located anywhere in the jurisdiction of the initial HA.

2. Portability – Assistance Outside the Initial HA Jurisdiction: Families living in the jurisdiction of the initial HA may receive tenant-based assistance to lease a unit outside the initial HA jurisdiction in the jurisdiction of a HA anywhere in the United States that is administering a tenant-based program. An individual who wants to go portable and is residing in the initial PHA jurisdiction at the time their application is placed on the waiting list and has moved from the Housing Authority's jurisdiction needs to provide verification of residency. Lease, utility bills in their name, payroll records or school records need to be provided before they can go portable. (1/17/2001) The PHA requires applicants reaching the top of the Section 8 waiting list requesting portability to provide verification of a local address in addition to providing an updated local driver's license or State ID vehicle registration and documentation verifying school registration for all school age children on the application. (8/9/2012) Resolution: 8-12.
  - A. **When Portability is Not Allowed:** The HA will deny a request for portability if the PHA will not absorb the family into their program when their Payment Standard is over the initial PHA's Payment Standard and the initial PHA does not have sufficient funds to cover such a higher expense (7/1/2004). Portability will only be allowed once in a 12 month period of time, whether it be to Port in or to Port out. (5/7/2008)
  - B. **Nonresident Applicants:** (Applicants that do not live in the legal jurisdiction of the initial HA) that apply for tenant-based assistance do not have right to lease a unit outside the initial HA's jurisdiction during the first twelve (12) month period from the time the family is admitted to the program. Portability is not allowed in the first 12 months of their lease if they have moved into the Upper Explorerland Area under Portability.
3. Income Eligibility:
  - A. For admission to the voucher program, a family must be income eligible in the area where the family initially leases a unit with assistance in the voucher program.
  - B. If a portable family was already a participant in the initial HA voucher program, income eligibility is not re-determined unless the family transfers between the programs.
4. Leasing in Place: If the dwelling unit is approvable, a family may select the dwelling unit occupied by the family before selection for participation in the program.
5. Portability: Administration by Receiving HA:
  - A. When a family moves under portability to an area outside the initial HA jurisdiction another HA (the receiving HA) must administer assistance for the family if a HA with

a tenant-based program has jurisdiction in the area where the unit is located. When this situation exists, the HA with jurisdiction in the area where the family wants to lease a unit must issue the family a voucher. If there is more than one such HA, the initial HA may choose the receiving HA.

6. Portability Procedures: The initial HA must determine whether the family is income-eligible in the area where the family wants to lease a unit. The initial HA must advise the family how to contact and request assistance from the receiving HA. The initial HA must promptly notify the receiving HA to expect the family. The family must promptly contact the receiving HA, and comply with receiving HA procedures for incoming portable families. The initial HA must give the receiving HA the most recent HUD Form 50058 for the family and related verification information. If the receiving HA opts to conduct a new reexamination, the receiving HA may not delay issuing the family a voucher or otherwise delay approval of a unit unless the recertification is necessary to determine income eligibility. When the portable family requests assistance from the receiving HA, the receiving HA must promptly inform the initial HA whether the receiving HA will bill the initial HA for assistance on behalf of the portable family, or will absorb the family into its own program. The receiving HA must determine whether to extend the voucher term. The family must submit a request for lease approval to the receiving HA during the term of the receiving HA voucher. The receiving HA must determine the family unit size for the portable family. The family unit size is determined in accordance with the subsidy standards of the receiving HA. The receiving HA must promptly notify the initial HA if the family has leased an eligible unit under the program, or if the family fails to submit a request for lease approval for an eligible unit within the term of the voucher. To provide tenant-based assistance for portable families, the receiving HA must perform all HA functions, such as reexamination of family income and composition.
7. Absorption by the Receiving HA: If funding is available for the receiving HA when a voucher is received, the receiving HA may absorb the family into the receiving HA's voucher program.  
HUD may require a receiving HA to absorb all or a portion of the portable families.
8. Portability Billing: The receiving HA may bill the initial HA for housing assistance payment and administrative fees. The initial HA must promptly reimburse the receiving HA for the full amount of the housing assistance payments (HAP) made by the receiving HA for the portable family. The amount of the HAP for a portable family in the receiving HA's program is determined in the same manner as for other families in the receiving HA program. The initial HA must promptly reimburse the receiving HA for 80 percent of the initial HA's on-going administrative fee for each unit month that the family receives assistance under the tenant-based programs from the receiving HA. HUD may reduce the administrative fee to an initial HA, if the HA does not promptly reimburse the receiving HA for housing assistance payments or fees on behalf of portable families.

## **SECTION XVII. ABSENCE FROM THE ASSISTED UNIT**

Absence means that no member of the family is residing in the unit. The HA will not approve any request for absence for a period of more than 180 consecutive calendar days in any circumstance, or for any reason.

1. Absence from the Unit: The family has 10 days to notify the HA when going to be absent from the unit for 30 days or more.
2. Absence from the unit for more than 30 days requires approval by the UERHA. The UERHA must be notified in writing by the family of extenuating circumstances to justify the absence such as medical or family emergency (only). The family must not under any circumstances be absent from the unit for a period of more than 180 consecutive calendar days. (7/1/2004)

**NOTE:**

If an emergency situation exists, such as hospitalization, the head of household must notify the HA by telephone as soon as possible and request a determination via the telephone. Verbal request for determination may only be made in emergency situations. The HA will respond verbally and follow-up its verbal determination in writing within ten calendar days of the verbal request.

**SECTION XVIII. CONTINUED ASSISTANCE AFTER FAMILY BREAK-UP**

The HA shall determine which family members will continue to receive assistance after a family break-up. The head of household, spouse, or any adult member of the household must notify the HA that there has been a family break-up and continued assistance is being requested. The assisted family member making the request must submit the request in writing to the HA and request a determination. The request must be made with 10 calendar days of the break-up. The HA will consider the following factors in making this determination:

1. Assisted Unit: Whether the assistance should remain with family members remaining in the original assisted unit.
2. Interest of Family Members: The interest of minor children or of ill, elderly or disabled family members.
3. Physical Violence: Whether family members are forced to leave the unit as a result or actual threatened physical violence against family members by a spouse or other member of the household.

