HOUSING AUTHORITY OF THE COUNTY OF SACRAMENTO CALIFORNIA

Housing Choice Voucher Program

Administrative Plan

2027 Draft

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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 PHAs are a Joint Powers Agency ~~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 HCV Program.

Administration of the HCV Program and the functions and responsibilities of 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:

1. Dignity - allowing each applicant and participant a sense of self-esteem;
2. Fairness - remaining objective at all times, remembering that there are two sides to every story;
3. Respect - treating others in a non-judgmental manner; and
4. 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:

1. 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.
2. 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;
3. To encourage self-sufficiency of participant families and assist in the identification of opportunities which address educational and socio-economic needs;
4. To ensure that all units meet Housing Quality Standards (HQS) or National Standards for the Physical Inspection of Real Estate (NSPIRE) standards;
5. To administer an efficient, high-performing PHA through continuous improvement of the PHA's support systems and commitment to its employees, their development, and the maintenance of high standards and professionalism;
6. To administer a housing program which provides an incentive to private property owners to rent to very low-income families;

7. To expand affordable housing opportunities in areas of low poverty concentration;
8. To create positive public awareness and expand the level of family, owner, and community support in accomplishing the PHA's mission;
9. 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, sex, religion, creed, national or ethnic origin, age, familial or marital status, disability, sexual orientation, or gender identity; and
10. To promote a safe environment by denying initial assistance to applicants and continued assistance to participants 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 PHA staff to follow in determining eligibility for admission and continued eligibility. These policies are governed by the requirements of the Department of Housing and Urban Development (HUD) 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 (CFR) in the title of a section or paragraph are intended for reference only, and not to restrict the PHA from setting its own policies, as permitted by law.

The PHA is responsible for complying with all changes in HUD regulations pertaining to its programs. If any changes conflict with this Administrative Plan, HUD regulations will take 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 federal, state or local law. ~~The PHA may opt to implement the Streamlining Administrative Regulations as set forth by PIH 2016-05.~~

The PHA's Commission and/or its other governing bodies will approve any significant amendment to this Administrative Plan.

A significant amendment to the Administrative Plan is defined in the PHA Annual Plan.

The PHA shall implement policies compliant with HUD's final Housing Opportunity Through Modernization Act (HOTMA) upon direction from HUD and access to the revised HUD-50058 in the Housing Information Portal (HIP). Until such time as the HOTMA polices can be implemented, the PHA shall continue to apply pre-HOTMA polices as outlined in the PHA Administrative Plan.

The policies and procedures set forth in this Administrative Plan may be superseded by regulatory changes, delays in implementation, or other regulations set forth by HUD, or other government entities.

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 HCV Program on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, disability, sexual orientation, or gender identity.

To affirmatively further Fair Housing, the PHA is committed to full compliance with applicable civil rights laws, the PHA will provide federal/state/local information to program participants/applicants regarding discrimination and any recourse available to them if they feel they have been discriminated against. Such information will be made available during the family briefing session and placed in briefing packets. It will include information for applicants on how to file a fair housing complaint, including the provision of the toll-free number for the Office of Fair Housing and Equal Opportunity (FHEO), 1-800-669-9777 and the Federal Information Relay Service at 1-800-877-8339. Except as otherwise provided in 24 CFR **§§** 8.21(c)(1), 8.24(a), and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the PHA's facilities are inaccessible to or unusable by persons with disabilities.

Housing information is 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 PHA will provide and review information regarding fair housing rights and responsibilities during family briefing sessions.

E. 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, non-English speaking media, and by other suitable means.

To reach persons who do not have access to newspapers, the PHA will distribute a press release ~~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 and guidelines so they can make proper referrals for housing assistance.

F. PRIVACY RIGHTS

Applicants and participants, including all adults in their households, are required to sign the HUD 9886-A Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD and the 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 at 24 CFR §5.212 (Compliance with the Privacy Act and other requirements), 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 are stored in a secure location, which is only accessible to authorized staff.
- Files are never left unattended in common areas.
- PHA staff will not discuss family information contained in files unless it is related to the enforcement of the program
- PHA staff will be required to disclose whether they have relatives living in PHA housing or receiving assistance from PHA housing programs.
- PHA staff will disclose information to third-party contacts with the proper release of information from the client and with the client's consent.

G. OWNER OUTREACH

The PHA encourages property owners to participate in the HCV Program. Owners may list their units for rent at www.affordablehousing.com

PHA staff 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 highly 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 improved housing opportunities to families. Voucher holders are informed of areas where they may lease units inside the PHA's jurisdiction. Families are given a list of resources to help them locate units outside areas of poverty or minority concentration. The PHA may periodically request the HUD Field Office to furnish a list of HUD-held, tax credits and HOME properties available for rent.

