

**HOUSING AUTHORITY
OF THE COUNTY OF
SACRAMENTO
CALIFORNIA**

HOUSING CHOICE VOUCHER PROGRAM

**ADMINISTRATIVE PLAN
2013**

MARCH 15, 2013 DRAFT CHANGES

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Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The U.S. Housing Act of 1937 authorized local Public Housing Agencies (Public Housing Authorities / PHAs) to be established by individual states. The Sacramento City and County PHA's are agencies administered by the Sacramento Housing and Redevelopment Agency (SHRA). The current Housing Choice Voucher (HCV) program evolved from various acts, amendments and rules. The most recent changes are the Quality Housing and Work Responsibility Act of 1998 (QHWRA) and the 1999 Housing and Urban Development (HUD) rule that provided for the merger of the certificate and voucher programs into one housing choice voucher program. This Administrative Plan clarifies PHA policies to facilitate the operation of the Housing Choice Voucher Program.

Administration of the Housing Choice Voucher program and the functions and responsibilities of the PHA staff shall be in compliance with the PHA's personnel policy, HUD regulations, and all Federal and State laws including Fair Housing laws and regulations.

A. HOUSING CHOICE VOUCHER PROGRAM MISSION STATEMENT

The mission of the HCV Program is to promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

Our mission is performed with:

- Dignity - allowing each applicant and participant a sense of esteem;
- Fairness - remaining objective at all times, remembering that there are two sides to every story;
- Respect - treating others in a non-judgmental manner;
- Sensitivity - demonstrating empathy by ensuring that program information provided is complete and accurate.

B. LOCAL OBJECTIVES

The Housing Choice Voucher program is designed to achieve these major objectives:

- To provide access to decent, safe, and sanitary housing for very low-income families while maintaining their rent payments at a fair and affordable level.
- To promote fair housing and the opportunity for very low-income families of all ethnic backgrounds to have access to the widest possible choice of housing to meet their housing needs;

- To encourage self-sufficiency of participant families and assist in the identification of opportunities which address educational and socio-economic needs;
- To ensure that all units meet Housing Quality Standards;
- To administer an efficient, high-performing Housing Authority through continuous improvement of the PHA's support systems and commitment to our employees, their development, and the maintenance of high standards and professionalism;
- To administer a housing program which provides an incentive to private property owners to rent to very low-income families;
- To expand affordable housing opportunities in areas of low poverty concentration;
- To create positive public awareness and expand the level of family, owner, and community support in accomplishing the PHA's mission;
- To ensure compliance with Title VI of the Civil Rights Act of 1964 and all other applicable Federal laws and regulations so the admissions and continued occupancy are conducted without regard to race, color, religion, creed, sex, national origin, handicap or familial status; **and**
- To promote a safe environment by denying initial or continued assistance to applicants who have demonstrated a history of violent criminal or drug related activity.

C. PURPOSE OF THE PLAN

The purpose of this Administrative Plan is to establish guidelines for the Public Housing Authority staff to follow in determining eligibility for admission and continued occupancy. These policies are governed by the requirements of the Department of Housing and Urban Development with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, participants, and the PHA. References to the Code of Federal Regulations in the title of a section or paragraph are intended for reference only, not to restrict the Housing Authority from setting its own policies, as permitted by law.

The PHA is responsible for complying with all changes in HUD regulations pertaining to these programs. If any changes conflict with this Administrative Plan, HUD regulations will have precedence.

This Administrative Plan is set forth to define the PHA's local policies for operation of the housing programs in the context of Federal laws and regulations. All issues related to the Housing Choice Voucher program which are not addressed in this document are governed by such Federal regulations, HUD memos, notices, policies, or other applicable law.

The PHA Board of Commissioners will approve any significant amendment to this Administrative Plan.

Significant amendments to the Administrative Plan is defined in the PHA Annual Plan.

D. FAIR HOUSING POLICY

It is the policy of the Public Housing Authority to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment.

The PHA shall not deny any family or individual the opportunity to apply for or receive assistance under the Housing Choice Voucher programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, disability or sexual orientation.

To affirmatively further Fair Housing, the PHA has a commitment to full compliance with applicable civil rights laws, the PHA will provide Federal/State/local information to voucher holders regarding discrimination and any recourse available to them should they be victims of discrimination. Such information will be made available during the family briefing session and placed in their briefing packet. It will include information for applicants on how to file a fair housing complaint, including the provision of the toll-free number for the Fair Housing Complaint Hotline, 1-800-669-9777 and the Federal Information Relay Service at 1-800- 887-8339.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the PHA's facilities are inaccessible to or unusable by persons with disabilities.

Posters and housing information are displayed in locations throughout the PHA's offices in such a manner as to be easily readable from a wheelchair.

The office of the Housing Choice Voucher Program is accessible to persons with disabilities.

The Public Housing Authority will provide and review information regarding fair housing rights and responsibilities during family briefing sessions.

E. REASONABLE ACCOMMODATIONS POLICY

This policy is applicable to all situations described in this Administrative Plan, including but not limited to when a family initiates contact with the PHA, when the PHA initiates contact with a family, including when a family applies, and when the PHA schedules or reschedules appointments.

An applicant or a participant with a disability must first request an accommodation for the disability before the PHA will deviate from standard practice. Most requests are reviewed by the Reasonable Accommodation Committee.

The PHA's policies and practices are intended to afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement, as those who do not have disabilities and is applicable to all situations described in this Administrative Plan. To request a reasonable accommodation due to a disability, an applicant or participant must qualify under the following Americans with Disabilities Act (ADA) definition of disability:

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

The PHA will fully comply with the obligations found in HUD Notice PIH 2006-13 (HA) [Accessibility Notice: Section 504 of the Rehabilitation Act of 1973; the American with Disabilities Act of 1990; the Architectural Barriers Act of 1968 and the Fair Housing Act of 1988].

As referenced in 24 CFR 9.103, “(2) The term “individual with disabilities” does not include: An individual who is currently engaging in the illegal use of drugs...[t]his exclusion, however, does not exclude an individual [whose drug use is their only disability] with disabilities who- (A) Has successfully completed a supervised drug rehabilitation program, and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully, and is no longer engaging in such use; (B) Is participating in a supervised rehabilitation program, and is no longer engaging in such use”.

Methods Used to Certify a Person with a Disability and the Need for a Reasonable Accommodation

To verify that an applicant is a person with a disability, PHA staff will first check to see whether the applicant is under the age 62 and receives either Social Security or SSI disability income.

Some applicants or tenants may be persons with disabilities even though they do not have such income. In these cases, a verification form will be sent to a qualified professional having knowledge of the person's disability who can verify the person's status.

The PHA staff will work with the individual client to determine the least intrusive or restrictive means for certifying a disability.

Once the individual's disabled status is established, a professional third-party, competent to make an assessment, must provide written verification that the specific accommodation is due to the disability and the specific change is required for equal access to the housing program.

In order to appropriately review some requests (such as when a family requests an additional bedroom for medical equipment) a home visit may be conducted by the PHA. The PHA will provide a written decision to the person requesting the accommodation within a reasonable time. When the request for accommodation is denied, the denial letter will indicate that the applicant may contact staff to discuss alternative modifications. Additionally, the applicant may submit another request for accommodation at any time. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the PHA's decision.

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

Reasonable accommodations will be made for persons requesting PHA mailings be available in an accessible format.

Undue Hardship

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need, and do not create an undue financial or administrative burden. The PHA may deny the request and/or present an alternate accommodation that will still meet the need of the person.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of the PHA or when considering the available resources of the Agency the requested accommodation would pose a severe financial hardship on the PHA.

In determining whether an accommodation would create an undue hardship, the following guidelines will apply:

- The nature and cost of the accommodation needed;
- The overall current financial resources of the facility, or facilities, involved in the provision of the reasonable accommodation; and
- The number of persons currently employed at such facility;
- The number of families likely to currently need such accommodation;
- The effect on expenses and resources, or
- The likely impact on the operation of the facility as a result of the proposed accommodation.

F. FAMILY OUTREACH

The PHA will publicize and disseminate information to make known the availability of housing assistance and related services for low-income families on a regular basis, when appropriate. When the PHA's waiting list is opened, the PHA will publicize the availability and nature of

housing assistance for low-income families in newspapers of general circulation, minority media, and by other suitable means.

To reach persons who do not have access to newspapers, the PHA will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel. The PHA may also utilize public service announcements.

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

G. PRIVACY RIGHTS

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD / PHA will release family information. The PHA's policy regarding release of information is in accordance with State and local laws that may restrict the release of family information.

The PHA will maintain all accommodation records in a confidential manner. Under Federal privacy laws, a PHA is required to keep confidential any personal information about an applicant or tenant, obtained in a confidential manner or from a confidential source.

Per HUD Guidelines Title 24 Code of Federal Regulations (CFR) 5.212 (Compliance with the Privacy Act) the PHA adheres to the following practices and procedures that are designed to safeguard the privacy of applicants and program participants:

- All applicant and participant files will be stored in a secure location, which is only accessible by authorized staff.
- Files will never be left unattended in common areas.
- PHA staff will not discuss family information contained in files unless there is a business reason to do so.
- Staff persons will be required to disclose whether they have relatives living in PHA housing or receiving assistance from PHA housing programs.

H. OWNER OUTREACH

The PHA encourages owners of decent, safe and sanitary housing units to lease to Housing Choice Voucher families. Owners may list their units [for](http://www.shra.org) rent at www.shra.org. New listings received from owners will be compiled according to bedroom size.

The PHA will maintain lists of available housing submitted by owners in all neighborhoods within the PHA's jurisdiction to ensure greater mobility and housing choice to very low-income households. The lists of units will be at www.shra.org.

The staff of the PHA responds to and initiates personal contact with private property owners and managers by conducting meetings, formal and informal discussions. Printed material is offered to acquaint owners and managers with the opportunities available under the program. The PHA may also actively participate in a community-based organization(s) comprised of owners and managers of single family and multi-family rental units.

The PHA encourages program participation by owners of units located outside areas of poverty or minority concentration. The PHA may periodically evaluate the demographic distribution of assisted families to identify these areas. The purpose of these activities is to provide choices and better housing opportunities to families. Voucher holders are informed of areas where they may lease units inside the PHA's jurisdiction. They are given a list of owners or other parties who lease units or help families who desire to live outside areas of poverty or minority concentration. The PHA periodically requests the HUD Field Office to furnish a list of HUD-held, tax credits and HOME properties available for rent.

I. MANAGEMENT ASSESSMENT OBJECTIVES

The PHA operates its housing assistance programs with efficiency and can demonstrate to HUD auditors that the PHA is using its resources in a manner that reflects its commitment to quality and service. The PHA policies and practices are consistent with the goals and objectives of the following HUD SEMAP indicators:

1. Selection from the Waiting List
2. Reasonable Rent
3. Determination of Adjusted Income
4. Utility Allowance Schedule
5. HQS Quality Control Inspections
6. HQS Enforcement
7. Expanding Housing Opportunities
8. FMR / exception rent & Payment Standards
9. Annual Reexaminations
10. Correct Tenant Rent Calculations
11. Pre-Contract HQS Inspections
12. Annual HQS Inspections
13. Lease-up
14. Family Self-Sufficiency Enrollment
 - 14a. Percent of FSS Participants with Escrow Account Balances
15. Bonus Indicator (Deconcentration)

Quality control reviews are performed by PHA Supervisors or other qualified personnel (other than the person who performed the work), as required by HUD, on the following SEMAP factors:

- Selection from the waiting list

- Rent reasonableness
- Determination of adjusted income
- HQS enforcement
- HQS quality control

Samples of files and records will be drawn in an unbiased manner, leaving a clear audit trail. The minimum sample size for review will relate directly to each factor.

J. RECORDS FOR MONITORING PHA PERFORMANCE

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

The PHA acknowledges that its performance ratings are important to sustain its capacity to maintain flexibility and authority. The PHA intends to diligently manage its current program operations and continuously make efforts to be in full compliance with Housing Choice Voucher / Section Eight Management Assessment Program (SEMAP). The policies and procedures of this program are established so the SEMAP standards are demonstrated and can be objectively reviewed by an auditor whose purpose is to evaluate performance.

K. LANGUAGE ASSISTANCE FOR LIMITED ENGLISH PROFICIENCY (LEP) PERSONS

It is the goal of the Housing Authority to be accessible to all residents of its jurisdiction, regardless of race, color, or national origin and provide all families the same high quality customer service regardless of their spoken language. In order to serve limited English proficiency (LEP) families, the Housing Authority has implemented the following activities:

- 1) When the adult members of the family are LEP, staff will show them the *Language Identification Flashcard*, created by the Census Bureau, so the family can identify the language they speak. The Housing Authority will provide translation services as needed.
- 2) The primary language of all LEP families will be identified on the computer, and in their file so appropriate resources can be identified in advance of the family's needing assistance with an appointment.
- 3) When the number of families speaking one non-English language exceeds 5% of the number of program participants, the Housing Authority will translate "important" documents into this language. "Important" is defined as those documents addressing safety, participant rights, participant obligations, or

communication regarding the loss of housing (i.e. eviction or termination of the voucher).

- 4) When the number of families speaking one non-English language exceeds 5% of the number of program participants, the Housing Authority will actively recruit staff that speak, read and write this language.
- 5) The Housing Authority will post signs in public spaces, in languages commonly spoken by LEP families involved with the Housing Authority, informing them that help is available in their primary language.
- 6) The Housing Authority will provide training to current and new staff on an annual basis about the resources available for LEP families and how to utilize these resources for participating families.
- 7) When at least 5% of the population of Sacramento County speak a non-English language, the Housing Authority will ensure that any outreach to the general community (i.e. when a waiting list opens) is done in those languages, in both written and verbal form, including the media.

Translation of Documents

In determining whether or not, it is reasonable to translate documents into other languages; the PHA will consider the following factors:

- Number of families in Sacramento County who do not speak English, and identification of other predominantly spoken languages.
- Evaluation of the need for translation by bi-lingual staff, and by agencies that work with the LEP speaking participants.
- The availability of local organizations to provide translation services for limited or non-English speaking families.

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

INTRODUCTION

This chapter defines both HUD and the PHA's criteria for admission and denial of admission to the program. The policy of this PHA is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply. The PHA staff will review all information provided by the family carefully and without regard to factors other than those referenced in this chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the PHA pertaining to their eligibility.

A. FACTORS AFFECTING ADMISSION [982.201(b)]

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

To be eligible for participation, an applicant must meet HUD's criteria, as well as any additional criteria established by the PHA. Eligibility factors will be verified before the family is issued a voucher.

HUD Factors:

The HUD eligibility criteria are:

- An applicant must be a "family" at admission, as defined in Section B, "Definition of Family".
- An applicant family must be within the appropriate HUD income limits
- An applicant family must furnish Social Security numbers for all family members.
- An applicant family must furnish declaration of citizenship or eligible immigrant status and verification where required.
- At least one member of the applicant family must be either an U.S. citizen or have eligible immigration status before the PHA may provide any financial assistance.
- An applicant family will not be admitted to the program if any member of the family has been evicted from federally assisted housing for serious violation of the lease within the past five years. (Except as referenced in Chapter 15, Section B of this Administrative Plan).
- The applicant family must not be in debt to any federally assisted housing program. The PHA may allow for the family to participant in the Housing Choice Voucher Program if they are in good standing regarding any current payment agreement made with another PHA for a debt incurred.