The HA will issue a determination within 10 calendar days of receipt of the request for a determination. The HA will take into consideration the entire situation. When necessary, the HA authority will determine whether a voucher should be issued to each head of household. The person requesting the determination may request an Informal Hearing in accordance with the HA established procedures if they disagree with the determination of the HA.

## SECTION XIX. SUBSIDY STANDARDS

The RHA will enforce the “two heartbeats per room rule”. This means there will be 2 people in every bedroom regardless of age or gender. This is a general rule set for the by the US Department of Housing and Urban Development. **Resolution 17-02 Approved 5.25.17**

### Subsidy Standard Chart

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	2
1	1	4
2	3	6
3	5	8
4	7	10
5	9	12
6	11	14

Section 8 participants shall be issued a Voucher based on the subsidy standard listed above. In determining family unit size for a particular family, the HA may grant an exception to the above subsidy standard if the HA determines that the exception is justified through a reasonable accommodation request.

The family unit size for any family consisting of a single person must be either a zero or one-bedroom unit, unless a live-in-aide resides with the family. Any live-in-aide must be approved by the HA, in advance, and reside in the unit to care for a family member who is disabled. A live-in aide must be counted in determining the family unit size. The live-in aid reasonable accommodation must be verified annually.

A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.

### **Bedroom Size Assignment Voucher Size** (24 CFR 982.402)

Bedroom size assignments on vouchers will be made so that no less than one (1) and no more than two (2) persons will occupy a bedroom. No assignments of bedroom size on a Voucher will be made which require use of the living room for sleeping.

In case of a participant who shares custody of a child (or children) 50/50 with a parent or guardian residing outside of household, the child shall be considered when assigning a bedroom size. (The children can only be listed in one household.) The PHA will allow the children to stay with what parent they want, but only allowing the parent that has physical

custody to receive the actual payment/subsidy standard for the household when both parents are participating on the program.

The intent of HUD requirements is that the smallest appropriate bedroom size be assigned to participant families without overcrowding. The HA does not limit or restrict which family members may share bedrooms.

Using the above guidelines, the following subsidy standards will determine the number of bedrooms required.

A separate bedroom may be provided for an individual family member if the family presents documentation sufficient to convince the HA that the individual's physical or mental health requires separate sleeping quarters. The family must request a reasonable accommodation.

## **SECTION XX. INSPECTIONS OF LANDLORD'S PROPERTY:**

When the HA receives a Request for tenancy approval the HA shall inspect the unit for compliance with the HA's housing quality standards (HQS). The HA's inspector will inspect the unit for compliance with HQS standards and send the owner the results of the inspection (if not present). If there are defects or deficiencies which must be corrected in order for the unit to comply with HQS standards, the Owner shall be advised, in writing, by the HA of the work required to be done before a Contract can be executed. The unit will be re-inspected to ascertain that the necessary work has been performed and the unit meets HQS standards for occupancy.

The HA will maintain a copy of every inspection and re-inspection report for three years, with one exception. If the unit inspected requires testing for Lead Based Paint and/or the unit requires treatment of chewable surfaces based on the testing, the HA shall keep **indefinitely the test results** and if applicable, the Owner certification of the treatment. The inspection reports will specify the defects or deficiencies which must be corrected in order for the unit to be corrected for the unit to meet HQS standards. The inspection report will also reflect any other defects or deficiencies that do not cause the unit to fail in the event of a subsequent claim by the Owner that they were caused during the period of occupancy by the Family. Inspections will be kept for 3 years only on units that have come under contract with the HA.

## **SECTION XXI. INSPECTION STANDARDS:**

Before a unit can be approved of Occupancy under the Section 8 program, the unit must meet the performance requirements set forth in 24 CFR 982.401, which are Housing Quality Standards (HQS's).

- HQS Inspection Areas: The following areas are included in HQS inspections:
  - Sanitary facilities;
  - Food preparation and refuse disposal

- Space and security;
- Thermal environment
- Illumination and electricity;
- Structure and materials
- Interior air quality
- Water supply
- Lead based paint
- Access
- Site and neighborhood
- Sanitary condition; and (when unsanitary conditions and infestation have been identified as an HQS violation. Monthly monitoring by the landlord and extermination will be required.
- Smoke detectors

The Upper Explorerland Regional Housing Authority requires biennial furnace inspections, in accordance with statutory changes effective July 1, 2015. Storms or screens are required on all windows that open (unattached half screens are not permissible). The PHA will allow units to pass HQS without screens on windows as long as there is another means of egress and unit has been certified by the State Build Inspector. (Resolution 15-01). Living rooms or rooms used for sleeping and the bathroom need at least one window to have a screen, unless the bathroom has a vent fan. Plastic only allowed on the interior of those windows.

**NOTE:**

**The HA's inspection only certifies that the unit meets HQS federal regulations and the HA is not responsible or items not included in the HQS inspection. The HA will use HUD approved inspection forms to perform Section 8 Inspections.**

- Types of HQS Inspections:
  - A. Initial Inspections: Performed by the HA staff after receiving the Request for Tenancy Approval from the applicant
  - B. In accordance with Statutory changes effective June 25, 2014, the PHA will conduct biennial inspections instead of annual inspections. Yearly inspections may be required if there is a history of non-compliance by the owner or tenant. The PHA may also rely on inspections completed through the HOME program and the Housing Tax Credit program.
  - C. Re-Inspections: Inspections that are performed by HA staff for the purpose of verifying that deficiencies noted in the previous inspection have been corrected and meet HQS.
  - D. Quality Control Inspections: The Section 8 Supervisor will re-inspect five (5) plus one for each 50 or part of 50 or over 50 (based on a random sample) of the total

number of Section 8 units under HAP contract to insure that inspections are being performed in compliance with HQS standards. The Section 8 Supervisor will maintain a file that documents the quality control inspections.

- E. Special Inspections: These types of inspections may be necessary when a Federal Official visits the HA to perform a compliance review of the HA and/or the Owner may request a special inspection be performed to document the condition of the unit.
- F. Complaint inspections will be conducted by the HA when a complaint is made in writing to the landlord and/or tenant and the HA. (Only when repairs don't meet the satisfaction of the parties involved.)