H. SECTION EIGHT MANAGEMENT ASSESSMENT OBJECTIVES

24 CFR 985

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 Section Eight Management Assessment Program (SEMAP) indicators:

1. Selection from the Waiting list
2. Reasonable Rent
3. Determination of Adjusted Income
4. Utility Allowance Schedule
5. Housing Quality Standards (HQS) Quality Control Inspections
6. HQS Enforcement
7. Expanding Housing Opportunities
8. Fair Market Rent (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 (De-concentration)

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:

1. Selection from the waiting list
2. Rent reasonableness
3. Determination of adjusted income
4. HQS enforcement
5. 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.

I. 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. This documentation will be organized in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and or assess the PHA's 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 HCV SEMAP. The PHA's policies and procedures of this HUD program are established so the SEMAP standards are adhered to and can be objectively reviewed by an auditor whose purpose is to evaluate performance.

~~J. LANGUAGE ASSISTANCE FOR LIMITED ENGLISH PROFICIENCY (LEP) PERSONS~~

~~The PHA provides individuals with Limited English Proficiency (LEP) equal access to participation in its programs at the same level as native English speakers. Specific information can be found in Chapter 27: Language Access Plan describing outreach activities and translation of documents to assist families with limited English proficiency.~~

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 adverse decision made by the PHA pertaining to their eligibility.

A. FACTORS AFFECTING ADMISSION

(24 CFR §982.201)

The PHA accepts applications only from families whose head or spouse/partner 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 of this chapter, “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, with the exception of 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.
- 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 either be a 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 a serious violation of the lease within the past three 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 be a 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 give the family 30 days to prove that they have resolved the debt.
- 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 for Denial or Termination of Assistance (24 CFR §982.552):

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

- The PHA may deny admission to the applicant family if they have violated any family obligation during a previous participation in a federally assisted housing program within the three 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 that the family provide verifiable documentation of this fact.
- 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. Mitigating circumstances will be considered in these situations.
- The PHA may deny participation in the program to applicants where the PHA determines 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 alcohol abuse. The PHA will consider alcohol abuse to be a pattern if there is more than one conviction during the previous 18 months. Mitigating circumstances will be considered.
- 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, 9886-A, and 52675 forms after notification by the PHA.
- If any applicant family deliberately misrepresents any 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 has been convicted for any of the following reasons within the last three years:
    1. Drug-related criminal activity (see Criminal Screening Criteria below);
    2. Violent criminal activity (see Criminal Screening Criteria below);
    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 resident must pay all debts to the PHA or be in Good Standing 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".

Criminal Screening Criteria

The PHA conducts background checks for applicants using fingerprinting or other methods. Where fingerprinting is not an option, the PHA will require the applicant to list all past convictions within the last 3 years.

The PHA may deny families for any felony or multiple misdemeanor convictions within the past three (3) years.

The PHA may deny a family if any household member is currently or was recently engaged in certain criminal activity, in accordance with 24 CFR 982.553. The PHA considers criminal activity recent if it resulted in at least one felony conviction or at least three misdemeanor convictions within 3 years prior to the date the application is reviewed by the PHA. Current or recent criminal activity falling under any of the following categories is grounds for denial of the family:

1) Drug related criminal activity,
2) Violent criminal activity,
3) Criminal activity that may threaten the health or safety of property owners, management staff, or other persons performing responsibilities on behalf of the PHA,
4) Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.

The fact that an applicant was arrested for a disqualifying offense shall not be treated or regarded as sufficient proof that the applicant engaged in disqualifying criminal activity. The arrest may, however, trigger an investigation to determine whether the applicant or tenant actually engaged in disqualifying criminal activity. As part of its investigation, the PHA may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. The PHA may also consider any statements made by witnesses or the applicant or tenant not included in the police report; whether criminal charges were filed; whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal; and any other evidence relevant to determining whether or not the applicant or tenant engaged in disqualifying activity.

All families must meet or exceed the tenant selection and suitability criteria set forth in this chapter.

The PHA will not consider any convictions that are more than three years old, provided no other criminal activity has taken place in the interim.

An applicant must be in good standing with all federal housing programs in which he or she previously participated. If a debt is owed to any federal housing programs in which the applicant has participated, he or she may be denied assistance. If participation has been terminated because of any violation of a family obligation, a family may be denied assistance. The PHA receives information about applicants' histories with other federal programs from the Enterprise Income Verification (EIV) system.