- The PHA will permanently deny admission to sex offenders who are subject to a lifetime registration requirement under a state sex offender registration program.

Reasons for denial of admission are addressed in the "Denial or Termination of Assistance", Chapter 15 of this Administrative Plan. These reasons for denial constitute additional admission criteria.

PHA Factors:

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

- The applicant family must not have violated any family obligation during a previous participation in a federally assisted housing program for five years prior to final eligibility determination. The PHA may make an exception, if the family member who violated the family obligation is not a current member of the household. The PHA may request the family to provide verifiable documentation.
- The PHA will deny participation in the program to applicants where the PHA determines there is reasonable cause to believe that any family member is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that any family member abuses alcohol in a way that may interfere with the health safety or peaceful enjoyment of the premises by other residents. This includes cases where the PHA determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.
- An applicant family will be denied admission to the program if any member of the family fails to fully complete all required documents, including but not limited to the application and HUD 92006, 986, and 52675 forms after notification by the PHA.
- If any applicant family deliberately misrepresents the information on which eligibility or tenant rent is established, the PHA may deny assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum).
- An applicant family may be denied if any member of the family is on probation or parole for any of the following reasons:
 1. Drug-related criminal activity;
 2. Violent criminal activity;
 3. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
 4. Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent)

- Any applicant who is a current or former conventional public housing resident with SHRA must pay all debts to SHRA before a voucher may be issued.

All applicants to the HCV program must be in "Good Standing". Please see the glossary for a definition of "Good Standing".

An applicant must be in good standing with all other Federal Housing programs in which he or she previously participated. If a debt is owed as a result of participation in any other Federal Housing programs the applicant may be denied assistance. SHRA receives information about applicants' history with other federal programs from the Enterprise Income Verification (EIV) system. If an applicant's participation has been terminated as a result of any violation of a family obligation, they may be rejected for this program. If a family incurred a debt to a previous Federal housing program, SHRA will deny assistance until the family proves that they are in good standing with that program.

Where fingerprinting is not an option, the Housing Authority will ask the prospect to list all past arrests. The PHA may elect to continue to process the prospect if during the application process, a prospect neglects to list a past arrest or conviction, if that arrest or conviction is not for:

- drug related criminal activity, nor
- violent criminal activity, nor
- criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; nor
- Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent).

The PHA will not consider any arrests or convictions that are over five years old provided no other criminal activity has taken place and they are not on probation or parole at the time they are selected from the waitlist.

If a family incurred a debt to SHRA, and has the debt discharged through bankruptcy court, the PHA cannot require them to repay the debt.

Reasons for denial of admission are addressed in the "Denial or Termination of Assistance", Chapter 15 of this Administrative Plan. These reasons for denial constitute additional admission criteria.

Eligibility factors will be verified before the family is admitted to the program.

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

Definition of Family (at application)

All applicants must qualify as a family. A family may be a single person or a group of persons. Discrimination on the basis of familial status is prohibited, and a group of persons may not be denied solely on the basis that blood, marriage or operation of law does not relate them. For occupancy standards purposes, the applicant may claim a spousal relationship. See "Subsidy Standards", Chapter 5 of this Administrative Plan.

The PHA defines a family of persons as two or more persons who intend to share residency, whose income and resources are available to meet the family's needs, and who will live together in subsidized housing. Elderly, disabled, and displaced families are defined by HUD in CFR 5.403.

The term "family" also includes, but is not limited to:

- A family with or without children;
- An elderly family;
- A disabled family;
- A displaced family;
- The remaining member of a participant family;
- A single person who is not elderly, displaced, or a person with disabilities, or the remaining member of a participant family;
- Two or more elderly or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides are a family;
- Two or more near-elderly persons living together, or one or more near-elderly person, living with one or more live-in aide.

The temporary absence of a child from the home due to placement in foster care shall be considered in determining the family composition and family size.

Head of Household

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

Spouse of Head

Spouse means the husband or wife of the head.

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

Co-Head

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

When a prospect lists a co-head on the application, at the time of the application process, SHRA will ask the prospect to define the relationship with the co-head. If the co-head is a spouse or partner, the co-head will be treated the same as a spouse and will not be counted in the bedroom size. If they are anything other than in a spousal relationship, staff will include the co-head in the rest of the bedroom size calculation.

Student Eligibility

Assistance shall be denied to any single Head of Household student who:

- Is enrolled in an institution of higher education;
- Is under 24 years of age;
- Is not a U.S. Veteran;
- Is unmarried;
- Does not have a dependent child;
- Is not individually income eligible and whose parents (individually or jointly) are not income ineligible.

Unless:

- The student is individually income eligible AND resides with parents (individually or jointly) who are income eligible for the program;
- The student is income eligible and has established a household separate from parents or legal guardians at least one year prior to application for occupancy OR the student meets the Department of Education definition of independent student.
- The student is not claimed as a dependent by a parent or a legal guardian pursuant to IRS regulations for a period of one year prior to the application for occupancy.
- The student must obtain a certification which states the amount of financial assistance that will be provided by the parents, signed by the individual providing the support. The certification is required even if no assistance will be provided.

Live-in Aide [(982.316)]

A live-in aide:

- Is determined by the PHA to be essential to the care and well-being of an elderly person, a near-elderly person, or a person with disabilities,
- Is not obligated for the support of the person(s), and
- Would not be living in the unit except to provide care for the person(s).
- May not be a spouse or co-head.
- Must not be in a spousal relationship with any member of the household.
- Must be at least 18 years old, unless they are an emancipated minor.

An existing household member may not be approved as a Live-in Aide.

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

A live-in aide is not considered to be an assisted family member and has no rights or benefits under the program:

- Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
- Live-in aides are not subject to Non-Citizen Rule requirements.
- Live-in aides may not be considered as a remaining member of the tenant family.

A live-in aide may only reside in the unit with the approval of the PHA. Written verification of the need for a live in aid will be required from a reliable, health care professional, such as a doctor, social worker, or caseworker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61 years of age) or disabled. A specific live-in aide may only reside in the unit with the approval of the PHA. The live-in aide will be subject to the Agency's normal screening criteria.

If the live-in aide or their family members participate in drug-related or criminal activity, the PHA will rescind the aide's right to occupy the unit. The aide is not entitled to the grievance hearing process of the PHA.

An individual approved as a live-in aide may not receive a subsidy from any PHA while residing with another HCV program participant as a live-in aide. If an applicant is issued a voucher and is a live-in aide in another HCV participant's household, the live-in aide must be removed from the participant's household prior to the execution of a HAP contract.

A person who owes a debt to any housing authority may not be approved as a live-in aide.

A Live-in Aide has no residual rights to the voucher in the event the head of household or other adult family members cease to participate in the program.

Split Households Prior to Voucher Issuance

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation and both families claim the same placement on the waiting list, if there is no court determination, the PHA will decide which family will receive the voucher taking into consideration:

- Which family member applied as head of household.
- Which family unit retains the children or any disabled or elderly members.
- Recommendations from social service agencies or qualified professionals, such as Children's Protective Services.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families fail to provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by the PHA.

Multiple Families in the Same Household

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

Joint Custody of Children

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

The PHA will require a self-certification of families who claim joint custody or temporary guardianship of children.

When each parent has a separate application on the waiting list and both share equal custody of the child /children, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

Applicants with Non-Biological Minor Children:

An applicant or participant household who wishes to include a non-biological child(ren) must provide documentation they are authorized to act as a guardian to the child(ren). Documentation may include:

1. A notice from the Department of Human Assistance verifying the child is in the home of the applicant/participant;
2. A letter of placement from a foster care or adoption agency; or
3. A notarized letter from the parent of the child stating the applicant/participant has been granted custody of the child; and a letter from each school aged child's

school verifying the address at which the child is registered and the person who is listed as the guardian.

4. A court ordered guardianship order.

If SHRA receives information contradicting documentation provided by the applicant/participant or other parties related to the custody of the child(ren), SHRA may refuse to add the child(ren) to the household until it receives conclusive evidence of guardianship such as letters of guardianship from the courts or a letter from an agency known to provide verification, such as the Department of Human Assistance.

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

To be eligible for assistance, an applicant must:

- Have an annual income at the time of admission that does not exceed the low-income limits for occupancy established by HUD.

To be income eligible, the applicant must be a family in any of the following categories:

- A very low-income family.
- A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 120 days of voucher issuance. Programs include any housing federally assisted under the 1937 Housing Act.
- A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511, or a low-income family displaced by any government activity.
- A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.
- A low-income non-purchasing family residing in a project, subject to a homeownership program, under 24 CFR 248.173.
- A low-income family or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.
- A low-income family that qualifies for Housing Choice Voucher assistance as a non-purchasing family residing in a project that is subject to a resident homeownership program.
- A low-income family part of an inter-program transfer from low-income public housing to the Housing Choice Voucher program for the purpose of participating in the Section 8 Homeownership program.
- A low income family meeting other requirements associated with targeted funding special admissions.
- A low income family eligible for VASH and who needs the voucher as a reasonable accommodation.

Families whose Annual Income exceeds the applicable income limit will be denied admission.

Portability:

For initial lease-up at admission, families who exercise portability must be within the applicable income limit for the jurisdiction of the receiving PHA in which they want to live.

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

All applicants and persons who are later added to the household are required to disclose his/her social security number, with the exception of the following individuals:

- a. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.
 1. A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is **not eligible** for housing assistance and cannot be housed.
 2. A family that consists of two or more household members **and at least one** household member that has eligible immigration status, is classified as a mixed family, and **is eligible** for prorated assistance in accordance with 24 CFR 5.520. The PHA may **not** deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.
- b. Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid.
- c. Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.

SSN Documentation:

Acceptable evidence of the SSN consists of:

- a. An original SSN card issued by SSA;
- b. An original SSA-issued document, which contains the name and SSN of the individual; or
- c. An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

Individuals without an assigned SSN:

Some individuals do not have a SSA-assigned SSN. Below is a listing of such individuals, which is not all-inclusive:

- a. Newborn children (these individuals will be issued a SSN upon SSA confirmation of a birth)
- b. Noncitizens lawfully present in the U.S. (these individuals will be issued a SSN upon SSA confirmation of the individual's DHS documentation or confirmation that the individual is required by law to provide a Social Security number to receive general assistance benefits that they already have qualified for)
- c. Noncitizens unlawfully present in the U.S. (these individuals cannot be assigned a SSN)

The PHA will require citizens and lawfully present noncitizens who state that they have not been assigned a SSN by the SSA, to sign a written declaration of such a status under the penalty of perjury to the PHA. The PHA should maintain the declaration in the tenant file.

The PHA will use the Alternate ID (ALTD ID) generator within the Public and Indian Housing information Center (PIC) to generate a unique identifier for those individuals who do not have or unable to disclose a SSN.

Once an individual discloses a SSN, the PHA will delete the ALT ID, enter the SSN on line 3n of the form HUD-50058, and transmit the form HUD-50058 to HUD within 30 calendar days of receipt of the SSN.

Rejection of Social Security Number Documentation:

The PHA may reject documentation of the SSN provided by the applicant or participant for only the following reasons:

- a. The document is not an original document; or
- b. The original document has been altered, mutilated, or not legible; or
- c. The document appears to be a forged document (i.e. does not appear to be authentic).

The PHA will explain to the applicant or participant, the reason(s) the document is not acceptable and request the individual to obtain acceptable documentation of the SSN and submit it to the PHA within a specified time frame.

Addition of a New Household Member:

When a participant requests to add a new household member, who is at least six years of age or under the age of six and has an assigned SSN, to the family, the participant must disclose the assigned SSN and provide the PHA with the documentation referenced in item 6 of this notice at the time of such request, or at the time of processing the interim or annual reexamination of family income and/or composition. If the family is unable to provide the required documentation of the SSN, the PHA may not add the new household member until the family provides such documentation.

When a participant requests to add a new household member, who is under the age of six and does not have an assigned SSN, the participant must disclose the assigned SSN and provide the PHA with the documentation referenced in Section 6 of this Notice within 90 calendar days of the child being added to the household.

If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, the PHA will grant the family an additional 90-day period to comply with the SSN disclosure and documentation requirement, if the PHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family. Examples include but are not limited to: delayed processing of SSN application by SSA, natural disaster, fire, death in family, etc.

The child is to be included as part of the assisted household and entitled to all the benefits of being a household member during the allotted time for the family to comply with the SSN disclosure and documentation requirements. The PHA should generate an ALT ID as referenced in Section 9 of this Notice. Upon expiration of the provided time period, if the family has not complied with the SSN disclosure and documentation requirements, the PHA must terminate the family's assistance, or both of the entire family

Penalties for Failure to Disclose and/or Provide Documentation of the SSN:

The following penalties apply for noncompliance with the SSN disclosure and documentation requirements:

- a. **Applicants.** The PHA must deny the eligibility of an assistance applicant if s/he (including each member of the household required to disclose his/her SSN) does not disclose a SSN and/or provide documentation of such SSN, within 90 days.

Applicants to the Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program for Homeless Individuals, under 24 CFR 882, may be admitted to the program without providing the requested documentation (prior or at admission), however, the individual must provide the PHA with such documentation within 90 calendar days from the date of admission. The PHA may grant the individual one 90-day extension with Supervisor approval. If upon the expiration of the provided time period, the individual fails to comply with the SSN disclosure and documentation requirements, the PHA must terminate the tenancy or assistance, or both of the individual.

- b. **Participants.** The PHA will terminate the housing assistance of the entire household if each member of the household required to disclose his/her SSN) does not disclose his/her SSN and provide the required documentation.

However, if the family is otherwise eligible for continued assistance the PHA, at its discretion, may defer the family's termination and provide the family an opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date the PHA determined the family noncompliant with the SSN disclosure and documentation requirement, if the PHA determines:

1. The failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside the control of the family; and
2. There is a reasonable likelihood that the family will be able to disclose the SSN and provide such documentation of the SSN by the deadline.

If the family is unable to comply with the requirements by the specified deadline, the PHA must terminate the housing assistance of the entire family.

E. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR Part 5, Subpart E]

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals, who are neither, may elect not to contend their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD.

Citizenship/Eligible Immigration Requirement:

The citizenship or immigration status of each member of the family is considered individually before the family's status is defined.

Mixed Families

A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed". Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

No Eligible Members

An applicant family that does not include at least one U.S. citizen or eligible immigrant is not eligible for assistance. Such families will be denied admission and offered an opportunity for an Informal hearing upon request.

Non-Citizen Students

As defined by HUD's Non-Citizen regulations, non-citizen students are not eligible for assistance. Appeals regarding disputes of citizenship/eligible immigration status are the only type for which the applicant is entitled to a hearing exactly like those provided for participants.

Verification of Status Before Admission

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

F. TENANT SCREENING [24 CFR 982.307]

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

In compliance with the Violence Against Women Act (VAWA), no applicant for the HCV program who has been a victim of domestic violence, dating violence, or stalking shall be denied admission into the program if they are otherwise qualified. (PIH Notice 2006-42). SHRA will provide all applicants and participant information about their rights under the VAWA at the initial program briefing.

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

The owner is responsible for screening families based on their tenancy histories, including such factors as:[24 CFR 982]

- Payment of rent and utility bills
- Caring for a unit and premises
- Respecting the rights of other residents to the peaceful enjoyment of their housing
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others; and
- Compliance with other essential conditions of tenancy.

The PHA must give the owner the following information when requested:

- The family's current and prior address as shown in the PHA's records; and
- The name and address (if known by the PHA) of the owner at the family's current and prior address.