When a unit fails the HQS inspection, the HA will notify the owner of the failed item(s) and the required time to repair (24 hours for emergency items, 30 days for other non-emergency items.) If the owner fails to take corrective action within the time prescribed in the notice, the HA may exercise any of its rights or remedies under the contract, including abatement of Housing Assistance Payments (even if the family continues in occupancy) and termination of the contract. If the family wishes to be housed in another dwelling unit with Section 8 assistance and the HA decides to terminate the Housing Assistance Payments Contract, the HA shall issue to the family another Voucher.

**In accordance with PIH Notice 2012-15**

- If the PHA determines the unit does not meet the Housing Quality Standards (HQS) requirements during an annual or interim inspection, verification that the deficiencies are corrected may be done by an alternate means. UERPC will accept an owner's certification, a receipt from a vendor and/or a photo of the repair along with tenant confirmation that the required repairs are complete. If the inspector deems the hazards are severe or has had negative experiences with the owner or property, a follow up inspection will be completed to confirm HQS deficiencies have been corrected.
- In the case of initial inspections, the PHA is required to conduct an actual follow-up on-site inspection if the unit does not pass HQS pursuant to the initial inspection.

**The RHA board adopted a Housing Quality Standards reinspection fee of \$50 be implemented (1) if an owner notifies the PHA that a deficiency cited in the previous inspection has been repaired and a reinspection reveals that it has not and/or (2) if the allotted time for repairs has elapsed and a reinspection reveals that any deficiency cited in the previous inspection that the owner is responsible for repairing has not been corrected.**

**PHAs must not apply the fee to an owner for: deficiencies caused by the participant family; initial inspections; regularly scheduled inspections; an instance in which an inspector was unable to gain access to a unit; or new deficiencies identified during a reinspection. If new deficiencies are uncovered during reinspection, a PHA should follow normal procedures to address these newly identified deficiencies.**

**An owner who is assessed a fee may not pass the fee on to a family**

**Fees collected under this reinspection fee authority will be considered unrestricted net assets. In accordance with 16-03- passed 10.26.16**

HAP contracts will be terminated immediately, without application of the rent abatement process described above, in cases of owner failure to repair life threatening conditions within the required 24-hour time period. This applied only to cases in which the owner is responsible for the situation not when the tenant has caused the violation. Life-threatening conditions include but are not limited to:

- a. No heat between October 1 and May 1
- b. No electricity
- c. No gas
- d. No running water
- e. Natural gas leak or fumes
- f. Major plumbing leaks or flooding (such as sewer backup or stoppage)
- g. Any electrical outlet, switch, stationary light fixture, fuse box or circuit breaker that smokes, sparks or short circuits, creating a fire hazard.
- h. Broken or missing lock on any dwelling unit doors accessible to the outside of the dwelling unit
- i. Uninhabitable units due to fire, tornadoes, destroyed or vandalized property that prevents a tenant from using the bathroom or kitchen or from entering the dwelling unit

A family's assistance may be terminated if the family has breached its responsibilities under the program and is responsible for HQS failure for the following reasons: failure to provide and maintain tenant-supplied appliances, or; damages caused by guests or family members.

**\*See Section XIV HA Disapproval of an Owner:** See (Page 52) --- Landlords that have been warned about ongoing HQS violations.

The HA will attempt to obtain annually from local health agencies the names and addresses of children with identified elevated blood levels (EBLs) and match this information with the names and addresses of participants. If a match occurs, the HA will determine whether local health officials have tested the unit for lead-based paint. If the unit has lead-based paint the owner will be required to treat the lead-based paint. When corrective action is not taken, the family will be issued a Voucher to move. Copies of the inspection reports will be kept for a period of three (3) years.

## **SECTION XXII. DETERMINATION OF PARTICIPANT RENT AND REEXAMINATION OF INCOME AND FAMILY CIRCUMSTANCES**

Rent as initially determined or at annual reexamination will remain in effect for the period between regular reexamination of family income and composition unless the following changes in family circumstances occur. Also, Section 8 participant agrees to report and provide

certification following any change in annual income and family composition within ten (10) days of the occurrence.

Loss or addition of family composition of any family member through birth, death, divorce, removal of other continuing circumstances and the amount, if any, of family member's income;

Employment, unemployment, or changes in employment of a family head, spouse, or other wage earner that is 18 years of age; or

To correct errors made when determining eligibility or at reexamination.

**Note:**

**If an error results in a retroactive rent payment due to the participant not providing correct information concerning annual income, the HA representative will request the Section 8 participant to sign a repayment schedule.**

The final estimate of Family Income will be made by the HA on the basis of verified information regarding income.

There is no minimum income requirement, but the staff should use good interviewing skills to determine whether there is income which is not being reported.

Families may not be required to apply for public assistance, but it may be suggested to them. If the family reports zero income, the HA will have the family complete an expenses form and a certification form to verify that no income is being provided.

Families will be required to report any changes in their income status within ten (10) calendar days of the occurrence of employment and/or any other type of income is received. Families with zero income **may** be requested to recertify more frequently. Negligence in supplying the information in a timely manner could result in a pay back to the PHA, or termination from the program.

1. Annual Re-examination:

- A. Once each year, or as required by this HA, the HA must reexamine the income and family composition of all families participating in the Section 8 Program in accordance with 24 CFR 5.617. Verifications acceptable to the HA shall be obtained and determinations made. In the event of failure or refusal of the family to report the necessary information, the HA will terminate the assistance.
- B. When a third-party verification cannot be attained for income purposes under the Section 8 Program, other alternatives will be granted. Copies of stubs or verifications from other agencies will be acceptable. (1/17/2001) The HA will follow **Resolution #200 Section 8 Housing Choice Vouchers Verification Procedures. (See attachment at the back of the Administrative Plan)**