If the debt is discharged through bankruptcy, the PHA will not deny future assistance to the family based upon the discharged debt. The fact of the bankruptcy will be treated pursuant to HUD Form-52675.

If the debt is not discharged and remains unpaid, future assistance may be denied. Debt owed information will be maintained in EIV for a period of up to 10 years from the date of termination.

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

Emergency Housing Voucher Restrictions (Notice PIH 2015-15 (HA)

The HCV program regulations at 24 CFR § 982.552 and 24 CFR§982.553 cover the grounds under which a PHA may deny an applicant admission to the program and in certain cases is required to do so. For applicants referred to the Emergency Housing Program 24 CFR §982.552 and CFR§ 982.553 are waived

by HUD. Applicants referred to the Emergency Housing Voucher Program admission will be denied for the following mandatory prohibitions:

(1) The PHA must apply the standards it established under 24 CFR §982.553(a)(1)(ii)(C) that prohibit admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing to EHV applicants.

(2) The PHA must apply the standards it established under 24 CFR §982.553(a)(2)(i) that prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program to EHV applicants.

B. FAMILY COMPOSITION

(24 CFR §982.201)

Definition of Family (at application)

All applicants must qualify as a family. A family may be a single person or a group of persons regardless of actual or perceived sexual orientation, gender identity, or marital status: as defined in 24 CFR §5.403. The family includes all household members except live-in aides, foster children and foster adults.

The term "family" 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;

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

Spouse/Partner of Head

There may only be one spouse/partner in the household. Please see the Glossary for the definition of "spouse/partner."

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/partner or co-head, but not both. A co-head never qualifies as a dependent.

When an applicant lists a co-head on the application, at the time of the application process, the PHA will ask the applicant 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/partner and will not be counted in the bedroom size. If the relationship is anything other than a spousal relationship, staff will include the co-head in the rest of the bedroom size calculation.

Student Eligibility

Students who meet any of the following shall qualify for housing assistance, provided that they meet all other eligibility requirements:

- The individual is 24 years of age or older by December 31 of the award year;
- The individual has legal dependents other than a spouse;
- The individual is a graduate or professional student;
- The individual is a veteran as defined in the Glossary;
- The individual is married;
- The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age of older;
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence;
- He or she is otherwise individually eligible, or has parents who, individually or jointly, are eligible on the basis of income to receive assistance;
- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 United States Code [USC] §11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by— (i) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act; (ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director; (iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or (iv) a financial aid administrator;
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

For single-member student households, any financial assistance received in excess of amounts received for tuition and fees shall be considered income. Financial assistance does not include loan proceeds since loans are debts that must be repaid by the borrower.

In cases where the student is not considered an "independent student," (Federal Register-5969-N-01) both the student's and parents' income are considered for eligibility/recertification purposes. Once the student has been determined Final Eligible for the HCV Program and the parents are not part of the household, any financial assistance received in excess of tuition and fees shall be considered income. Financial assistance does not include loan proceeds since loans are debts that must be repaid by the borrower.

Independent status must be verified by:

- Reviewing and verifying previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education's definition of ''independent student''
- Reviewing a student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of ''independent student''; and
- (3) Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income.

Live-in Aides (24 CFR §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/partner or co-head,
- Must not be in a spousal relationship with any member of the household, and
- Must be at least 18 years old, unless he or she is an emancipated minor.

An existing household member may not be approved as a Live-in Aide. A previously removed household member returning as a Live-In Aide must provide verification of current residency at a location other than the assisted unit before they can be approved as a Live-in Aide.

A Live-In Aide may have a spouse/partner and/or children added to the unit with PHA approval as long as they continue to meet occupancy standards. The bedroom size will not increase for the Live-In Aide spouse/partner and/or children.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements of a 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, to include the spouse/partner and children of the Live-In Aide, are not considered a "remaining member" of the tenant family and have no rights to the voucher. For example, if the head of household is the only assisted member and he or she dies, the live-in aide will not "inherit" the voucher and will have no rights to the voucher or to other assistance from the PHA. Further, in such instances, should the live-in aide wish to remain in the assisted unit after the death of the HCV participant, he or she will become responsible for the full amount of the rent since live-in aides are not entitled to continue to receive voucher benefits under the program.
- 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 (e.g., if the participant family is terminated from the program).

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 aide will be required. ~~from a doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly (62 years of age or over), 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 PHA's normal screening criteria and the PHA may deny the live-in aide if he or she fails to meet such criteria.