The PHA may offer the owner other information in the PHA's possession concerning the family, including:

- Tenant History
- Damage Claims
- History of Evictions
- Credit History
- Monies owed to a PHA

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

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

Transitions Between Subsidized Housing Programs

At the family's first eligibility appointment, when it is determined that the applicant is participating in another subsidized housing program, staff will advise the family that they will terminate the process if the applicant is not in 'Good Standing.' See glossary for definition of "Good Standing".

Staff will continue to communicate with conventional housing staff as the family proceeds through the process so that only families in "Good Standing: are allowed to move into the HCV program. The move will be coordinated between the staff of both programs so that the family is not a participant of both programs at the same time.

The HCV contract will not begin until the conventional housing lease has been terminated and/or confirmed.

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

Changes in subsidy standard and Total Tenant Payment which occur during the period between issuance of a voucher and prior to lease-up, may affect the family's eligibility or share of the rental payment.

A review and update of the family income and overall eligibility will be completed if necessary when extending an applicant's voucher.

H. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to non-citizen status. See "Complaints and Appeals", Chapter 18 for additional information about reviews and hearings.

Chapter 3

APPLYING FOR ADMISSION [24 CFR 982.204]

INTRODUCTION

The policy of the PHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but the PHA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Plan.

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

When the waiting list is open any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete a pre-application.

When the PHA opens the waiting list, the PHA will advertise through public notice in the following newspapers, minority publications and media entities. (The PHA may announce the opening and closing dates of the waitlist.)

- Local and minority newspapers (such as the Sacramento Bee, the Sacramento Observer, El Hispano or Nichi Bei Times.)
- The PHA will distribute fact sheets to broadcast media and may utilize public service announcements,
- City and County offices, and
- Local community service providers

The notice will contain:

- The dates, times, and the locations where families may obtain an application
- The programs for which applications will be taken
- A brief description of the program limitations, if any, on whom may apply

The notices will be made in an accessible format, if requested. They will provide potential applicants with information that includes the PHA address and telephone number, how to submit an application, information on eligibility requirements, and the availability of local preferences. Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

Closing the Waiting List

The PHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The PHA may open or close the list by local preference category. The PHA may stop applications if there are enough applicants to fill anticipated openings for the next twenty-four months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

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

When the period for accepting applications is over, the PHA will not accept additional pre-applications, nor maintain a list of those who wish to be notified when the waiting list is open.

B. OVERVIEW OF THE APPLICATION PROCESS [24 CFR 982.204(b)]

Applicants may apply to the HCV program during open waitlist periods.

The application process will involve two phases:

- The first is the "initial" application for admission (referred to as a pre-application). This first phase is to determine the placement on the waiting list. Duplicate pre-applications will not be accepted. "Duplicate Pre-Application" is defined in the glossary.
- Pre-applications submitted that meet the income limit may be submitted through a computerized random lottery selection process and placed on the waiting list.
- The assigned lottery number is used to determine the family's placement on the waiting list.
- The second phase is the "final determination of eligibility for admission" (referred as the full application). The full application takes place when the family reaches the top of the waiting list. At this time the PHA ensures that verification of all HUD and PHA eligibility factors are current.
- Pre-applications will not require an interview. The information on the application will not be verified until the applicant has been selected for final eligibility determination. Final eligibility will be determined when the full application process is completed and all information is verified. A confirmation of receipt of pre-application is sent to applicant by first class mail or electronically if the application is completed online.

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

Applicants are required to inform the PHA of changes in family composition, income, address, or preference status in writing within 30 days. Applicants are also required to respond to requests from the PHA to update information on their application, or to determine their interest in assistance.

All changes in income and family size that occur prior to the execution of a Housing Assistance Payment (HAP) Contract will be considered.

D. CHANGE IN APPLICATION STATUS

If the applicant head of household passes away or moves out of the household, the remaining spouse or co-head may retain the position on the waiting list. In the absence of the spouse or co-head, another adult who is on the original application may become the head of household.

SHRA will consider the following when making a decision about who will retain the position on the waitlist or the voucher:

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

E. COMPLETION OF A FULL APPLICATION

Duplicate applications will not be accepted.

All preferences claimed on the pre-application or while the family is on the waiting list will be verified after the family is selected from the waiting list and attends an interview, but prior to determining final eligibility.

The qualification for preference must exist at the time the preference is verified, regardless of the length of time an applicant has been on the waiting list. The claim of a preference is based on current status.

Applicants will be required to complete a full application (including a *Personal Declaration Form*). The applicant will sign and certify that all information is complete and accurate.

The full application may be mailed to the applicant.

Requirement to Attend Interview

The PHA utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information that has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs

of the family by providing information about the application and verification process, as well as to advise the family of other PHA services or programs which may be available.

All adult family members are required to attend the interview, and are required to sign the housing application and authorization forms. Exceptions may be made on a case by case basis; accommodations may be made upon request.

If an applicant does not respond to the initial letter or fails to appear for a scheduled appointment, the PHA will withdraw the applicant from the waitlist. If the applicant contacts the PHA within 10 days of the missed appointment the PHA may reschedule the appointment with "good cause"(as defined in the Glossary of this Admin Plan).

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal review. (See "Complaints and Appeals", Chapter 18 of this Administrative Plan.)

All adult members must sign the HUD Form 9886, Release of Information, the application form and all supplemental forms required by the PHA, the declarations and consents related to citizenship/immigration status and any other documents required by the PHA. Applicants will be required to sign specific verification forms for information, which is not covered, by the HUD form 9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by the PHA.

Every adult household member must sign a 52675 form. This form authorizes the Housing Authority to send and receive rental history information to HUD.

Every adult household member must sign a consent form to release criminal conviction records and to allow PHAs to receive records and use them in accordance with HUD regulations. The PHA may elect to run fingerprints in place of running a County by County record search.

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

If the information is not supplied in this time period, the PHA will provide the family a notification of denial for assistance. (See "Complaints and Appeals", Chapter 18 of this Administrative Plan)

F. VERIFICATION [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures described in "Verification" of this Administrative Plan. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than sixty days old at the time of issuance of the voucher.

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

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

H. TIME OF SELECTION

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

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

Chapter 4
ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST
[24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]

INTRODUCTION

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

This chapter explains the local preferences the PHA has adopted to meet local housing needs, defines the eligibility criteria for the preferences, and explains the PHA's system of applying them.

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

A. WAITING LIST MANAGEMENT [24 CFR 982.204]

Cross-Listing of Different Housing Programs and Housing Choice Voucher

If an applicant family is placed on a waiting list, they shall be given the option to apply for all other Housing Authority-administered housing programs that also have an open waiting list.

Other Housing Assistance

The PHA may not take any of the following actions because an applicant has applied for, received, or refused other housing assistance:

- Refuse to list the applicant on the PHA waiting list for tenant-based assistance;
- Deny any admission preference for which the applicant is currently qualified;

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

When the PHA issues an applicant a Housing Choice Voucher, the applicant's name will be removed from all tenant-based voucher waitlists, but will remain on all other waitlists unless the family makes a written request to withdraw from a particular waitlist.

B. WAITING LIST PREFERENCES [24 CFR 982.207]

The PHA uses a single waiting list for admission to its Housing Choice Voucher program. Site-based list(s) for project-based assistance may be administratively established in accordance with HUD notices and other requirements.

Except for special admissions, applicants will be selected from the PHA waiting list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan.

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

- Applicant name
- Social Security Number
- Date of Birth
- Racial or ethnic designation of the head of household
- Annual (gross) family income
- Targeted program qualifications
- Qualification for any local preference

A preference does not guarantee admission to the program. Preferences are used to establish the order of placement on the waiting list. Every applicant must meet the PHA's selection criteria as defined in this Plan. An applicant's certification that they qualify for a preference will be accepted without verification during their pre-application period. When the family is selected from the waiting list for the determination of eligibility, the preference will be verified at the full application. The family must meet the waitlist preferences at the time the family is selected from the waitlist regardless of the amount of time the family has been on the waitlist.

Local Preferences

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

- (30 points) Displaced by government action preference for families who have been terminated from housing as a result of insufficient funding. These families will be added to the HCV wait list even if the wait list is closed and will be given 30 preference points. Terminated families must submit any changes to their address in writing to ensure they receive notices from the PHA. When funding is available, these families will be selected from the wait list first. Families will be selected to be re-admitted to the HCV program based on their original admission date. Families with the earliest admission dates will be the first to be re-admitted. The PHA will only verify income eligibility and conduct a criminal background check for all adult household members, but will not re-verify preferences for families who have been terminated due to insufficient funding.
- (20 points) Canceled voucher preference for applicant families whose vouchers recalled due to insufficient funding. These families will be returned to the wait list and will be given 20 preference points. Families must submit any changes to their address in writing to ensure they receive notices from the PHA. When funding becomes available the PHA will select families based on their original voucher effective date. Families with the earliest voucher effective date will be the first to be

selected. The PHA will re-verify eligibility and background checks only—not preferences.

- (4 points) Residency preference for families who live, work, or have been hired to work in Sacramento County, or any political subdivision thereof.
- (2 points) Permanently disabled preference for families who have a member with a permanent disability.
- (1 point) Rent burden preference for participants whose rent burden (documented rent and utilities according to applicable or prorated utility allowance schedule) exceeds 50% of gross income.

The PHA will attempt to verify the information provided by the applicant, in order to determine the applicant's qualification for the rent burden preference. In the absence of a rental lease or contract with supporting rent receipts, the PHA will employ one of the following methods, listed in order of preference, to estimate the applicant cost for rent or utilities:

1. Accept the amount the applicant claims to be paying for rent and utilities when there is a written notice from the person from whom they are renting and it is accompanied with cancelled checks, money order receipts or cashier's check stubs;
2. Accept the amount listed on the Housing Need Declaration with supporting payment documentation, including cancelled checks and money order receipts, or cashier's check stubs; or
3. In the absence of all documentation, accept the rental amount to be the established local Fair Market Rent (FMR) for the bedroom size the applicant is renting.

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

C. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION

[24 CFR 982.207]

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the local preference, and will be notified in writing of the determination.

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

Changes in an applicant's circumstances while on the waiting list may affect the family's eligibility for a preference. Applicants are required to notify the PHA, in writing, of relevant changes in their circumstances within 30 days of the change. When an applicant claims an additional preference, the applicant will be placed on the waiting list in the proper order of their newly claimed preference.

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

The waiting list will be purged periodically by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

If an applicant fails to respond within fifteen days of the date of the purge letter, the applicant will be removed from the waiting list. If the purge letter is returned to SHRA by the Post Office, the letter will be maintained in the file. If the applicant contacts SHRA within thirty days from the purge deadline to report a change in address, they will be given the opportunity to update their address and be reinstated. If an applicant is removed from the waiting list for failure to respond after the thirty day grace period, they will not be reinstated.

E. INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year the PHA will reserve seventy-five percent of its Housing Choice Voucher Program new admissions for families whose income does not exceed 30 percent of the area median income (AMI). HUD refers to these families as "extremely low income families." The PHA will admit families who are extremely low income to meet the income-targeting requirement.

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

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

To the extent that the PHA's admission of extremely low income families in the tenant-based assistance program exceeds seventy-five percent of all admissions during the fiscal year, the PHA may choose to admit less than the minimum forty percent of its extremely low-income families in a fiscal year to its public housing program under QHWRA "fungibility provisions."

F. TARGETED FUNDING [24 CFR 982.203]

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

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

If HUD awards a PHA program funding that is targeted for families living in specific units, the PHA will admit these families under a special admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list.

The PHA maintains separate records of these admissions.

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

- A family displaced because of demolition or disposition of a public or Indian housing project;
- A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
- For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
- A family residing in a project covered by a project-based Section 8 HAP contractor near the end of the HAP contract term; and
- A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

Applicants, who are admitted under special admissions, rather than from the waiting list, are identified by codes in the automated system. Examples of this include, but are not limited to:

- the Veterans Affairs Supportive Housing (VASH) program.
- the Designated (DES) housing program for non-elderly disabled families.

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

INTRODUCTION

HUD guidelines require that PHA's establish subsidy standards for the determination of family unit size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used for the unit size selected by the family must be within the minimum unit size requirements of HUD's Housing Quality Standards. This chapter explains the subsidy standards used to determine the voucher size (*family unit size*) for families of different sizes and compositions. This chapter also establishes the guidelines to be applied when a family's size or composition changes or a family selects a unit size that is different from the voucher size.

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

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

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

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

One bedroom will be assigned to the head of household and spouse or co-head, and one bedroom will be assigned for each additional two person.

The subsidy standard will not be increased for additions to the family unless the addition is due to marriage (where there are children, as described below), birth, adoption or court-awarded custody.

A family that consists of a pregnant woman (with no other persons) must be treated as a two person family.

The family unit size for any family consisting of a single person must be either a zero or a one-bedroom unit.

Spousal/Partner Additions

If the household size increases due to the addition of children of a spouse or partner, the subsidy standard will be increased to accommodate minor children as long as the spouse/partner has legal custody, in accordance with this Chapter.

The family is not required to move unless the addition of family members creates an under-housed condition, as defined in the HQS guidelines for determining unit size, as indicated in Section C of this Chapter, "Unit Size Selected".

Adding Additional Members to the Household

All additions except for birth, adoption and court-awarded custody must have the prior approval of the owner and the PHA. Such additions will be subject to verification as outlined in Chapter 2 of this Administrative Plan, "Applicants with Non-Biological Minor Children". Approvable additions may include a:

- Spouse or partner, and their minor children
- Minor who had been part of the assisted household who moved out and is returning to the household
- PHA pre-approved live-in aide
- Mother, father, brother, sister, son, daughter, grandchild or grand- parent to the head or spouse.

The PHA will not approve an addition to the household if the individuals requested to be added does not have one of the relationships to the head or spouse as listed above.

Additions to the family may be approved without increasing the bedroom size unless the addition is due to birth, adoption or court-awarded custody. A request to add additional members to the household will be denied if it causes the family to be under-housed unless the addition is due to a spousal addition, birth, adoption or court-awarded custody. In such cases the family will be issued a voucher for a larger size and will be required to move to a larger unit to eliminate being under-housed due to the additions.

Any minor child requested to be added to the household who is not the biological child of either the Head of Household or Spouse will require documentation that shows the head of household or spouse have authority to make legal decision regarding the child. The types of documentation that may be accepted for this purpose includes:

- Court Documents, for instance Letters of Guardianship
- A notarized letter from the biological parent; and one or more of the following:
 - School verification listing the name and address of the legal guardian or parent
 - Documentation from a Federal or State agency certifying guardianship of the child

Screening of Add-Ons to the Household

Criminal Background screening will be conducted on every person requesting to be added to the household who is 18 years of age or older, or an emancipated minor.

Any person requested to be added to the household who has committed any violent, drug related criminal activity within the last five years, or who is on probation or parole may be denied.

Foster Children

For Applicants: Any foster children or foster adults who are in the home at the time of initial voucher issuance, and who are determined to be in a long-term placement, will be considered as family members in the determination of subsidy size. For the purpose of determining subsidy size, long-term placement is defined as six or more months.

For Participants: A family may request at any time to have foster children or foster adults, the HA will add such members to the family composition, however the addition will not be reflected in subsidy calculation, until they have been verified as being in the household for six months. Before any foster child or foster adult can be added to the household, the owner of the property must have agreed to allow them to reside in their unit.