- C. Records shall be maintained by the HA to insure that every participant's income and family composition has been reexamined within a twelve month period. All EIV information will remain confidential.
  - D. **Certification of Assets:** RHA requiring applicants and participants to self-certify if they have assets under \$5,000. (3/21/2013) Resolution: 13-02 In accordance with PIH Notice 2016-05 assets will be verified at admittance to the program and then every three years thereafter with those having assets under \$5,000. Participants will self-certify at interims and in years not required. All family members age 18 years and older required to verify. Resolution 16-02
  - E. Upon completion of reexamination and verification, the participant shall be notified, in writing, no lesser than thirty (30) days, (unless participant did not timely report), prior to the effective date of the following: (A copy of such notification is to be retained in the participant's file).
    - (1) Any change in rent and the date on which it becomes effective.
    - (2) Any change required because of a change in the composition of the family.
2. Interim Redetermination of Rent: Rent as set at admission or Annual Reexamination will remain in effect for the period between regular rent determinations unless changes in family circumstances occur. The participant is required and agrees to report, in writing, the following specified changes in family income and composition within ten (10) calendar days of occurrence. (8/5/2009) When an increase of income has occurred an interim redetermination will not be conducted until the next annual certification unless there has been a change in family composition, then any increases of income will be put into effect for that time. When the RHA budget is short on subsidy, the RHA Department Head will determine if and when increases in income will result in interim rent changes. In May of 2012, the RHA Department Head put interim increases back into effect due to budget shortfalls.
- A. Loss or addition to family composition of any kind through birth, death, marriage, divorce, removal or other continuing circumstance and the amount, if any, of such family member's income. Any such additions, other than birth, must be approved by the HA in advance, and must qualify the same as an applicant or any prospective new participant
  - B. Employment, unemployment or changes in income for employment of the family head, spouse, or other wage earner eighteen (18) years of age or older.
  - C. The starting or stopping of an increase or decrease of any benefits or payments received by any member of the family or household from Old Age Pension, Aid for Dependent Children, Black Lung, Railroad Retirement, Private Pension Fund, Disability Compensation, Veterans Administration, Child Support, Alimony, Regular

Contributions or Gifts. Lump sum payments or retroactive payments of benefits from any of the above sources which constitute the sum of monthly payments for a preceding period paid in a lump sum must be reported and rent adjusted retroactively on such income to date of eligibility for any family member residing in the household for that period of time.

- D. Cost of Living increases in Social Security or public assistance grants need not be reported until next reexamination and redetermination of rent.
- E. Errors of omission made at admission or reexamination shall be corrected by the HA. Retroactive payments will be made to the participant if the error is in his/her favor.
- F. A participant who has had an income increase after admission or after annual reexamination must report all changes in income within ten (10) calendar days regardless of the amount or source.

3. The Effective Dates of Interim Redetermination of Rent:

- A. Any decrease in rent resulting from any decreases in family income will be made effective the first of the month following the date the decrease in family income was reported and verified in writing. **All necessary paperwork including verifications from the sources and signed authorizations need to be in the Housing Authority Office by the 25<sup>th</sup> of the month for a 1<sup>st</sup> of the month change in assistance. (5/18/2005)**
- B. The participant agrees to pay any increase in rent resulting from an increase in family income the first of the second month following the date in which such increase in family income occurred, and to pay any back rent due because of failure to report such increase in family income.
  - (1) Interim increase of income will require the family to report the change to the PHA within ten (10) days of their notification. An interim change of income with an increase in income will be done when the increase is because of an additional member being added to the household. (8/5/2009)
  - (2) Participant agrees to pay any increase in rent resulting from the implementation of changes in rent computation or increases due to changes in regulations, policies or procedures requiring implementation by the United State Department of Housing and Urban Development.
  - (3) Temporary employment/unemployment or increases and decreases in wages **“for any reason”** of less than 30 days will not constitute a rent adjustment.
  - (4) If it is found that a participant has misrepresented or failed to report facts upon which rent is based so that the participant is paying less than they should be paying, the increase in rent shall be made retroactive to the date the increase would have taken effect. The participant will be required to pay the difference

between the rent paid and the amount that should have been paid. In addition, the participant may be subject to civil and criminal penalties. Misrepresentation is a serious program violation which may result in termination. **All back payments will be paid back to the PHA in full before the tenants ending lease date. Payment agreements will be offered. When tenants do not meet repayment schedules their rental assistance will terminate at the end of the month in which payment was due. Persons will not be able to get back on the Section 8 waitlist until payment is made in full to the PHA.**

4. Special Reexaminations: Special reexaminations are prescheduled extensions of admission or continued occupancy determinations, and will be considered for the following reasons:
  - A. If it is impossible to determine annual family income accurately due to instability of family income and/or family composition, and temporary determination of income and rent is to be made and a special reexamination shall be scheduled for thirty (30), sixty (60) or ninety (90) days, depending on circumstances. The participant shall be notified, in writing of the date of the special reexamination.
  - B. If the family income can be anticipated at the scheduled time, the reexamination shall be completed and appropriate actions taken. If a reasonable anticipation of income cannot be made, another special reexamination shall be prescribed and the same procedure followed as stipulated in the preceding paragraph until a reasonable estimate can be made.
  
5. Reduction of Welfare Benefits: If the Section 8 participant requests an income reexamination because of a reduction of welfare income, the request will be denied if after obtaining written verification from the welfare agency that the family benefits have been reduced because of:
  - A. Noncompliance with economic self-sufficiency program or;
  - B. Work activities requirements or;
  - C. Because of fraud

### **SECTION XXIII. ADJUSTMENT TO UTILITY ALLOWANCES AND CONTRACT RENTS, PLUS MONTHLY HOUSING ASSISTANCE PAYMENTS**

1. Utility Allowances: At least annually, the HA will determine whether there has been a substantial change in utility rates or other change of general applicability, and whether an adjustment is required in the **Allowance of Utilities and Other Services** by reason of such changes or because of errors in the original determination. If the HA determines that an adjustment should be made, the HA shall establish a schedule of adjustments.

The PHA shall furnish HUD with a copy of the adjusted schedule (at least a 10% change). (Reference 24 CFR 882.214)

2. Contract Rents: Contract Rents may be adjusted by the HA on an annual basis and for special adjustments as provided below:

- A. A special adjustment: Subject to HUD approval, to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates or similar costs (i.e. assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs. The Owner shall submit financial statements to the HA which clearly support the increase.

**Overall Limitation of Adjustments of 2. (A) above:** Notwithstanding any other provisions of this part, adjustments as provided for in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units. ***(Rent reasonableness test will be conducted)***

3. Monthly Housing Assistance Payment (HAP) Payments: Monthly payments will be made to an owner on behalf of a family participating in the Section 8 Program. Payments will be issued in accordance with the Housing Assistance Payment Contract. The checks will be issued on a monthly basis and mailed directly to the participating owner. A copy of the check stub will be kept and serve as a record of payment.