Any participant or applicant that has foster children or adults will be required to report within 30 days of any foster child or foster adult coming into or leaving the home, just as any change in household composition must be reported within 30 days. They will be required to sign an affidavit noting that they are aware of this requirement.

The PHA may limit the number of foster children that may be added to the household to the voucher size the family currently holds. If adding additional foster children to the household will result in an increase in the voucher size, the PHA may deny the addition.

Child Protective Services

The Agency will work cooperatively with Child Protective Services (CPS) in promoting family reunification. If CPS provides written documentation that the child/children are expected to be reunited with their parents within six months and a reunification plan is established, the Agency will increase the bedroom size in accordance with the Agency's subsidy standard policy. The reunification plan must specify the anticipated date when the children will be reunited and written confirmation must be submitted to the PHA within 30 days of the children's return to the home. Any changes that occur regarding family composition and income must be reported to the PHA immediately.

Incoming Portability

All families exercising portability into the PHA's jurisdiction are subject to the receiving PHA's subsidy standards. The port-in family will be informed if their voucher size is going to change in compliance with the PHA's subsidy standard. The family may elect to cancel their transfer into the PHA's jurisdiction and all portability paperwork will be returned to the initial PHA.

The RA approval granted by the initial PHA does not transfer with the family when the family moves into the PHA jurisdiction.

Reasonable Accommodation Requests:

A person with disabilities may request a reasonable accommodation in any format, verbally, in writing, and in person. The Agency will then provide a copy of the Request for Reasonable Accommodation form to the applicant/participant if appropriate. All requests for exceptions to the subsidy standards as a reasonable accommodation for a person with disabilities must be submitted to the Reasonable Accommodation Committee (RA Committee) of SHRA. The RA Committee will review the family's request and the information from the health care provider and make a decision.

If the reasonable accommodation request is approved, the bedroom size will be increased at an interim recertification, effective the first day of the month following the date of the decision, or the date that the live-in aide passes the background check, whichever comes last.

If the reasonable accommodation request is denied, the applicant is sent a letter regarding the reason for the denial. The applicant may contact staff to discuss alternative modifications and may submit a revised request for a modification.

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

The PHA may grant an exception upon request as an accommodation for persons with disabilities. If an exception to the subsidy standards is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability, the family may complete a "Request for Reasonable Accommodation" form and submit it to PHA staff or speak with their Housing Specialist. The PHA may approve this request, if necessary, after the need is verified by a health care professional.

Live-in Aide and Medical Equipment/Supplies

The RA Committee may approve an additional bedroom for a live-in aide or medical equipment and/or supplies.

The additional bedroom for the live-in aide will be increased after the PHA has confirmed that the live-in aide has passed background screening. A live-in aide will be added to the household the first day of the following month that the Reasonable Accommodation was approved and the background check was passed. An interim recertification will be done to add the live-in aide and an extra bedroom, unless the annual recertification has already been completed for that same effective date. In that case, the annual recertification will be corrected to add the extra bedroom and live in aide.

An additional bedroom will not be approved for multiple aides who provide service to a participant(s) on a rotating or part-time basis. Once approved, the live-in aide must use the subsidized unit as his/her sole and primary place of residence.

An additional bedroom will not be provided for the family of a live-in aide.

An additional bedroom to accommodate the medical equipment and/or supplies will be effective the first day of the month following the month in which the Reasonable Accommodation was approved.

When an additional bedroom has been approved for a Reasonable Accommodation (RA) and SHRA later finds that the room is not being utilized for its intended purpose, the RA approval may be rescinded and the bedroom size may be reduced.

If the PHA becomes aware the approved live-in aide is not residing in the unit, the participant will be given 30 days to identify and obtain approval of another live-in aide. If another live-in aide is not identified and approved within 30 days, the voucher size may be reduced to the size the family would qualify for without a live-in aide.

Approval of Increased Payment Standards [PIH Notice 2013-3]

In accordance PIH Notice 2013-3 PHA may approve a payment standard of not more than 120 percent of the Fair Market Rent (FMR) if required as a reasonable accommodation for a family that includes a person with disabilities.

When making such an approval, the PHA will maintain documentation that the PHA performed the required rent reasonableness analysis and will also maintain documentation that the unit meets the needs of the person with disabilities.

All requests for such an exception must be submitted in writing to the PHA with the reason for such a request, and will be considered by the PHA. Such requests that includes the physical features necessary to provide a reasonable accommodation for a disabled person will be reviewed for consideration prior to an inspection of a unit, and the final approval is subject to the PHA having verified the existence of such features.

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

The family may select a different size dwelling unit than that listed on the Voucher. The amount of assistance is based on the authorized or actual bedroom size, whichever is less. The utility allowance is based on the size of unit actually selected.

Over-housed

At the recertification, if a participant has had a decrease in the family size, the family has the option to be issued a new voucher to relocate or to remain in the unit which they are currently renting and incur the increase in their portion of rent.

If the family chooses to remain in the unit, the subsidy standard will be lowered and the family's rent portion may be increased.

If the family chooses to move, the voucher issued will be for the correct subsidy standard. The tenant portion of rent and the current utility allowance cannot exceed 40% of the family's adjusted income. The PHA rent will be based on the payment standard for the number of bedrooms the family is eligible for or the actual number of bedrooms in the unit, whichever is less. In cases where the gross rent is less than the payment standard, gross rent will be used as the payment standard.

Under-housed

If a unit does not meet HQS space standards due to an increase in family size, (unit too small), the PHA will terminate the current contract and issue a new voucher of the appropriate size as soon as the under-housed situation is identified.

The under-housed status will be determined based on the family's eligible voucher size not the physical size of the unit in which the family resides. For example, if the family is eligible for a 1 bedroom voucher but resides in a three bedroom unit, the maximum number of persons the PHA will allow the family to add to their household is 3 persons plus the voucher holder. Under subsidy standards, up to 4 people may reside in a one bedroom unit.

***HQS GUIDELINES FOR UNIT SIZE SELECTED**

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

Chapter 6
FACTORS RELATED TO TOTAL TENANT PAYMENT AND FAMILY SHARE
DETERMINATION [24 CFR Part 5, Subparts E and F; 24 CFR 982]

INTRODUCTION

An accurate calculation of annual income and adjusted income will ensure that families are not paying more or less rent than their obligation under Federal regulations.

This chapter defines the allowable expenses and deductions to be subtracted from annual income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD Notices and Memoranda. The formula for the calculation of TTP is specific and not subject to interpretation. The PHA's policies in this chapter address those areas, which allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of the TTP.

A. MINIMUM RENT

"Minimum rent" is \$50. Minimum rent is a minimum Total Tenant Payment. A family whose TTP has been set at the minimum rent may receive a utility reimbursement. Families may request an exception to this policy for hardship and a Housing Authority approved form must be completed in order to request a hardship.

Hardship Exemption

When a family requests a financial hardship exemption, the PHA must suspend the minimum rent requirement beginning the first of the month following the family's request. The PHA then determines whether the financial hardship exists and whether the hardship is temporary (expected to last ninety days or less) or long-term.

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent.

Temporary Hardship

If the PHA determines that a qualifying financial hardship is temporary, the PHA must suspend the minimum rent for the 90-day period beginning the first of the month following the date of the family's request for a hardship exemption. HUD requires the PHA to offer a reasonable repayment agreement, on terms and conditions established by the PHA. The PHA also may determine that circumstances have changed and the hardship is now a long-term hardship.

Participants who are approved for a minimum rent or hardship exemption will receive a mandatory income review every ninety days. The PHA may at its discretion run a request a

credit report after ninety days once a participant has been approved for a minimum rent or hardship exception.

Long-Term Hardship

If the PHA determines the financial hardship is long-term, the PHA must exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family's request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

B. INCOME AND ALLOWANCES 24 CFR Part 5

Income includes all monetary amounts, which are received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines what is to be calculated and what is to be excluded in the Federal Regulations. In accordance with this definition, all income that is not specifically excluded in the Regulations is counted.

Annual income is defined as, "The gross amount of income anticipated to be received by the family during the twelve months after certification or recertification." Gross income as per IRS definition is the amount of income prior to any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits.

Adjusted income is defined as the annual income minus any HUD allowable expenses and deductions.

HUD has five allowable deductions from annual income:

- Dependent Allowance: \$480 each for family members (other than the head or spouse) who are minors, and for family members who are 18 and older who are full-time students or who are persons with disabilities.
- Elderly/Persons with Disabilities Allowance: \$400 per family for families whose head or spouse is 62 or over or a person with disabilities.
- Allowable Medical Expenses: Deducted for all family members of an eligible elderly/or the families of persons with disabilities family.
- Child Care Expenses: Deducted for the care of children under thirteen years of age when child care is necessary to allow an adult member to work, attend school, or actively seek employment.
- Allowable Disability Assistance Expenses: Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

C. DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS
MANDATORY EARNED INCOME DISALLOWANCE (MEID) [24 CFR 5.617]

To qualify for the earned income exclusion a family with a member who is a person with disabilities must be receiving tenant-based rental assistance under the Housing Choice Voucher Program and must meet one or more of the following conditions:

- Annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment; or
- Annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or
- Annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any State program for TANF, provided the total amount over a six-month period is at least \$500.

Initial Twelve-Month Exclusion

The annual income for a qualified family member who is a person with disabilities may not be increased as a result of increases in earned income, beginning on the date on which the increase occurred and continuing for a cumulative 12-month period.

If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period, and continued until the disallowance has been applied for a total of 12 months (the initial 12-month full exclusion).

No earned income disallowance will be applied after the 48-month period following the initial date the exclusion was applied.

Second Twelve-Month Exclusion and Phase-in

After the expiration of the initial cumulative 12-month period, the PHA must exclude 50 percent of any increase in income of a family member who is a person with disabilities, from the annual income of a qualified family.

Maximum Four-Year Disallowance

The earned income disallowance is limited to a lifetime 48-month period for each family member who is a person with disabilities. For each family member who is a person with disabilities the disallowance only applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of phase-in exclusion during the 48-month period, starting from the date of the initial exclusion.

The definitions of "Previously Unemployed" and "Economic Self-Sufficiency Program" are available in the glossary of this Administrative Plan.

Amounts to be excluded are any earned income increases of a person with disabilities family member during participation in an economic self-sufficiency or job training program and not increases that occur after participation, unless the training provides assistance, training or mentoring after employment.

The amount of TANF received in the six-month period includes monthly income and such benefits and services as one-time payments, wage subsidies and transportation assistance.

The amount that is subject to the disallowance is the amount of incremental increase in the income of a family member who is a person with disabilities. The incremental increase in income is calculated by comparing the amount of the family member's income before the beginning of qualifying employment or increase in earned income to the amount of such income after the beginning of employment or increase in earned income.

Applicability to Child Care and Disability Assistance Expense Deductions

The amount deducted for child care and disability assistance expenses necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, for families entitled to the earned income disallowance, the amounts of the full and phase-in exclusions from income shall not be used in determining the cap for child care and disability assistance expense deductions.

Tracking the Earned Income Exclusion

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be included in the family's file to show the reason for the reduced increase in rent.

Such documentation may include:

- Date the increase in earned income was reported by the family
- Name of the family member whose earned income increased
- Reason (new employment, participation in job training program, within 6 months after receiving TANF) for the increase in earned income
- Amount of the increase in earned income (amount to be excluded)
- Date the increase in income is first excluded from annual income
- Date(s) earned income ended and resumed during the initial cumulative twelve month period of exclusion (if any)
- Date the family member has received a total of 12 months of the initial exclusion
- Date the twelve-month phase-in period began
- Date(s) earned income ended and resumed during the second cumulative twelve month period (phase-in) of exclusion (if any)
- Ending date of the maximum forty-eight month (four year) disallowance period (forty eight months from the date of the initial earned income disallowance)

- Date the family member has received a total of 12 months of the phase-in exclusion

The PHA will maintain a tracking system to ensure correct application of the earned income disallowance.

Interim reexaminations will not be done for income increases. The initial 12-month exclusion will still begin on the date on which the increase in earned income begins.

Inapplicability at Admission

The earned income disallowance is only applied to determine the annual income of families with a member who is a person with disabilities, who are participants in the Housing Choice Voucher Program, and therefore does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

Applicability for Portability

When a family that is receiving the earned income exclusion at an initial PHA exercises portability into the jurisdiction of the receiving PHA, the earned income exclusion will continue.

D. OCCUPANCY REQUIREMENTS

The PHA must compute all applicable income of every family member, including those who are temporarily absent (see “Temporary Absence of Family Members” below). It is the responsibility of the head of household to report changes in family composition.

Temporary Absence of Family Members

Any member of the household who is away from the unit for less than thirty days will be considered temporarily absent.

Permanent Absence of Family Members

Any member of the household, except full-time students and foster children, will be considered permanently absent if s/he is away from the unit for more than thirty consecutive days in a twelve-month period, except by approved exception.

Minors will be considered permanently absent if they are away from the household for 90 days or more, except for court-awarded custodial arrangement.

If the spouse is out of the residence solely for the purpose of employment, the spouse will not be considered absent and their income will be counted. In such cases the family will be required to provide written verification the spouse is away from the home for the purpose of employment.

Reporting Absences to the PHA

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

If a family member leaves the household, the family must report this change to the PHA, in writing, within 30 days of the change and certify as to whether the member is temporarily absent or permanently absent. The Head of Household may be required to provide supporting documentation that the family member who has left the home has established a separate residence.

The PHA may conduct an interim evaluation for changes, which affect the Total Tenant Payment in accordance with the interim policy.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit (for information on move out notification, please see Chapter 14 of this Administrative Plan). In cases where the family has moved out of the unit, the PHA may terminate assistance in accordance with appropriate termination procedures contained in this Plan.

A family must notify the PHA in advance of their absence from the unit if the family anticipates that they will be gone for more than thirty consecutive days. The PHA may not approve absences of a family from the unit for 60 consecutive days or more, except as described below.

If the entire family is absent from the assisted unit for more than thirty consecutive days, without prior notification to the PHA, the unit will be considered to be vacated. If it is determined that the unit is considered to be vacated, the PHA will, immediately stop any future payments, and may terminate the HAP contract and the family's assistance.

Absences in excess of thirty days must be documented in writing by the family with the PHA. Extended absences do not negate the family's obligations (e.g. to attend appointments, or return paperwork).

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

- Conduct a home visit
- Write letters to the family at the unit
- Telephone the family at the unit
- Interview neighbors
- Contact emergency contacts
- Verify if utilities are in service
- Check with the post office
- Obtain written or verbal verification from the Owner

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive days limit.

If the absence which resulted in termination of assistance was due to a person's disability, and the PHA can verify that the person was unable to notify the PHA in accordance with the family's responsibilities, and if funding is available, the PHA may reinstate the family as an accommodation, if requested by the family.

Absence Due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the PHA will seek advice from a reliable qualified source as to the likelihood and timing of their return.

- If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent.
- If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the PHA's "Absence of Entire Family" policy
- If the verification indicates that the family member will return in less than 120 consecutive days, the family member will not be considered permanently absent.
- In the case where the PHA verifies the family member has been away from the home in excess of 120 days, the PHA will require additional verification from a health care professional requesting verification of the anticipated return date to the home.
- If a household consists of only one family member and that family member has not returned to the home within 30 days from the anticipated return to the home date, the PHA may issue a notice of termination.

Absence Due to Full-time Student Status

Full time students under twenty-four years of age, who attend school away from the home, will be considered as part of the household (for calculating subsidy standards) if they live with the family for more than 183 days in a year.

Absence due to Incarceration

If the sole member is incarcerated for more than 30 consecutive days and does not notify the Housing Authority, s/he will be considered permanently absent and the PHA will stop providing assistance payments. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for thirty consecutive days in accordance with the "Permanent Absence of Family Members" section above.

The PHA will determine if the reason for incarceration is for any drug-related or violent criminal activity or criminal activity that disturbs the peaceful enjoyment of the immediate vicinity and take appropriate action (see "Denial or Termination of Assistance", Chapter 15 of this Administrative Plan.).

If the PHA determines that any family member has been incarcerated for more than 30 days and did not notify the PHA within 30 days of the incarceration date, a termination of the family's assistance may be issued.

If the reason for the absence is due to an incarceration, the family member who was incarcerated may undergo a new criminal background check.

Absence due to Military Service

Absence of the Head of Household or the spouse or partner, due to military service, will be considered a temporary absence.

Absence of Children due to Placement in Foster Care

If the family includes a child or children temporarily absent from the home due to placement in foster care, the PHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than six consecutive months from the date of removal of the children, the Voucher size will be reduced. The family will be required to provide a letter from the foster care agency to the PHA that includes the anticipated return date of the child(ren) in order to be considered for a larger voucher size.

If any children are removed from the home permanently, the voucher size will be reduced in accordance with the PHA's subsidy standards.

Caretaker for Children

If neither head, spouse nor co-head remains in the household and the only remaining member/s of the assisted family is/are minor(s), the PHA may, at its discretion and subject to all eligibility criteria, allocate the former voucher holder's HCV assistance to a person who was not previously part of the assisted family, but who has gained legal custody or guardianship of the minor(s). This person will be subject to all eligibility criteria.

If legal custody or guardianship cannot be established within 60 days of the date the voucher holder left the unit, or if the person obtaining custody or guardianship of the minor/s does not meet program eligibility criteria, the PHA will notify the family residing in the unit that the housing assistance and the HAP contract are being terminated.

Visitors

Any adult or minor child not included on the HUD 50058 who has been in the unit more than 30 consecutive days without PHA approval, or a total of thirty days in a twelve month period, will be considered to be living in the unit as an unauthorized household member. The following items may be considered in demonstration of residence in the assisted household:

- Absence of evidence of any other address will be considered verification that the visitor is a member of the household.
- Statements from neighbors and/or the owner.
- Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary.

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

Examples of acceptable methods of proof that the visitor is not a resident may include a combination of the following items:

- Mail
- address of record given to any Federal, State, or public entity
- lease for current residence
- utility bills
- address of record from employer
- credit report history

In a joint custody arrangement, if the minor is in the household less than one hundred eighty three (183) days per year, the minor will be considered to be an eligible visitor and not a family member. If both parents are participating in the HCV program, only one parent would be able to claim the child for deductions and for determination for the occupancy standards.

Reporting Changes to Owner and PHA

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

The family obligations require the family to request PHA approval to add any other family member as an occupant of the unit and to inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members in writing. . If the family does not obtain prior written approval from the PHA, any person the family has permitted to move in will be considered an unauthorized household member.

If any new family member is added, the income of the additional member will be included in the family income as applicable under HUD regulations. An interim reexamination will be conducted for any additions to the household.

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

E. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER

A spouse or co-head will inherit the voucher in the absence of the Head.

In the absence of a spouse or co-head, a family member may retain the voucher if that member has been part of the household for the past 12 months or has continually been a part of the household throughout the term of assistance.

A household member may inherit the voucher even if they were not part of the original household as long as they have been part of the household for the past 12 months

F. WAGES FROM EMPLOYMENT WITH THE PHA OR RESIDENT ORGANIZATION

Upon employment with the PHA or officially recognized Resident Organization, the full gross amount of employment income received by the person is counted.

The PHA will include all sources of income in the determination of tenant rent except those specifically identified to be excluded in 24 CFR 5.609 or determined to be excluded by HUD during the effective dates of the PHA Administrative Plan.

Amounts \$200.00 or less per month received under a Resident Services Stipend will not be counted in the determination of tenant rent.

Any income received under a Resident Trainee program administered by the PHA will not be counted in the determination of tenant rent.

G. AVERAGING INCOME

When annual income cannot be anticipated for a full twelve months, the PHA will average known sources of income that vary to compute an annual income.

If there are bonuses or overtime, which the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used (If not used in the prior year.). Income from the previous year may be analyzed to determine the amount to anticipate when third party or check-stub verification is not available.

If by averaging an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so the tenant rent will not change from month to month. The method used depends on the regularity, source and type of income.

H. MINIMUM INCOME

There is no minimum income requirement.

Families reporting zero income will be required to complete an interim recertification every 90 days and an income checklist at each interim recertification until the household ceases to report zero income.

The PHA will also require the family to provide written explanation of the sources of funds which are being used to maintain any credit account payments.

Families must provide a written statement regarding their means of basic subsistence, such as food, utilities, transportation, etc.

If the family's expenses exceed their known income, the PHA will make inquiry of the head of household as to the nature of the family's accessible resources.

The PHA may conduct credit checks for all adult members of families that report zero income.

Where credit reports show credit accounts open and payments current, the PHA will take action to investigate the possibility of fraud or program abuse.

I. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME

If a family member is permanently confined to a hospital or nursing home and there is a remaining family member, the PHA will exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses for the confined family member. The remaining family member's voucher size eligibility will be reassessed at the next annual recertification.

J. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609(b)(7)]

Regular contributions and gifts are counted as income for calculation of the Total Tenant Payment. Loans that occur regularly for six months will be considered contributions.

Any contribution or gift has to be reported to the Housing Authority and will be considered a "regular" contribution or gift. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic (more than once a year) contributions or gifts.

If the family's expenses exceed its known income, the PHA will inquire of the family regarding contributions and gifts.

K. ALIMONY AND CHILD SUPPORT [24 CFR 5.609(b)(7)]

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

If the amount of child support or alimony received is less than the amount awarded by the court, the PHA will use the amount awarded by the court unless the family can verify that they are not receiving the full amount and verification of item(s) below are provided.

The PHA will accept verification that the family is receiving an amount less than the award if:

- The PHA receives verification from the agency responsible for enforcement or collection.

or

- The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a certified copy of the divorce decree.

Military Pay Income

Military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) shall be counted as income.

L. LUMP-SUM RECEIPTS [24 CFR 5.609(c)(3)]

Lump-sum additions to family assets, inheritances, deferred employment income, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine the amount of retroactive tenant rent that the family owes as a result of the unreported lump sum receipt, the PHA uses a calculation method which calculates retroactively.

Retroactive Calculation Methodology

The PHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

The PHA will determine the amount of income for each certification period, including the income derived from a lump sum, and recalculate the tenant rent for each certification period to determine the amount due the PHA.

The amount owed "retroactive" is due and payable to the PHA.

The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

M. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS [24 CFR 5.609(b) (3) and 24 CFR 5.603(b)]

Contributions to company retirement/pension funds are handled as follows:

- While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
- After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

N. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE [24 CFR 5.603(b)]

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

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

The PHA's minimum threshold for counting assets disposed of for less than fair market value is \$5000. If the total value of assets disposed of within a two-year period is less than \$5000, they will not be considered an asset.

O. STUDENT INCOME [24 CFR 5.609B (9)]

The student must meet all program eligibility and screening criteria.

Student income applies to any household member who is a full time student, 18 years and over, except for the head of household, spouse, or co-head.

Financial assistance received in the form of Student Grants, financial aide or awards will not be counted as income (this includes the head of household, spouse, or co-head), except for those students who are determined eligible based on the "Student Rule which HUD published as a final rule (FR-5036-F-01), effective January 30, 2006.

Assistance shall be terminated to any single Head of Household student who meets all of the following:

- is a student is enrolled at an institution of higher education
- is under the age of 24;
- is not a veteran;
- is unmarried;
- does not have a dependent child;

- is individually ineligible for section 8 assistance;
- If the student's parents are, individually or jointly, ineligible for assistance.

Any financial assistance received in excess of amounts received for tuition shall be considered income, except amounts received by a person over the age of 23 with dependent children. Financial assistance does not include loan proceeds.

In cases where the student is not considered an "independent student," both the student's and parents' income are considered for eligibility purposes. Independent status must be verified by:

- Obtaining address information sufficient to determine that the student has maintained a separate household for at least one year
- Parents' income tax returns for the past year to determine whether a parent or guardian has claimed the student as a dependent, and
- Written confirmation of the level of support provided by the parents to the student, including no financial assistance. The financial support is considered in determining the income eligibility of the student household.

P. CHILD CARE EXPENSES [24 CFR 5.611, 24 CFR 5.609(c)]

Non-reimbursable childcare expenses for children under thirteen years of age shall be deducted from annual income if they enable a family member to actively seek employment, to be employed, or to further his or her education to comply with Federal Law.

For disabled family members who are children thirteen years of age and older, childcare expenses, which enable a family member to actively seek employment, to be employed, or to further his or her education shall be considered deductible disability expenses.

In the case of a child attending private school, only before or after-hours care can be counted as childcare expenses.

Childcare expenses must be reasonable. Reasonable is determined by what the average allowance expense rates are in the PHA's jurisdiction.

Allowing deductions for childcare expenses is based on the following guidelines:

- Childcare to work: The maximum childcare expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.
- Childcare for school: The number of hours claimed for childcare may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).

- **Amount of Expense:** The PHA may survey the local care providers in the community and other various surveys to determine what is reasonable. The PHA will use the collected data as a guideline. If the hourly rate materially exceeds the guideline, the PHA may calculate the allowance using the guideline.

When the person who is enabled to work is a person with disabilities who receives the earned income disallowance (EID) or a full-time student whose earned income above \$480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the person's earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes \$15,000 but because of the EID only \$5,000 is included in annual income, child care expenses are limited to \$5,000.

SHRA will require the family to provide verification of childcare expenses. Such verification may include but is not limited to:

- Cancelled checks and/or money order receipts from a licensed or unlicensed childcare service; or
- Receipts from a licensed agency providing the childcare service.

Q. MEDICAL EXPENSES [24 CFR 5.611(a)(3)(i)]

To qualify for a deduction, medical expenses must meet two essential criteria:

- Must be anticipated, regular, ongoing expenses that a family expects to pay in the 12 months following examination or reexamination; and,
- Must be un-reimbursed and not covered by an outside source such as insurance.

The medical expense deduction is limited to families whose head, spouse, co-head, or sole member is at least 62 years of age or is a person with disabilities (elderly or disabled families).

If a family qualifies for medical expense deductions then the expenses of all family members are considered.

Medical expenses are expenses anticipated to be incurred during the 12 months following certification or reexamination which are not covered by an outside source such as insurance. The medical allowance is not intended to give a family an allowance equal to last year's expenses, but to anticipate regular ongoing and anticipated expenses during the coming year.

Medical Expenses may include:

- Services of doctors and health care professionals;
- Services of health care facilities;

- Medical insurance premiums;
- Prescription/non-prescription medicines (prescribed by a physician and legible receipts submitted);
- Transportation to treatment (cab fare, bus fare, mileage);
- Dental expenses, eyeglasses, hearing aids, batteries;
- Live-in or periodic medical assistance; and
- Monthly payment on accumulated medical bills (regular monthly payments on a bill that was previously incurred). The allowance may include only the amount expected to be paid in the coming 12 months.

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide. Even if an expense is allowable, in order to be deductible it must be deemed an ongoing expense.

SHRA will require the family to provide verification of expenses. Verification may include but is not limited to print outs and statements from a doctor certifying the anticipation of the medication and/or treatment costs for the next twelve months.

A tenant signed certification of medical expenses will not be accepted as proof of medical expenses.

Special Calculation for Households Eligible for Disability Assistance and Medical Expenses
[HCV Guidebook 5-32]

If an elderly family or disabled family has both medical expenses and disability assistance expenses, a special calculation is required to insure the family's three-percent share of these expenses is applied only one time. Because the allowance for disability assistance expenses is limited by the amount earned by the person free for work, the disability allowance must be calculated before the medical allowance is calculated.

When the family has disability assistance expenses greater than or equal to three percent of annual income, an allowance for disability assistance expenses is computed as described above. In such an instance, the allowance for medical expenses will be equal to the family's total medical expenses.

When a family has disability assistance expenses that are less than three percent (3%) of annual income, the family will receive no allowance for disability assistance expense. However, the allowance for medical expenses will be equal to the amount by which the sum of both disability and medical expenses exceeds three percent of annual income.

If the disability assistance expense exceeds the amount earned by the person who was freed for work, the allowance for disability assistance will be capped at the amount earned by that individual. When the household is also eligible for a medical expense allowance, the three

percent (3%) may have been exhausted in the first calculation it then will not be applied to medical expenses.

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

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

"Mixed" families that were participants on June 19, 1995, and do not qualify for continued assistance must be offered prorated assistance. (See "Recertifications", Chapter 12.) Applicant mixed families are entitled to prorated assistance. Families that become mixed after June 19, 1995, by addition of an ineligible member are entitled to prorated assistance.

Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Calculations for each housing program are performed on the HUD 50058 form.

S. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

See "Recertifications, Chapter 12 of this Administrative Plan.

T. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS
[24 CFR 982.517]

The PHA must review its schedule of utility allowance each year, and must revise its allowances for any category if there is a change of ten 10% or more. The same utility allowance schedule is used for all tenant-based programs.

The utility allowance is intended to cover the cost of utilities not included in the rent. The allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. Allowances are not based on an individual family's actual energy consumption.

The PHA's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards.

The PHA may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.

The PHA must classify utilities in the utility allowance schedule according to the following general categories: space heating, cooking, water heating, water, sewer, trash collection;

refrigerator (for tenant supplied refrigerator), range (cost of tenant-supplied range); and other specified services.

An allowance for tenant-paid air conditioning will be provided in cases where the majority of housing units in the market have central air conditioning or are wired for tenant installed air conditioners.

The PHA will review the utility allowance schedule annually. If the review finds a utility rate has changed by ten percent (10%) or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new utility rate. Revised utility allowances will be applied in a participant family's rent calculation at their next reexamination.

The approved utility allowance schedule is given to families along with their voucher. The utility allowance is based on the actual unit size selected and not the approved voucher size.

Where families provide their own range and refrigerator, the PHA will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance.

When the calculation on the HUD 50058 results in a utility reimbursement payment due the family, the PHA will provide a utility reimbursement payment for the family each month. The check will be made out directly to the tenant.

If the tenant and owner agree to any changes in the lease, such changes must be in writing. In order to change the utility or appliance responsibility, a 60-day written notice must be submitted to the PHA and has to be approved prior to taking effect. Utility responsibility changes take effect the first of the month following the 60 day notice. Once approved by the PHA, a new HAP contract must be issued.

Chapter 7
VERIFICATION

[24 CFR Parts 5, 903, 906 982.516, 982.551 and Notice PIH 2004-18]

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment and Family Share be verified by the PHA. PHA staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not available and why third party verification was impossible to obtain.

Applicants and program participants must provide true and complete information to the PHA whenever information is requested. The PHA's verification requirements are designed to maintain program integrity. This chapter explains the PHA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. The PHA will obtain proper authorization from the family before requesting information from independent sources.