#### **SECTION XXIV. FAIR MARKET RENT (FMR), PAYMENT STANDARD FOR VOUCHERS AND RENT REASONABLENESS LIMITATION**

1. Three Types of Tenancy in the Section 8 Tenant Based Programs: Some requirements of this section are the same for all three types of tenancy. Some requirements only apply to a specific type of tenancy. Unless specifically stated, requirements of this subpart are the same for all tenancies in the tenant based programs.
  - A. A tenancy under the voucher program.
2. Negotiating Rent to Owner: The owner and the family negotiate the rent to owner. At the family's request, the HA must help the family negotiate the rent to owner.
3. Reasonable Rent
  - A. The Housing Authority must determine reasonable rent for the following reasons:
    - (1) The HA may not approve a lease until the HA determines that the initial rent to owner is a reasonable rent.

- (2) The PHA must determine the rent reasonable before any increase in the rent to owner.
- (3) If there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary date (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary; or
- (4) If directed by HUD.
- (5) The HA may also re-determine the reasonable rent at any other time.
- (6) At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or re-determined by the HA.

B. Comparability. The HA must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units.

C. Rent Reasonableness Procedures. The UERHA will conduct a rent reasonableness test on every unit that goes under lease on the Section 8 rental assistance program. The following factors will be taken into consideration when determining the amount of rent to allow on the Section 8 Rental Assistance Program:

- (1) Location
- (2) Size
- (3) Type
- (4) Quality and Age
- (5) Amenities
- (6) Housing Services
- (7) Utilities

A listing of unassisted units will be maintained by the HA to be used to determine a comparable rent. The housing department will use data and their knowledge to make a rent determination.

D. Owner certification of rents charged for other units. By accepting each monthly housing assistance payment from the HA, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. The owner must give the HA information requested by the HA on rents charged by the owner for other units in the premises or elsewhere.

4. Maximum Subsidy: FMR/Exception Rent Limit (Reasonable Accommodation)

A. HUD exception rent as reasonable accommodation for person with disabilities:  
 HUD approval: For a regular tenancy in the voucher program, on request from a family that includes a person with disabilities, HUD may approve an exception rent of up to 120 percent of the fair market rent if the exception rent is needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8.

- B. When a case of reasonable accommodation for a handicapped or disabled person is needed UERHA will provide **Shared Housing**. Under this program, handicapped and disabled “singles” (not blood-related) would be able to share a housing unit— with each person having a separate lease with the landlord and the contract with us. The lease would have to include utilities in with the rent. Request for a Reasonable Accommodation can be for all approved housing types by HUD, renting from a relative, live-in aides and exception to the occupancy rule. (1/17/2001)

5. Voucher Tenancy: (How to calculate housing assistance payment).

- A. Use of payment standard. The “payment standard” is the maximum monthly subsidy payment for a family.
- B. Voucher program: Amount of assistance.
- (1) Voucher payment standard: Maximum and minimum.
- a. The HA must adopt a payment standard schedule that establishes payment standards for the HA voucher program. For each FMR area and for each exception rent area, the HA must establish voucher payment standard amounts by unit size (zero-bedroom, one-bedroom, and so on).
- b. For a voucher tenancy, the payment standard for each unit size may not be:
- (i) More than 110% of the current FMR/exception rent limit; or
- (ii) Less than 90 percent of the current FMR/exception rent limit, unless a lower percent is approved by HUD.
- (2) Voucher assistance formula
- a. For a voucher tenancy, the housing assistance payment for a family equals the lesser of:
- (i) The applicable payment standard minus 30 % of monthly adjusted income; or
- (ii) Gross rent minus 30% of monthly adjusted income.
- (3) Voucher payment standard schedule.
- a. A voucher payment standard schedule is a list of the payment standard amounts used to calculate the voucher housing assistance payment for each unit size in an FMR area. The payment standard schedule for an FMR area includes payment standard amounts for and HUD approved exception rent area in the FMR area.
- b. The voucher payment standard schedule establishes a single payment standard for each unit size in an FMR area and, if applicable, in a HUD approved exception rent area within an FMR area.
- c. Payment standard amounts on the payment standard schedule must be within the maximum and minimum limits stated in paragraph (b)(1)(ii) of this section. Within these limits, payment standard amounts on the schedule may be adjusted annually, at the discretion of the HA if necessary, to assure continued affordability of units in the HA jurisdiction.

- d. To calculate the housing assistance payment for a family, the HA must use the applicable payment standard from the HA payment standard schedule for the fair market rent area (including the applicable payment standard for any HUD approved exception rent area) where the unit rented by the family is located.

C. Payment standard amount for a family. The payment standard amount for a family is the lower of:

- Payment standard amount for the family unit size, or
- Payment standard amount for the size of the unit leased by the family.

If the unit is located in an exception area, the PHA must use the appropriate payment standards amount for the exception area.

*When the Payment Standard Increases.* The payment standard in place on the effective date of the HAP contract remains in place for the duration of the contract term unless the PHA increases or decreases its payment standard. If a payment standard is increased the higher payment standard is first used in calculating the HAP at the time of the family's regular (annual) reexamination. Families requiring or requesting interim reexaminations will not have their HAP payments calculated using the higher payment standard until their next annual reexamination.

*When the Payment Standard Decreases.* If the PHA lowers its payment standards, the payment standard in effect on the effective date of the HAP contract will remain in effect until the family moves to another unit, or until the second annual reexamination after the PHA decreases its payment standard. (or a HUD exception)

Decreases in the applicable payment standard due to changes in family size or compositions are effective as of the next regular (annual) reexamination following the change. At that time, the new family size will be used to determine the payment standard.

6. Rent to Owner: (Effect of rent control)

In addition to the rent reasonableness limit under this subpart, the amount of rent to owner also may be subject to rent control limits under State or local law.

7. Rent to Owner: (In subsidized projects)

A. Subsidized rent.

- (1) The rent to owner in an insured or noninsured Section 236 project, a Section 515 project of the Rural Development Administration, a Section 202 project or a Section 221(d)(3) below market interest rate project is the subsidized rent.
- (2) During the assisted tenancy, the rent to owner must be adjusted to follow the subsidized rent, and must not be adjusted by applying the published Section 8 annual adjustment factors. For such units, special adjustments may not be

granted. The following sections do not apply to a tenancy in a subsidized project described in paragraph (a)(1) of this section: Sec. 982.509 (annual adjustment) and Sec. 982.510 (special adjustment)

- B. HOME: For units assisted under the HOME program, rents are subject to requirements of the HOME program (24 CFR 92.252).
- C. Other subsidy: HA discretion to reduce rent. In the case of regular tenancy, the HA may require the owner to reduce the initial rent to owner because of other governmental subsidies, including tax credit or tax exemption, grants or other subsidized financing.