A. METHODS OF VERIFICATION AND TIME ALLOWED

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

- Up Front Verification is income which could be obtained through the Enterprise Income Verification (EIV) system or other system that allows a PHA direct access to verify tenant income. Verifications received by direct electronic access from the source are considered Up Front Verification.
- Third-Party Verification which is a document provided by the tenant from the income provider or source
- Written Third Party Verification which is a written income verification request submitted by the PHA to the income provider or source to verify the income received by the participant
- Oral Third Party Verification which is income verified orally by phone with the income provider or source
- Review of Tenant Supplied Documents
- Tenant Self-Certification

The PHA will allow ten (10) days for return of third-party verifications and allow ten days to obtain other types of verifications before going to the next method. The PHA will document the file as to the reason third-party written or oral verification was not used. For applicants, verifications may not be more than sixty days old at the time of the initial voucher issuance. Documents must not be more than thirty calendar days old at time of receipt.

The PHA will not delay the processing of an application or recertification beyond a reasonable and appropriate time period because a third party information provider does not return the verification in a timely manner.

Upfront Income Verification

Upfront Income Verification (UIV) is the highest level of third party verification.

The PHA uses a HUD required Enterprise Income Verification (EIV) system to verify tenant supplied earned income, Social Security, SSI, and unemployment benefits. If UIV information differs from tenant supplied information by greater than \$200 per month or UIV information does not exist, the PHA must request another form of verification. EIV does not verify earned income, Social Security or SSI for Applicants.

- PHAs are required to use EIV to verify SS/SSI benefits of current participants and household members.
- PHAs will print the EIV Income Report and may use it to calculate the tenant rent. If the tenant provides a more current third party verification from the income provider, the PHA may use the amounts on that verification to calculate the tenant rent. The PHA will use the gross benefit amount to calculate annual income from social security benefits. EIV will not be used to verify employment income.
- If the participant disputes the EIV-reported benefit amount, the PHA will request the tenant to provide a current (dated within the last 60 calendar days) benefit letter, and the PHA will request third party verification from the income source provider. If the participant is unable to conclusively dispute the validity of the information obtained through EIV and the third party source, the income will be attributed to the participant.
- Photocopies of social security checks or bank statements are not acceptable forms of verification for SS/SSI benefits because the dollar amount listed may not be the gross benefit amount.

The PHA will accept verifications delivered by the family as third-party (if they can be verified by other means) from agencies, including but not limited to:

- Social Security Administration.
- Veterans Administration
- Welfare Assistance
- Unemployment Compensation Board
- City or County Courts
- Pharmacy (in regard to prescription drugs)
- A Local, State or Federal Court
- The Work Number
- State Wage/ Income Collection Agency
- TANF

Third-Party Oral Verification

When third-party oral verification is used, staff will be required to complete a Certification of Document Viewed or Person Contacted Form, noting with whom they spoke, the date of the conversation, and the facts provided. If provided by telephone, the PHA must originate the call.

Review of Tenant Supplied Documents

The PHA will utilize documents generated by a third party source provided by the family as the primary source if the documents provide complete information. All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a Certification of Document Viewed or Person Contacted Form or document.

The PHA will accept the following documents from the family provided that the document is such that tampering would be easily noted:

- Printed wage stubs: a minimum of two (2) check stubs are required
- Computer printouts from the employer
- Other documents noted in this chapter as acceptable verification

The PHA may accept faxed documents and photocopies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy that differs by greater than \$100 a month per income source, the PHA will utilize the third party verification.

Tenant Self-Certification

When verification cannot be made through any of the higher forms of verification including upfront or third party, the PHA will require the tenant to complete a written self certification (Affidavit) of income.

Self-certification means a statement written on an Affidavit signed under penalty of perjury. The application or the annual recertification packet may also serve as a form of self-certification as long as all adult household members sign it. The tenant may elect to have a self certification notarized at his or her own expense which will be accepted by the PHA.

The PHA does not require an applicant or participant to have documents notarized or to incur the financial expenses of doing so.

B. RELEASE OF INFORMATION [24 CFR 982.516 AND 982.551, 24 CFR 5.230]

All adult family members will be required to sign the HUD 9886 Release of Information/Privacy Act form and a Sacramento Housing and Redevelopment Agency (SHRA) Authorization for the Release of Information.

In addition, adult family members will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information/Privacy Act Notice.

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

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

C. COMPUTER MATCHING

The PHA may employ computer matching with various local, State and Federal agencies.

D. ITEMS TO BE VERIFIED

The PHA will no longer require verification of fully excluded income such as Food Stamps or Foster Care (PIH 2013-4) unless the family is a Zero Income Household.

The following list includes (but is not limited to) items that must be verified:

- Sources of income not fully excluded according to PIH 2013-4.
- Full-time student status of all students who are eighteen year of age or older.
- Current assets including assets disposed of for less than fair market value in the preceding two years.
- Child care expense where it allows an adult family member to be employed or actively seeking employment to further his/her education.
- Total medical expenses of all family members in households whose head or spouse is elderly or disabled.
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an *adult* family member to be employed.
- Disability for determination of preferences, allowances or deductions.
- U.S. citizenship/eligible immigrant status
- Social security numbers for all family members.
- "Preference" status.
- Familial or Marital status.
- Verification of Reduction in Benefits for Noncompliance

Deleted: The PHA will no longer require verification of fully excluded income such as Food Stamps or Foster Care unless the family is a Zero Income household (PIH 2013-4).¶
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The following list includes (but not limited to) items that will be verified: ¶
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The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

- Legal Identity

The following items are considered acceptable forms of legal identity:

- a. A valid state or federally issued identification or driver license displaying a photo of the individual, for persons at least 18 years or older.
- b. Birth certificates for minors.
- c. Documents including a photo issued by the INS.

- Family Composition

E. VERIFICATION OF INCOME

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

Employment Income

PHA verification forms request the employer to specify the following:

- Dates of employment
- Amount and frequency of pay
- Date of the last pay increase
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months
- Year to date earnings
- Estimated income from overtime, tips, bonus pay expected during the next 12 months

Acceptable methods of verification include, in this order:

- Employment verification form completed by the employer.
- Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings. If check stubs are provided by the tenant, a minimum of two (2) current check stubs are required.
- W-2 forms and income tax return forms.
- Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.
- Credit Checks

Applicants and program participants may be required to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, the PHA will require the most recent Federal income tax statements.

Where doubt regarding income exists, a referral to IRS for confirmation will be made.

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

Acceptable methods of verification include, in this order:

- Upfront Income Verification (UIV) from a third party such as EIV
- Tenant supplied documentation generated from a third party source
- Benefit verification form completed by agency providing the benefits
- Self-certification

Unemployment Compensation

Acceptable methods of verification include, in this order:

- Electronic Upfront Income Verification (UIV)
- Two (2) current consecutive payment stubs or a letter generated from a third party source.
- PHA verification form completed by the unemployment compensation agency. Computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts.

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Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

- Up Front Income Verification (UIV) provided by the Welfare Department
- Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next twelve months.
- Computer-generated list of recipients from Welfare Department.
- PHA verification form completed by payment provider.

Alimony or Child Support Payments

Acceptable methods of verification include:

- Copy of last 2 checks and/or payment stubs from the tenant provided by the Court Trustee. PHA must record the date, amount, and number of the checks.
- Copy of the most current court order
- PHA verification form completed by payment provider.
- Oral verification from the District Attorney Child Support Hotline.

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- Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.
- A written accounting or other statement from a local child support agency.

If payments are irregular, the family must provide:

- A printout directly from the payment source showing the payments over the last twelve months
- PHA verification form completed by parent provider.
- A welfare notice of action showing amounts received by the welfare agency for child support.
- A written statement from an attorney certifying that a collection or enforcement action has been filed.

Net Income from a Business

In order to verify the net income from a business, the PHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next twelve months.

- Schedule C (Small Business)
- Schedule E (Rental Property Income)
- Schedule F (Farm Income)

If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

- Audited or un-audited financial statements of the business.
- Credit report or loan application.
- Documents such as manifests, appointment books, cashbooks, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next twelve months. The family will be advised to maintain these documents in the future if they are not available.
- Family's self-certification as to net income realized from the business during previous years.

Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), the PHA will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person providing care.

If the family has filed a tax return, the family will be required to provide it.
If childcare services were terminated, a third-party verification may be sent to the parent whose child was cared for.

Recurring Gifts

- The family must furnish a self-certification, which contains the following information:
- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household. There will be a review of income every 90 days. Recertifications will be processed for any change in income.

After 120 days of zero reported income, if there is no change in income, the PHA may run a credit report.

Full-time Student Status

Only the first \$480 of the earned income of full-time dependent students will be counted toward family income.

Verification of full-time student status includes written verification from the registrar's office or other school official, indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

Financial assistance does not include loan proceeds.

F. INCOME FROM ASSETS

Acceptable methods of verification include, in this order:

1. Savings Account Interest Income and Dividends

- PHA verification form to be completed by relevant financial institution.
 - Account statements, passbooks, and/or certificates of deposit.
 - Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or broker's oral verification.
 - IRS Form 1099 from the financial institution provided that the PHA must adjust the information to project earnings expected for the next twelve months.
2. Interest Income from Mortgages or Similar Arrangements
- Amortization schedule showing interest for the twelve months following the effective date of the certification or recertification.
 - A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next twelve months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)
 - If the family has filed a tax return they will be required to provide it.
3. Net Rental Income from Property Owned by Family
- IRS Form 1040 with Schedule E (Rental Income).
 - Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
 - Copies of latest rent receipts, leases, or other documentation of rent amounts.

G. VERIFICATION OF ASSETS

Family Assets

The PHA will require the information necessary to determine the current cash value of the family's assets, (the net amount the family would receive if the asset were converted to cash).

Acceptable verification may include any of the following [\(PIH 2013-3\)](#):

- [For assets over \\$5,000 or assets disposed of for less than fair market value in the preceding two years, the family must provide the most current account statement including all pages of account activities provided by the family or the account source.](#)
 - a. [Saving Passbooks, certificates of deposit, bonds, or financial statements completed by a financial institution or broker](#)

- b. Written quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate
 - c. Real estate taxes statements if the approximate current market value can be deducted from assessment
 - d. Copies of closing documents showing the selling price
 - e. Appraisals of personal property held as an investment
- For assets under \$5,000 or accounts closed within the past 12 months, the PHA will accept the family's self-certification. The application or annual recertification packet will be an acceptable form of self-certification as long as all adult household members sign it. The PHA reserves the right to require additional verification as stated below.
 - For assets or cash held at the family's home or in safe deposit boxes, the PHA will accept the family's self-certification.

Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification

For all certifications and recertifications, the PHA will obtain the family's certification as to whether any member has disposed of assets for less than fair market value within the past two years of the effective date of the certification or recertification. The PHA must count assets disposed of for less than fair market value during the two years preceding initial certification or reexamination. The PHA will count the difference between the market value and the actual payment received in calculating total assets. The PHA's minimum threshold for counting assets disposed of for less than fair market value is \$5000. If the total value of assets disposed of within a two-year period is less than \$5000, they will not be considered an asset.

If the family certifies that they have disposed of assets for less than fair market value, verification self-certification is required that shows:

- a. all assets disposed of for less than FMV,
- b. the date they were disposed of,
- c. the amount the family received, and
- d. the market value of the assets at the time of disposition.

Third party verification will be obtained wherever the family cannot supply documentation generated from a third party source.

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

H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

Deleted: ¶ Current and consecutive checking account statements covering three full months of account activity regardless of the account balance provided by the family or a bank provided three months account balance average. ¶
¶ Verification forms, letters, or documents from a financial institution or broker. ¶
¶ Saving Passbooks, certificates of deposit, bonds, or financial statements completed by a financial institution or broker. ¶
¶ Written quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate. ¶
¶ Real estate taxes statements if the approximate current market value can be deducted from assessment. ¶
¶ Copies of closing documents showing the selling price and the distribution of the sales proceeds. ¶
¶ Appraisals of personal property held as an investment. ¶
¶ Family's self-certification describing assets or cash held at the family's home or in safe deposit boxes. ¶

Child Care Expenses

Families must provide certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Written verification from the person who receives the payments is required. If the child care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.

Verifications must specify the child care provider's name, address, telephone number, social security number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Acceptable Forms of childcare expense verification include a Childcare Provider Verification form in addition to one or more of the following:

- Cancelled Checks
- Money Order Receipts
- Receipts from a state licensed childcare provider or center

Medical Expenses

Families, whose head or co-head is elderly or disabled are eligible to claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. One or more of the methods listed below will verify all expense claims:

- Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of: (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
- Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
- Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next twelve months. A computer printout will be accepted.
- For attendant care, a knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes. The PHA may request the attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

- Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next twelve months.
- Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next twelve months.
- Receipts or other record of medical expenses incurred during the past twelve months that can be used to anticipate future medical expenses. PHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.
- The PHA will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.
- Costs for over the counter medications will not be counted in determining medical expenses unless prescribed by a medical professional.
- Cost for transportation to a store will not be counted in determining medical expenses unless receipts can be provided that show the participant obtained medication or treatment prescribed by the physician on the day the transportation cost is being claimed.
- Cost for medical magazines, books or medical buyer club type enrollment will not be counted in determining medical expenses unless prescribed by a doctor.

Assistance to Persons with Disabilities

In All Cases:

- Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.
- Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant Care:

- Certification of family and attendant and/or copies of canceled checks family used to make payments.
- Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.

Auxiliary Apparatus:

- Receipts for purchases or proof of monthly payments and maintenance expenses of or auxiliary apparatus.
- In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

I. VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identity

In order to prevent program abuse, the PHA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- Valid Government issued photo identification card (employment related ID's are unacceptable).
- Certificate of Birth, naturalization papers
- U.S. military discharge (DD 214),
- U.S. Passport
- Department of Human Assistance Identification Card

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- Copy or original Certificate of Birth issued from a bureau of vital statistics
- Naturalization paperwork issued from U.S. Department of State
- Adoption papers
- Custody agreement
- Passport
- Valid state Identification Card or Drivers License

Familial Relationships

Self-certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

The following verifications will be accepted:

1. Verification of relationship:
 - Birth Certificates
 - Baptismal certificates

2. Verification of guardianship:
 - Court-ordered assignment
 - Affidavit of parent
 - Verification from social services agency
 - School records
3. Verification of Marital Status
 - Certificate of Marriage
 - Divorce Decree
 - Court Records

Verification of Permanent Absence of Family Member

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

- Husband or wife institutes divorce action, and proof of another home address.
- Husband or wife institutes legal separation, and proof of another home address.
- Order of protection/restraining order obtained by one family member against another.
- Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement.
- Statements from other agencies such as social services or a written statement from the owner or manager that the adult family member is no longer living at that location.
- If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated.
- If no other proof can be provided, the PHA will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.

Verification of Change in Family Composition

The PHA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, owners, neighbors, credit data, school or DMV records, IRS tax returns and other sources.

Verification of Disability

Verification of disability may be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)) or verified by appropriate diagnostician including but not limited to: physician, psychiatrist, psychologist, therapist, rehabilitation specialist, or licensed social worker, using the HUD language as the verification format. This threshold is not used for determination of reasonable accommodation, (refer to Chapter 1).

Verification of Citizenship/Eligible Immigrant Status

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

The PHA will not require citizens to provide documentation of citizenship.

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

Eligible Immigrants who were Participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The PHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the PHA must request within ten days that the INS conduct a manual search.

Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.

Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide

If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility at the time of initial application.

For family members added after other members have been verified, the verification occurs before the new family member may move in.

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

Extensions of Time to Provide Documents

The PHA will grant an extension of thirty days for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the Bureau of Citizenship and Immigration Service, (formerly INS) for issuance of replacement of any of the above documents that shows individual's eligibility has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

Verification of Social Security Numbers [24 CFR 5.216 and PIH Notice 2010-3]

Social security numbers must be provided as a condition of eligibility for all family members unless they are exempt (which includes those individuals who do not contend to have eligible immigration status, existing program participants who have previously disclosed their SSN and HUD has determined the SSN to be valid, and existing program participants who are 62 years of age or older, and had not previously disclosed a valid SSN). Family members must provide one of the following to verify their social security number:

- a. An original SSN card issued by SSA;
- b. An original SSA-issued document, which contains the name and SSN of the individual;
or
- c. An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

If an applicant does not have a Social Security card, they will have 90 days to provide the social security card. No assistance will be provided until appropriate verification can be produced. If they fail to provide this documentation, the household's eligibility will be denied.

New family members will be required to provide documentation of their social security number also. This information is to be provided at the time the change in family composition is reported to the PHA.

When a participant requests to add a new household member, who is under the age of six and does not have an assigned SSN, the participant must disclose the assigned SSN and provide the PHA with the documentation described above within 90 calendar days of the child being added to the household.

If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, the PHA is required to grant the family an additional 90-day period to comply with the SSN disclosure and documentation requirement, if the PHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family. Examples include but are not limited to: delayed processing of SSN application by SSA, natural disaster, fire, death in family, etc.

The child is to be included as part of the assisted household and entitled to all the benefits of being a household member during the allotted time for the family to comply with the SSN disclosure and documentation requirements. The PHA should generate an ALT ID. Upon expiration of the provided time period, if the family has not complied with the SSN disclosure and documentation requirements, the PHA must terminate the family's tenancy or assistance, or both of the entire family.

The PHA must terminate the assistance of Section 8 program participants (the entire household) and terminate the tenancy of participants (the entire household) if s/he (including each member of the household required to disclose his/her SSN) does not disclose his/her SSN and provide the required documentation.

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

INTRODUCTION

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

A. FUNDING AVAILABILITY

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

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

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

Initial Applicant Briefing

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

The purpose of the briefing is to explain how the program works and to explain the documents in the voucher holder's packet to families so that they are fully informed about the program. This

will enable families to utilize the program to their advantage, and it will prepare them to discuss the benefits of the program with potential owners and property managers.

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

Briefing Packet [24 CFR 982.301(b)]

The documents and information provided in the briefing packet for the voucher program will comply with all HUD requirements. The family is provided with the following information and materials:

- The term of the voucher and the PHA policy for requesting extensions or suspensions of the voucher (referred to as tolling).
- A description of the method used to calculate the housing assistance payment for a family, including how the PHA determines the payment standard for a family; how the PHA determines total tenant payment for a family and information on the payment standard and utility allowance schedule. How the PHA determines the maximum allowable rent for an assisted unit. Where the family may lease a unit. For family that qualifies to lease a unit outside the PHA jurisdiction under portability procedures, the information must include an explanation of how portability works.
- The HUD required tenancy addendum, which must be included in the lease.
- The form the family must use to Request For Tenancy Approval (RFTA), and a description of the procedure for requesting approval for a tenancy.
- The PHA will provide a prospective owner with up to three years of tenant rental history, when available.
- The PHA Subsidy Standards including when and how exceptions are made and how the voucher size relates to the unit size selected.
- The HUD brochure on how to select a unit and the HUD brochure "A Good Place to Live" on how to select a unit that complies with HQS.
- The HUD pamphlet on lead-based paint entitled *Protect Your Family From Lead in Your Home*. Information on Federal, State and local equal opportunity laws and a copy of the housing discrimination complaint form. The PHA will also include the pamphlet "Fair Housing: It's Your Right" and other information about fair housing

laws and guidelines and the phone numbers of the local fair housing agency and the HUD enforcement office.

- Information on how to obtain a list of owners or other parties willing to lease to assisted families or help in the search of known units available for the voucher issued. The list includes owners or other parties who are willing to lease units or help families find units outside areas of poverty or minority concentration.
- If the family includes a person with disabilities, notice that the PHA will provide a list of available accessible units known to the PHA.
- The family obligations under the program.
- The grounds on which the PHA may terminate assistance for a participant family because of family action or failure to act.
- Notification of their rights under Violence Against Women Act (VAWA), which includes the existence of the “Certification of Domestic Violence, Dating Violence, or Stalking” form, HUD-50066, and the right to confidentiality and limits thereof.
- PHA informal hearing procedures including when the PHA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.
- Information packet with an explanation of how portability works, including a list of neighboring housing agencies with the name, address and telephone number for use by families who choose to move under portability.
- A map showing areas representing various income levels of the jurisdiction and surrounding areas for the purpose of expanding housing opportunities for families.
- A list of properties or property management organizations that own or operate housing units outside areas of poverty or minority concentration.
- The family’s rights as a tenant, and a program participant.
- Requirements for reporting changes between annual recertifications.
- A Reasonable Accommodation brochure.
- The Voucher Expiration Notice which notifies the family that they are no longer participants when the voucher expires

If the family includes a person with disabilities, the PHA will ensure compliance with CFR 8.6 to ensure effective communication.

Move Briefing

A move briefing may be held for participants who will be reissued a voucher to move. This briefing includes incoming and outgoing portable participants. The PHA will require a recertification within 120 days of a move. The PHA will perform a recertification before approving a move if the recertification is scheduled within 150 days of the request to move.

Owner Briefing

Briefings are held for owners monthly. The purpose of the briefing is to assure successful owner participation in the program. The briefing covers the responsibilities and roles of the owner, the family, and the PHA.

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

At the briefing, families are encouraged to search for housing in non-impacted areas and the PHA will provide assistance to families who wish to do so.

The PHA has areas of poverty and minority concentration clearly delineated in order to provide families with information and encouragement in seeking housing opportunities outside highly concentrated areas.

The PHA has maps that show areas outside of poverty and minority concentration and has assembled information regarding the characteristics of these areas to use in briefings to inform voucher holders of the full range of areas to search for housing.

The PHA will analyze when voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration.

The assistance provided to such families includes:

- Direct contact with owners;
- Providing information about services in various non-impacted areas;
- Formal or informal discussions with owner groups;
- Formal or informal discussions with social service agencies;
- Meeting with rental referral companies or agencies;
- Meeting with fair housing groups or agencies.

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

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

E. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]

The owner is not required to, but may collect a security deposit from the tenant. Security deposits charged by owners may not exceed two times the rent for an unfurnished apartment or three times the rent for a furnished apartment.

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

F. VOUCHER ISSUANCE [24 CFR 982.204(d), 982.54(d)(2)]

During the briefing session, each household will be issued a voucher that authorizes the family to search for a suitable unit. The voucher is evidence that the PHA has determined the family eligible for the program and plans to subsidize the family if the family selects a unit that can be approved under program requirements. The voucher specifies the unit size for which the family is qualified for and briefly describes how the program works and explains the family obligations under the program. Admission to the program occurs when the lease and contract become effective.

After the issuance of the voucher, the subsidy standard will not be increased for additions to the family except as described in Chapter 5, under the "Exceptions to Subsidy Standards" section of this Administrative Plan.

Term of Voucher [24 CFR 982.303, 982.54(d)(11)]

Vouchers may be issued for a term of 60 days. In the case of Port-Ins, the voucher may be less than 60 days as the voucher expiration date is based on the expiration date of the voucher from the initial PHA. The family must submit a Request for Tenancy Approval and Lease Approval within this period. Please see the VASH Addendum to this Administrative Plan for information about VASH vouchers.

The effective day of the voucher will be the date the family is scheduled for the briefing. The family will be scheduled for a briefing as soon as:

- They give notice of their intent to move to the PHA,
- The recertification has been completed; and,
- All outstanding debts have been paid to the PHA.

The voucher lists the issue date and the expiration date.

Voucher Extensions

The PHA may approve a 30-day extension to the voucher term. All requests for an extension must be received in writing, prior to the expiration of the voucher. Any request received after the voucher has expired may be denied. Any additional extension requires a Supervisor's approval. The PHA may request a copy of the family search record in order to grant any additional extension.

To make the program accessible to a family member who is a person with disabilities additional extension options may be considered.

The PHA, at its discretion, may cease granting voucher extensions for an indefinite period except if necessary as a reasonable accommodation.

Tolling / Suspension of Search Time

The voucher term will be suspended (the clock on the family's voucher is stopped) from the date a Request for Tenancy Approval is received until the PHA approves or denies the request.

If the tenant voids a RFTA, no tolling time will be allowed. Additional time will be given to the family to choose an appropriate size unit following a reasonable accommodation decision.

Expiration of the Voucher

If the family does not turn in a RFTA during the term of the voucher, including any approved suspensions or extension, the voucher expires and the family is no longer eligible to participate in the Housing Choice Voucher program. The family may be mailed a letter informing them their participation in the Housing Choice Voucher program has been terminated when the voucher expired. There are no hearing rights associated with:

- The expiration of the voucher,
- The PHAs refusal to extend the term of the voucher, and
- The PHAs refusal to suspend the term of the voucher.

A family is eligible to find a unit and receive a subsidy until the voucher expires. Once the voucher expires, including any time associated with extensions and/or tolling, they are no longer eligible for rental assistance.

Assistance to Voucher Holders

Families who require additional assistance during their search may call the PHA Office to request assistance. Voucher holders will be notified at their briefing session that the PHA periodically updates the listing of available units and how the updated list may be obtained.

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

G. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS

[24 CFR 982.315]

In those instances when a family assisted under the Section 8 program or an applicant becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance; lacking a determination by a court, the supervisor shall consider the following factors to determine which of the families will continue to be assisted:

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

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

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

Chapter 9
REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION
[24 CFR 982.302]

INTRODUCTION

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

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

A. REQUEST FOR TENANCY APPROVAL [24 CFR 982.302, 982.305(b); 982.508]

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

The RFTA must be signed by both the owner and voucher holder.

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

The PHA will review the Request for Tenancy Approval documents to determine whether or not it is approvable. The request will be approved if:

- The unit is an eligible type of housing;
- The rent to owner is reasonable;
- The RFTA documentation is complete;
- The security deposit is approvable in accordance with State and Local laws;
- The security deposit is approvable in accordance with State and Local laws .
- The proposed lease complies with HUD and PHA requirements (See "Lease Review", Section C of this Chapter);
- The owner is approved, and there are no conflicts of interest (See "Owner Disapproval", Chapter 16 of this Administrative Plan); and
- At the time the PHA approves a tenancy for initial occupancy of a dwelling unit by a family with tenant-based assistance under the program, and where the gross rent of

unit exceeds the applicable payment standard for the family, the family share must not exceed 40 percent (40%) of the family's adjusted monthly income.

Disapproval of RFTA by PHA

If the PHA determines that the request cannot be approved for any reason, the owner and the family will be notified in writing. When a RFTA is not approved and the voucher has not expired, the PHA will furnish another RFTA form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

Disapproval of RFTA by Owner or Participant

If a RFTA is approvable but the participant or the prospective owner elects to void/disapprove the RFTA, then the voiding party is responsible for the notification of all involved parties. The PHA will also send a void confirmation letter to the tenant/landlord.

If a tenant voids the RFTA there will be no tolling time given, and the tenant must search for a new unit within the time remaining on the voucher.

If there is no time remaining on the voucher the tenant is no longer eligible to participate in the program.

B. ELIGIBLE TYPES OF HOUSING [24 CFR 982.353]

The PHA will approve any of the following types of housing:

- All structure types can be utilized.
- Manufactured homes where the tenant leases the mobile home and the pad.
- Manufactured homes where the tenant owns the mobile home and leases the pad.
- Group homes
- Congregate facilities (only the shelter rent is assisted)
- Single room occupancy
- Units owned (but not subsidized) by the PHA (following HUD-prescribed requirements).

A participant can own a rental unit but cannot reside in it while being assisted, except in the case when the participant owns the mobile home and leases the pad. A family may lease in and have an interest in a cooperative housing development. This must be reported as an asset.

The PHA may not permit a voucher holder to lease a unit, which is receiving HUD project-based Housing Choice Voucher assistance or any duplicative rental subsidies.

Owner Interest in Unit

The owner may not reside in the assisted unit regardless of whether (s)he is a member of the assisted family, unless the family owns the mobile home and rents the pad, excluding shared housing; unless the client is a participant in the Homeownership Program.

In determining fraud, the PHA will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

A live-in aide must not have any ownership interest in the unit. If such a person becomes the owner of the unit while s/he is the live-in aide, s/he must cease to be the live-in aide.

C. LEASE AND TENANCY [24 CFR 982.308]

The tenant must have legal capacity to enter a lease under State and local law. If the owner uses a standard lease form for the rental unassisted tenants in the County of Sacramento, the same lease must be used for HCV program units (with the addition of the HUD Tenancy addendum and the PHA's Lease Supplemental Agreement).

The Lease Supplemental Agreement, together with the HUD-prescribed tenancy addendum, will be part of the PHA-approved lease form provided by the Owner, if any, and collectively will be the Lease between Owner and Tenant. In the event of a conflict between the terms and conditions set out in the documents comprising the Lease, the Lease Supplemental Agreement shall supersede any conflicting provisions.

If the owner does not use a standard lease form for rental to unassisted tenants, the owner must use another form of lease, and submit a copy of the lease to the PHA.

The lease and Lease Supplemental Agreement must specify:

- The names of the owner and tenant household members;
- The address of the unit rented.
- The term of the lease.
- The amount of the monthly rent to owner;
- The utilities and appliances to be supplied by the owner;
- The utilities and appliances to be supplied by the family.

The HUD prescribed tenancy addendum must be included in the lease word-for-word before the lease is executed. The PHA may review the lease to determine if the lease complies with State and local law, and may decline to approve the tenancy if the PHA determines that the lease does not comply with State or local law.

Effective September 15, 2000, the owner's lease must include the Lead Warning Statement and disclosure information required by 24 CFR 35.92(b).

Actions Before Lease Term

The following must always be completed prior to the beginning the initial term of the lease for a unit:

- The PHA has inspected the unit and has determined that the unit satisfies HQS;
- The owner and the tenant have executed the lease, including the HUD-prescribed tenancy addendum;
- The tenant must be in possession of the unit and the tenant may not have more than one active HAP contract except as covered in Chapter 13, under the Procedure for Moves section of this Administrative Plan.
- The PHA must have approved leasing of the unit in accordance with program requirements;
- When the gross rent exceeds the applicable payment standard for the family, the PHA must determine that the family share (total family contribution) will not be more than forty percent (40%) of the family's monthly adjusted income.

D. SEPARATE AGREEMENTS

Illegal Side Agreements (Side Payments)

Families and owners will be advised that it is a violation of the terms of the HAP contract to enter into illegal side payment agreements. Illegal side payments may be described as but, are not limited to any payments charged by the owner or accepted from the tenant, in excess of the rent approved on the HAP contract. The family is not liable under the lease for unpaid charges for items covered by separate illegal side agreements and nonpayment of these agreements cannot be cause for eviction.

Separate Agreements Approval by PHA

Owners and families may execute separate agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease if the agreement is in writing and approved by the PHA.