8. Other Fees and Charges

- A. 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.
- B. 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.
- C. The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

9. Distribution of Housing Assistance Payment

The monthly housing assistance payment is distributed as follows:

- A. The HA pays the owner the lesser of the housing assistance payment or the rent to owner.  
If the housing assistance payment exceeds the rent to owner, the HA 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.

10. Family Share: (Family responsibility)

- A. The family share is calculated by subtracting the amount of the housing assistance payment from the gross rent.
- B. The HA may not use housing assistance payments or other program funds (including any administrative fee reserve) to pay any part of the family share. Payment of the family share is the responsibility of the family. A minimum rent of \$50.00 per month was implemented. (3/21/2013) Resolution: 13-01

11. Family Income and Composition: (Regular and interim examinations)

- A. HA responsibility for reexamination and verification.
  - (1) The HA's responsibilities for reexamining family income and composition are specified in 24 CFR part 5, subpart F.
  - (2) The HA must obtain and document in the tenant file third party verification of the following factors, or must document in the tenant file why third party verification was not available:
    - a. Reported family annual income;
    - b. The value of assets;
    - c. Expenses related to deductions from annual income; and
    - d. Other factors that affect the determination of adjusted income
  
- B. When HA conducts interim reexamination.
  - (1) At any time, the HA may conduct an interim reexamination of family income and composition.
  - (2) At any time, the family may request an interim determination of family income or composition because of any changes since the last determination. The HA must make the interim determination within a reasonable time after the family request.
  - (3) Interim examinations must be conducted in accordance with policies in the HA administrative plan
  
- C. Family reporting of change. The HA must adopt policies prescribing when and under what conditions the family must report a change in family income or composition (10 days to report). The family should report a change in income up or down within 10 days. A family must request written approval from the PHA and the landlord before adding additional household members. The family has up to 10 days to report a decrease in family size. **(see fraud policy p. 77)**
  
- D. Effective date of reexamination.
  - (1) The HA must adopt policies prescribing how to determine the effective date of a change in the housing assistance payment resulting from an interim redetermination.
  - (2) At the effective date of a regular or interim reexamination, the HA must make appropriate adjustments in the housing assistance payment and family unit size
  
- E. Family member income. Family income must include income of all family members, including family members not related by blood or marriage. If any new family member is added, family income must include any income of the additional family member. The HA must conduct a reexamination to determine such additional income, and must make appropriate adjustments in the housing assistance payment and family unit size.

## 12. Utility Allowance Schedule

- A. Maintaining schedule.
  - (1) The HA must maintain a utility allowance schedule for all tenant paid utilities (except telephone), for the cost of tenant supplied refrigerators and ranges, and for other tenant paid housing services (e.g. trash collection (disposal of waste and refuse)).
  - (2) The HA must give HUD a copy of the utility allowance schedule. At HUD's request, the HA also must provide any information or procedures used in preparation of the schedule.
  
- B. How allowances are determined.
  - (1) The utility allowance schedule must be determined based on the typical cost of utilities and services paid by energy conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, the HA must use normal patterns of consumption for the community as a whole and current utility rates.
  - (2)
    - (a) A HA's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards. However, the HA may not provide any allowance for non-essential utility costs such as costs of cable or satellite television.
    - (b) In the utility allowance schedule, the HA must classify utilities and other housing services according to the following general categories: space heating; air-conditioning; cooking; water heating; water; sewer; trash collection (disposal of waste and refuse); other electric; refrigerator (cost of tenant supplied refrigerator); range (cost of tenant supplied range); and other specified housing services. The HA 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.
  - (3) The cost of each utility and housing service category must be stated separately. For each of these categories, the utility allowance schedule must take into consideration unit size (by number of bedrooms), and unit types (e.g., apartment, row-house, townhouse, single family detached, and manufactured housing) that are typical in the community.
  - (4) The utility allowance schedule must be prepared and submitted in accordance with HUD requirements on the form prescribed by HUD.
  
- C. Revisions of utility allowance schedule.
  - (1) A HA must review its schedule of utility allowances each year, and must revise its allowance for a utility category if there has been a change of 10 percent or more in the utility rate since the last time the utility allowance schedule was revised. The HA must maintain information supporting its annual review of utility allowances and any revisions made in its utility allowance schedule.

(2) At HUD's direction, the HA must revise the utility allowance schedule to correct any errors, or as necessary to update the schedule.

D. Use of utility allowance schedule.

(1) The HA must use the appropriate utility allowance for the size of dwelling unit actually leased by the family (rather than the family unit size as determined under the HA subsidy standards).

(2) At reexamination, the HA must use the HA current utility allowance schedule.

## **SECTION XXV. AFFORDABILITY ADJUSTMENTS AND RENT PROVISIONS—VOUCHERS ONLY**

1. Annual Increases of Payment Standards. The HA, in its discretion, may adopt decreases/increases of payment standards amounts on the payment standard schedule so that families can continue to afford to lease units with assistance under the Housing Voucher Program (Reference 24 CFR 982.617)
2. Rent Negotiation. Under the Housing Voucher Program, the rent to the owner is a matter of negotiation between the owner and the family. The rent must be within the guidelines of "rent reasonableness", and this rental amount must be certified by the HA as falling within guidelines of "rent reasonableness". If requested by the family, the HA must also assist the family in negotiating a reasonable rent with the owner. (Reference 24 CFR 982.309)
3. Rent Increase: The rent to owner may not be increased during the first year of the lease. The lease may provide that the owner may increase the rent at any time after the first anniversary of the lease, but the owner must give the tenant and the HA 60 days written notice of any increase before it takes effect. (Reference 982.309)
4. HA Disapproval of Lease: The HA may disapprove a lease for a rent that is not reasonable based on rents charged for comparable rental units. HAs may exercise this authority in communities where the market is not functioning normally or where some families are not able to negotiate reasonable rent on their own. For example, where there is a concentration of ownership by a small number of landlords, or where rents charged to voucher holders are greater in comparable units. A HA must document each case in which it disapproves a lease because the rent is not reasonable. (Reference 982.309)

## **SECTION XXVI. SECURITY DEPOSIT**

When funds are available, the PHA will offer all new admissions assistance with their deposits.

### **Note:**

**The HA is not responsible for any damages to the unit and will not process any damage claims for HAP contracts signed after October 2, 1995.**

## **SECTION XXVII. TERMINATION OF TENANCY BY OWNER**

1. Reasons for Termination: The Owner shall not terminate the tenancy of the Family except for:
  - A. Serious or repeated violation of the terms and conditions of the Lease
  - B. Criminal Activity by the tenant, any member of the household, a guest or another person under the tenant's control shall be cause for termination of tenancy. Criminal activity is defined as, criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or by persons residing in the immediate vicinity of the premises
  - C. Violation of Federal, State, or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or
  - D. Other good cause, which may include, but not be limited to: failure by the family to accept the offer of a new lease or revision; a family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or premises; the owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or a business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to lease the unit at a higher rental). After the first year a 30 day notice is required, 30 days prior to the next rent due date.
2. Eviction by Court Action: The Owner may evict the Family from the Contract unit only by instituting a court action. The Owner must notify the HA, in writing, of the commencement of procedures for termination of tenancy, at the same time that the Owner gives notice to the Family under State law. The family is not eligible for a Housing Voucher to move to another Housing Unit if they are evicted. The rental assistance in their current unit will end as soon as the tenant vacates the property. Note: Beginning 10/12/2005 Any Section 8 Recipients terminated for a lease violation such as an eviction will not be able to reapply for rental assistance for 1 year after the eviction.
3. Written Notice: Owners must provide written notice of at least 30 days before termination of a tenant based housing assistance payment (HAP) Contract, and not less than 1 year before termination of a project based voucher or moderate rehabilitation HAP contract because of an owner opt-out or expiration of the HAP contract. Copies of these notices must be provided to the HA. (Reference HUD Notice PIH 93-54, issued October 19, 1993 and 24 CFR 982-455).

4. Termination During First Year: During the first year of the lease term, the owner may not terminate the tenancy for “other good cause”, unless the owner is terminating the tenancy because of something the family did or failed to do. For example, during this period, the owner may not terminate the tenancy for “other good cause”, based on any of the following grounds: failure by the family to accept the offer of a new lease or revision; the owner’s desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or a business or economic reason for termination of tenancy (See 1D above).
5. Mutual Rescission the first year of the lease: When a tenant may be granted a move under the first year of the lease:
  - A. We will only grant a move with continued Section 8 Rental Assistance within the first year if the tenant needs to vacate for: Medical, employment, or protection reasons. Documentation is required, and the landlord is willing to give the mutual rescission. (7/18/2001)

## **SECTION XXVIII TERMINATION OF HOUSING ASSISTANCE PAYMENT (HAP) CONTRACT**

1. Termination of HAP Contract When the Unit is Too Small: If the HA determines that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, the HA must issue the family a new voucher, and the family and HA must try to find an acceptable unit as soon as possible.
2. Automatic Terminate of HAP Contract: The HAP contract terminates automatically 180 calendar days after the last housing assistance payment to the owner.
3. HAP Contract Terminations: When a current Section 8 unit or non-Section 8 unit has been identified as having an active meth lab, the Upper Explorerland RHA will deem these homes as unsafe and unsanitary and will not allow current or potential tenants to lease these units under the Section 8 Housing Voucher Program. Current participant contracts will be terminated immediately. Before an inspection will be conducted, the landlord or manager will sign off as to their known knowledge of this activity. (7/1/2004)
4. Absence from the Unit: The family has 10 days to notify the PHA when going to be absent from the unit for more than 30 days or more. Absence from the unit for more than 30 days requires approval from the PHA. Notification in writing by the family of extenuating circumstances to justify the absence is required. The absence may be granted for medical or a family emergency (only). (7/1/2004)
5. Tenant is Paying Full Rent: After the family has paid the full rent for 6 months the HAP contract will terminate.

6. Lease Termination: The HAP contract will terminate when the Landlord terminates the Lease.
7. Continual HQS Violations by the Landlord and/or the tenant will result in a HAP Contract termination. When a landlord has received 3 warnings about HQS Violations the Landlord will be placed on an inactive participation list for 2 years. Three (3) warnings given to the tenant will result in a HAP Contract termination without the opportunity to move. When the tenant is evicted for this reason, they are not eligible to reapply for rental assistance for 1 year from the date of eviction.
8. Shortfall of Funding from HUD: If the PHA is identified as a shortfall agency, meaning there is not funding available to continue paying Housing Assistance Payments on behalf of family members the order of termination is as follows: those in a payback will be first off, based on the amount owed and will be reinstated in the same manner. If there are not enough participants in a payback then the last participants leased up will be the first off and will be reinstated in the same manner for all. (14-03)

#### **SECTION XXIX. PROGRAM MANAGEMENT PLAN – (SAMPLE) ORGANIZATION PLAN**

1. Section 8 Supervisor: Responsible for all aspects of the Section 8 Programs.
2. Section 8 Coordinator: The Section 8 Coordinator is responsible for the day-to-day operations of the Section 8 Programs. Some of the major duties are: takes applications, handles public relations with concerned agencies and landlords, performs inspections, performs certifications and re-certifications of Voucher holders and prepares various Section 8 reports.
3. Finance Manager: Issues all Section 8 checks and prepares all Section 8 Financial Reports.

#### **SECTION XXX. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REVIEW OF CONTRACT COMPLIANCE**

HUD will review program operations at such intervals as it deems necessary to insure that the owner and the HA are in full compliance with the terms and conditions of the contract and the ACC. Equal Opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

#### **SECTION XXXI. ADMINISTRATIVE FEE RESERVE EXENDITURES**

Expenditures from the administrative fee reserve of the Section 8 programs in excess of \$1,000.00 will be approved by the board of commissioners of the HA.

#### **SECTION XXXII. SPECIAL HOUSING TYPES**

## 1. Manufactured Home

### A. Applicability of requirements. Sec. 982.620

#### (1) Assistance for resident of manufactured home.

- (a) A family may reside in a manufactured home with assistance under the program.
- (b) The HA must permit a family to lease a manufactured home and space with assistance under the program.
- (c) The HA may provide assistance for a family that owns the manufactured home and leases only the space. **This HA is not providing such assistance under the program.**

#### (2) Applicability.

- (a) The HQS in Sec. 982.621 always apply when assistance is provided to a family occupying a manufactured home (under paragraph (a)(2) or (a)(3) of this section).