Any appliances, services or other items, which are routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, cannot be put under separate agreement. For there to be a separate agreement, the family must have the option of not utilizing the service, appliance or other item.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they will be allowed.

All agreements for special items or services must be attached to the lease approved by the PHA.

If agreements are entered into at a later date, they must be approved by the PHA and attached to the lease.

E. RENT LIMITATIONS [24 CFR 982.507]

The PHA will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable unassisted unit in the building or premises.

By accepting each monthly housing assistance payment from the PHA, 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 is required to provide the PHA with information requested on rents charged by the owner on the premises or elsewhere.

At all times during the tenancy, the rent to owner may not be more than the most current reasonable rent as determined and approved by the PHA.

F. DISAPPROVAL OF PROPOSED RENT [24 CFR 982.502]

In any of the programs, if the proposed gross rent is not reasonable, at the family's request; the PHA will negotiate with the owner to reduce the rent to a reasonable rent. If, in the voucher program, the rent is not affordable because the family share would be more than forty percent of the family's monthly adjusted income, the PHA may negotiate with the owner to reduce the rent to an affordable rent for the family.

If the rent can be approved after negotiations with the owner, the PHA will continue processing for tenancy approval and lease.

If the owner does not agree on the rent to owner, the PHA will disapprove the RFTA.. (See "Disapproval of RFTA", Section A, of this chapter.)

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

In accordance with HUD requirements, the PHA will furnish prospective owners with the family's current address as shown in the PHA's records and, if known to the PHA, the name and address of the owner at the family's current and prior address.

The PHA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

The PHA will inform owners that it is the responsibility of the owner to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, payment of utility bills, eviction history, respecting the rights of other residents, damage to units, drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

A statement of the PHA's policy on release of information to prospective owners will be included in the briefing packet, which is provided to the family.

Only the designated staff may provide this information. The PHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

H. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE

When the family reports changes in factors that will affect the total family share prior to the effective date of the HAP contract the information will be verified and the total family share will be recalculated. (See Chapter 12, Part B, Interim Changes.)

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

The PHA makes every effort to execute the HAP contract before the commencement of the lease term. The HAP contract may not be executed more than 60 days after commencement of the lease term and no payments will be made until the contract is executed.

The owner must provide:

- a current residential address (not a Post Office box).
- a home telephone number and business number, if applicable.
- an employer identification number or social security number.
- proof of ownership of the property, such as grant deed, certified settlement statement, or letter from title company with date recorded, new owner name & property address.
- a copy of the management agreement, if agent is acting on behalf of owner.

The PHA will not approve a HAP contract to any relative of the tenant who is the property owner (See Owner Disapproval, Chapter 16, of this Administrative Plan) unless the lease was effective prior to June 17, 1998, or the relative owner purchased the home while the tenant resided in unit in accordance with program rules. The PHA may waive this restriction as a reasonable accommodation for a family member who is a person with a disability

J. CHANGE IN UTILITY/ APPLIANCE RESPONSIBILITY (24 CFR 982.308)

If the tenant and owner agree to any changes in the lease, such changes must be in writing. In order to change the utility or appliance responsibility, a 60-day written notice must be submitted to the PHA and has to be approved prior to taking effect. Once approved, a new HAP contract must be issued. No utility/appliance responsibility changes may occur during the first year of the HAP contract.

Tenant-based assistance shall not be continued unless the PHA has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner.

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

INTRODUCTION

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. The Housing Authority requires additional housing standards, which are identified later in this chapter. Housing inspections conducted by the PHA will check for any items in violations of either set of standards. HQS inspections are required both at initial occupancy and during the term of the lease. HQS applies to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract.

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

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

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

All utilities must be in service prior to the inspection. If the utilities are not in service at the time of inspection, the inspector will notify the owner or tenant to have the utilities turned on.

If the tenant is responsible for supplying the stove and/or the refrigerator, the PHA will allow the stove and refrigerator to be placed in the unit after the unit has passed all other HQS. The family and owner must then certify after move-in that the appliances are in the unit and working. The PHA will not conduct a re-inspection.

There are four types of inspections:

1. Initial/Move-in: Will be conducted prior to the initial term of the lease.
2. Annual: Will be conducted within twelve months of the last annual inspection.
3. Special: Will be conducted as needed to determine if the unit meets HQS.
4. Quality Control: Will be to ensure that inspections conducted by the PHA are accurate and complete.

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

Timely Initial HQS Inspection

When a complete Request for Tenancy Approval (RFTA) is received, the PHA will contact the landlord to schedule an inspection appointment within 15 days. The 15 day period is suspended during any period the unit is not available for inspection or the RFTA is not complete or approvable.

The PHA will make every reasonable effort to conduct the initial HQS inspections for the family and owner in a manner that is time-efficient and indicative of good customer service. The PHA will review the average time required for a family and owner to have a unit inspected from the time the RFTA is submitted by the family and owner to the PHA.

The Initial Inspection will be conducted to:

- Determine if the unit and property meet the HQS defined in this Plan.
- Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Housing Quality Standards inspection, the owner will be given up to 10 days to complete repairs and contact the PHA to schedule a re-inspection appointment.

The owner will be allowed a second inspection for repair work to be completed. A third inspection may be authorized only with Supervisor approval and with documentation, such as receipts and photographs, showing that the repair work has been completed.

If the time period given by the PHA to correct the repairs has lapsed, or the maximum number of failed re-inspections has occurred, the RFTA will be voided. A new voucher will be issued to the family with any eligible tolling time and the family must submit the new RFTA before their voucher expiration date.

A passed initial inspection is good for up to 30 days.

If the effective date of the lease and contract is between 30 and 90 days after the unit passed HQS inspection, another inspection is not necessary as long as the owner certifies in writing that:

- 1) The unit has not been occupied since the date the unit passed the HQS inspection; and
- 2) The unit remains in the same rent-ready condition as when it passed HQS inspection.

If the date the unit passed HQS inspection is more than 90 days from the effective date of the lease and contract, the unit must be reinspected before the lease and contract may begin.

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

The PHA inspects each assisted unit annually at least fifteen days before the last annual inspection as required by SEMAP.

If an additional room has been granted as a reasonable accommodation, at the annual inspection, the PHA will verify that the additional bedroom is being used as approved. If the additional bedroom is verified as not being used as intended, the voucher size may be reduced.

“Reasonable Hours to Conduct an Inspection” are defined as the hours between 8:00 a.m. and 5:00 p.m.

Inspections will be conducted only on business days unless authorized by the Assistant Director. Inspection: The family and owner are notified of the date and time of the inspection appointment by mail or phone. If the family is unable to be present, due to a medical appointment or court appearance, the Housing Authority will reschedule the inspection upon receiving written verification of the medical appointment or court appearance. Other requests to reschedule reinspections will only be granted if there are special mitigating circumstances, such as a death in the family. Re-scheduled appointments must be rescheduled so that the inspection is completed within seven days of the date originally scheduled for the inspection.

If the family misses two inspection appointments, the PHA will consider the family to have violated a family obligation and their assistance may be terminated.

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

The owner must correct HQS deficiencies that cause a unit to fail, unless the tenant is responsible for the repairs.

For tenant-caused damages, the tenant must correct the repairs within the specified timeline (See Time Standards for Repairs below). If the tenant fails to complete repairs timely, the PHA will consider the family to have violated a family obligation and their assistance may be terminated.

Re-inspection(s)

The family and owner are provided a notice of the inspection appointment by phone or mail. If the family is not at home for the re-inspection appointment, a notice will be left at the unit and another appointment is automatically scheduled. The appointment letter contains a warning of abatement (in the case of owner responsibility), and a notice of the owner's responsibility to notify the family in case of owner-caused abatement. Program Eligibility may also be jeopardized for missed inspections which the tenant is responsible for.

The family is notified that it is a family obligation to allow the PHA to inspect the unit.

Time Standards for Repairs

Emergency items must be corrected within twenty-four hours of notification.

Repairs for non-emergency items must be made within thirty days of the inspection fail date. An extension beyond the thirty day period may be approved by a Supervisor or Program Manager upon written request from the owner, with verifiable documentation.

Self-Certification By Owner and Tenant of Repairs

Self-Certification of Repairs by Owner and Tenant of Repairs

The Housing Authority may allow owners and tenants to self-certify that repair work has been completed, in lieu of the Housing Authority completing a re-inspection. The owner and tenant both sign a form certifying that the repair items have been completed. The PHA may request proof of repairs to be attached to the form. Proof of repair consists photos, receipts, and work invoices/contracts.

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

Special inspections may be scheduled between anniversary dates. The PHA will notify the family and the owner of the special inspection date and time in writing or by phone.

If, at any time the family or owner notifies the PHA that the unit does not meet Housing Quality Standards, the PHA may conduct an inspection. Before conducting a special inspection for a tenant or owner complaint, the PHA may request verification that the owner or tenant has been notified of the deficiency and has not completed repair within a reasonable time. Reasonable time for non-emergency items is 30 days.

The PHA will consider complaints and any other information brought to the attention of the PHA, including information from third parties such as neighbors or public officials.

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

If the annual inspection due date is within ninety days of a scheduled special inspection, the special inspection will be categorized as annual and all annual procedures will be followed.

A move-out inspection will be performed for Shelter Plus Care and Moderate Rehabilitation units only, at the owner's request.

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

Quality control inspections will be conducted by the Housing Authority staff, and will be based upon the SEMAP defined minimum file sample size.

The purpose of quality control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in the application of the HQS.

Deleted: ¶

Items that may be allowed for annual inspection self-certification of repair, at the Housing Authority's discretion, are listed below: ¶

- ¶
- <#>Refrigerator door gasket¶
- <#> Closet door off track¶
- <#> Cracked outlet or switch plate cover¶
- <#> Window with a small crack that can be repaired with silicone¶
- <#> Street number is not present and/or visible from the street¶
- <#> Loose toilet or dishwasher¶
- <#> Striker plate on door is missing or damaged¶

¶
Other fail items requiring repair may not be self-certified by the owner and tenant and will require re-inspection by the Housing Authority.¶

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

F. SINGLE CYLINDER DEAD BOLT LOCKS

The PHA requires that the owner must install an operable single cylinder dead bolt lock on each main swinging entry door of a dwelling unit. The dead bolt lock must be installed in conformance with manufacturer's specifications. These doors include exterior doors which allow access to the unit. The following swinging doors must have a single cylinder dead bolt lock:

- The front door
- The back door
- The door from the garage to the house
- Any door that allows direct access to the unit

Security doors and screen doors are not main entrance doors. Single cylinder locks installed on security doors do not satisfy the requirement.

G. EMERGENCY REPAIR ITEMS [24 CFR 982.404(a)]

The following items are considered to be emergency repairs and must be corrected by the owner or tenant (whoever is responsible) within twenty-four hours of notice by the PHA:

- Lack of security for the unit
- Severe structural damage (i.e. collapsed ceilings, walls, or floors)
- Major plumbing leaks (i.e. those causing flooding or significant hazards)
- Natural gas leak or fumes
- Electrical problem which could result in shock or fire (i.e. exposed stripped wires)
- No running water
- Shattered glass where someone could be injured
- Lack of a functioning toilet in the unit
- Lack of one working smoke detector per floor

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

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

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

Smoke Detectors [24 CFR 982.401 (n)]

Inoperable smoke detectors are a serious health threat and are treated by the PHA as an emergency (24-hour) fail item.

If the smoke detector is not operating properly the PHA will contact the owner by phone and request the owner to repair the smoke detector within twenty-four hours. The PHA will re-inspect the unit the following business day.

If the PHA determines that the family has disconnected the smoke detector (by removing batteries or other means), the family will be required to repair the smoke detector within twenty-four hours and the PHA will re-inspect the unit the following business day. The PHA will also issue a warning to the tenant for HQS non-compliance.

If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system, designed for hearing-impaired person as specified in NFPA 72 (or successor standards.)

H. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS)

[24 CFR 982.404, 982.453]

When it has been determined that a unit on the program fails to meet Housing Quality Standards, the owner is responsible for completing the necessary repair(s) in the time period specified by the PHA. The PHA must take prompt action to enforce owner obligations. PHA remedies for such breach of the Housing Quality Standards may include abatement of the HAP or termination of the HAP contract.

Abatement

Should circumstances arise which warrant abatement, a notice of abatement of the housing assistance payment will be sent to the owner, and the abatement will be effective the first of the month following the specified correction period. The housing assistance payment will be abated for no more than a period of thirty (30) days at which time the contract will be terminated if the required repairs are not made and verified by the PHA.

If re-inspection is necessary, the PHA will inspect abated units within seven calendar days of the owner's notification that the work has been completed.

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

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

Extensions on Abatements

A PHA supervisor may grant an extension in lieu of abatement in the following cases:

- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
- The repairs must be delayed due to climate conditions.

The extension will be made for a period of time not to exceed thirty days. At the end of that time, if the work is not completed, the PHA will begin the abatement.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the HAP Contract will be terminated. A notice of termination will be mailed to owner and tenant, if tenant is still in unit.

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

Certain HQS deficiencies are considered the responsibility of the family:

- Tenant-paid utilities not in service
- Failure to provide or maintain tenant-supplied appliances
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear ("Normal wear and tear" is defined as items which could not be charged against the tenant's security deposit under State law or court practice).

The owner is responsible for all other HQS violations.

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

The inspector will make a determination of owner or family responsibility during the inspection. If the family is responsible, but the owner carries out the repairs, the owner may bill the family for the cost of the repairs and the family's file will be noted.

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

If non-emergency violations of HQS are determined to be the responsibility of the family, the PHA will require the family to make any repair(s) or corrections within thirty days. The family will be required to make repairs or corrections to tenant-responsible emergency violations within

24 hours. If the repair(s) or correction(s) are not made in this time period, the PHA will terminate assistance to the family, after providing an opportunity for an informal hearing. The owner's rent will not be abated for items which are the family's responsibility.

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

Chapter 11
OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS
[24 CFR 982.502, 982.503, 982.504, 982.505, 982.507]

INTRODUCTION

The PHA will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is the PHA's responsibility to ensure that the rents charged by owners are reasonable based upon unassisted comparables in the rental market, using the criteria specified in 24 CFR 982.507(b).

This chapter explains the PHA's policies for determination of rent-reasonableness, payments to owners, adjustments to the payment standards, and rent adjustments.

A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM
[(24 CFR 982.508)]

All HAP contracts will begin the later of:

- the date the unit passes inspection
- the date the family moves in
- the date the voucher is issued
- the day after the lease-end date of the previous unit

Exceptions may be granted by Supervisor approval. The family will be responsible for any rent prior to the effective date of the HAP contract. The owner will be responsible for collecting any rent owed prior to start date. The rent to owner is limited by rent reasonableness. The PHA must demonstrate that the rent to owner is reasonable in comparison to rent for other comparable unassisted units.

Another limitation on rent to owner is the maximum rent standard at initial occupancy (24 CFR 982.508). At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is a new admission or a move to a different unit, if the gross rent for the unit exceeds the applicable payment standard for the family, the family share may not exceed 40 percent (40%) of the family's monthly adjusted income.

During the initial term of the lease, the owner may not raise the total contract rent amount.

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the HAP contract is executed, the PHA begins processing payments to the owner. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made to the HAP Register for the following month. Payments are disbursed by the Finance Division to the owner each month. Payments may not be picked up by owner at the PHA. Exceptions may be made with the approval of a Supervisor in cases of hardship.