#### (3) Live-in aide

- (a) If approved by the HA, a live-in aide may reside with the family to care for a person with disabilities. The HA 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 in accordance with 24 CFR part 8. See Sec. 982.316 concerning occupancy by a live-in aide.
- (b) If there is a live-in aide, the live-in aide must be counted in determining the family unit size.

**Documentation is required annually from the tenant's Physician**

### B. Housing Quality Standards See 982.621

A manufactured home must meet all the HQS performance requirements and acceptability criteria in Sec. 982.401. A manufactured home also must meet the following requirements:

- (1) Performance requirement. 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.
- (2) Acceptability criteria. 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.

### C. Space Rental. Rent to owner. Sec. 982.622

#### (1) What is included.

- (a) Rent to owner for rental of a manufactured home space includes payment for maintenance and services that the owner must provide to the tenant under the lease for the space.
- (b) Rent to owner does not include the costs 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.

(2) Reasonable rent.

- (a) During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined in accordance with this section. Section 982.503 is not applicable.
- (b) The HA may not approve a lease for a manufactured home space until the HA determines that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the HA must re-determine that the current rent to owner is a reasonable rent.
- (c) The HA must determine whether the rent to owner for the manufactured home space is a reasonable rent in comparison to rent for other comparable manufactured home spaces. To make this determination, the HA must consider the location and size of the space, and any services and maintenance to be provided by the owner in accordance with the lease (without a fee in addition to the rent).
- (d) By accepting each monthly housing assistance payment from the HA, 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. The owner must give the HA information, as requested by the HA, on rents charged by the owner for other manufactured home spaces.

**SECTION XXXIII. FAMILY SELF-SUFFICIENCY PROGRAMS (IF APPLICABLE)**

The purpose of the family self-sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of public housing assistance and assistance under the Section 8 rental voucher program with public and private resources, to enable families eligible to receive assistance under those programs, and to achieve economic independence and self-sufficiency.

This HA has developed an action plan and policy and procedures to implement the requirements of this program. A copy of this plan, policy and procedure is attached to this document and is incorporated by reference as if fully set out herein. The FSS plan includes the following and meets the requirements of Interim HUD Notice 93-24, issued May 27, 1993.

1. Eligible FSS Participants: Description of how current Section 8 participants (Families currently receiving Section 8 assistance are the only families eligible to participate in the FSS program) will be selected to participate in the FSS program; (Reference Action Plan and Policy and Procedures to Implement the FSS Program for specific guidelines on selecting participants for the FSS program). The basis selection criteria is listed below:

Effective May 1, 2004 only current participants who are paying into an Escrow account will be eligible to continue under the program to the duration of their contract.

#Lack of funds to provide the necessary services to clients reason for the changes.

2. Termination of FSS: If the FSS participant under reports income and assets, the Section 8 assistance can be terminated and/or the family can be terminated from the FSS

program. In either case the HA will not credit the family's escrow account with any portion of the back rent.

- A. Description of how Section 8 assistance is terminated and/or how FSS supportive services are withheld for violations of FSS obligations. Section 8 assistance is terminated in accordance with Section XI of this document. If a family fails to meet its FSS obligations as outlined in the FSS contract of participation the family can be terminated from the FSS program. The family may lose Section 8 assistance if they are terminated from the FSS program. The HA may terminate Section 8 assistance as a consequence of termination of the FSS contract.
  - B. If a family was selected to participate in the FSS program and was terminated because they did not meet its FSS obligations, the family may be denied the opportunity to participate in the FSS program the second time based on the fact that they violated FSS obligation the first time the family participated in the FSS program. A family may also be denied the opportunity to participate in the FSS program if they owe funds to a HA. A one year waiting period is required if a family wants to reapply for the FSS program and have been terminated from the program for failure to fulfill their obligation under the program.
  - C. If a FSS participant moves from another HA's jurisdiction with continued Section 8 assistance, this HA is not obligated to enroll the FSS family in its FSS program. The family must qualify under the HA's guidelines for selection and participation in the FSS program.
3. Reduction of Required FSS Program. HA's may reduce their FSS obligation by one family for each FSS graduate fulfilling the family's contract of participation obligations on or after 10/21/1998. Also, minimum FSS program size will not increase when a HA receives incremental Section 8 funding and public housing units on or after 10/21/1998. When funds are not available to provide the necessary services to participants the program will cease to exist when all contracts have ended.
4. Escrow. When an escrow has been paid out to an eligible family, they are not eligible for the program again.

#### **SECTION XXXIV. CLOSING FILES AND PURGING INACTIVE FILES**

This HA will purge inactive files after they have been off for 5 years. The exception cases being, families owing the housing authority money or cases involving a household containing a minor with a reported elevated blood-lead level.

During the term of each assisted lease and for 5 years thereafter the HA will keep the lease, HAP contract and the application from the family. In addition, the HA must keep for at least 5 years the following records:

- Records with racial, ethnic, gender and disability status data for applicants and participants.
- The application from each ineligible family and the notice that the applicant is ineligible
- HUD required reports and other HUD required files.
- Lead based paint inspection reports as required.
- Unit inspection reports.
- Accounts and other records supporting the HA and financial statements.
- Other records which may be specified by HUD.

The HA shall retain all data for current participants for audit purposes. No information shall be removed which may affect an accurate audit. After 5 years, the files will be shredded or burned

### **SECTION XXXV. RELEASING INFORMATION**

Policy for releasing information: The Upper Explorerland Regional Housing Authority shall not disclose any personal information (including any information on medical or disability) contained in its records to any person or agency unless the individual about who the information is requested gives written consent to such disclosure, or as required by law. If required by law, the information must be requested in writing indicating the reason to obtain this information. If the Upper Explorerland Regional Housing Authority feels the reason is appropriate, the request for information may be granted. The person who the information is being requested will be notified. The individual and/or organization requesting information will be charged a technical assistance fee for us to gather the information. A copy cost fee of \$1.00 per page will be requested. All costs will be paid in advance before the Housing Authority will release the information. (2/18/2004)