After a reasonable accommodation (RA) request for a live-in aide is approved by the Reasonable Accommodation Compliance Committee (RACC), the RACC will send the family a letter. This letter will inform the family that they must submit a written request to add a live-in aide within 120 days of the approval letter. If the family fails to identify a prospective live-in aide this 120-day time period, the request will become void. If the family still requires the accommodation of a live-in aide, they must restart the process by submitting a new RA request for a live-in aide.

~~If the live-in aide or his or her family members participate in drug-related or other criminal activity, the PHA will rescind the aide's right to occupy the unit. The aide will not be entitled to the PHA's grievance hearing process since he or she is not a HCV program participant.~~

If the live-in aide or any member of the live-in aide's family engages in drug-related or other criminal activity in the subsidized unit or around the neighborhood, or in threatening, abusive, or violent behavior toward PHA personnel or contractors, the PHA will revoke the live-in aide's authorization to reside in the unit. Because the live-in aide is not a participant in the HCV program, the live-in aide is not entitled to the PHA's grievance hearing process.

An individual approved as a live-in aide may not be a participant of any subsidized PHA program or receive a subsidy or benefit 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 Housing Assistance Payment (HAP) contract.

Split ~~Households~~ Families Prior to Voucher Issuance

When an applicant 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 with regard to custody of minor children or other issues around family composition (e.g. conservatorship of an aged and/or disabled adult household member), the PHA will decide which family will receive the voucher by taking into consideration:

- Which family member applied as head of household,
- Which family unit retains care, custody and control of any children or any disabled or elderly members, and
- Recommendations from social service agencies or qualified professionals, such as Child Protective Services (CPS) caseworkers or court investigators.

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 with one application ~~as a family unit,~~ they will be treated as a single household. ~~family unit~~.

Joint Custody of Children

Children who are subject to a joint physical 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; these 183 days do not have to run consecutively.

When each parent has a separate application on the waiting list and both share equal physical (50/50) custody of the child(ren) ~~or children~~, the parent whose address is listed on the child(ren) ~~or children's~~ school records will be allowed to claim the school-aged child(ren) on their household composition. ~~as a dependent~~.

To determine which parent may claim a non-school aged child(ren) on their household composition, the PHA may require additional verification.

Applicants with Non-Biological Minor Children

An applicant household who wishes to include a non-biological child(ren) must provide documentation verifying ~~proving~~ they ~~have~~ are authorized to act as a guardian to the child(ren). Documentation may include but is ~~are~~ not limited to:

- Court-ordered letters of guardianship;
- A notice from the county welfare department verifying that the child is in the home of the applicant;
- A letter of placement from a foster care or adoption agency;
- A notarized letter from the parent of the child stating that the applicant has ~~been granted custody~~ a guardianship arrangement of the child(ren);
- Documentation from the child's elementary, junior or high school verifying the address at which the child is registered and the name of the individual who is listed as the guardian; or
- Other verifiable documents which establish the child as a member of the household.

If guardianship arrangement of the child(ren) is temporary, the applicant must disclose the duration of custody.

If the PHA receives contradictory information or documentation related to the custody of the child(ren), it may refuse to add the child(ren) to the household until it receives conclusive evidence of custody or guardianship. Documentation may include letters of guardianship issued by the courts or a letter from an agency known to provide verification, such as the Department of Human Assistance (DHA).

C. INCOME LIMITATIONS

(24 CFR §§982.201, 982.353)

To be eligible for assistance, at the time of application, an applicant's annual income may not ~~must have an annual income at the time of admission that does not~~ exceed the ~~very low~~ income limits for occupancy established by HUD.

Income eligibility criteria

1. A very low-income family.
2. 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.
3. A low-income family physically displaced by rental rehabilitation activity, or a low-income family displaced by any government activity.
4. A low-income, non-purchasing family residing in a HOPE 1 or HOPE 2 project.
5. A low-income, non-purchasing family residing in a project, subject to a home-ownership program under 24 CFR Part 248.173.
6. 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.
7. A low-income family that qualifies for HCV assistance as a non-purchasing family residing in a project that is subject to a resident homeownership program.
8. A low-income family part of an inter-program transfer from low-income public housing to the HCV Program for the purpose of participating in the Section 8 Homeownership program.
9. A low-income family meeting other requirements associated with targeted funding for special admissions.
10. A low-income family eligible for Veterans Affairs Supportive Housing (VASH).

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

Portability

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

Nonresident applicants may be denied a move under portability for 12 months from the time the family is admitted to the HCV program. This restriction applies only if neither the head of household nor spouse of an assisted family already lived in the jurisdiction of the PHA at the time of initial application.

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 their social security numbers (SSN), with the exception of the following individuals:

1. 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.
2. 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.
3. A family that consists of two or more household members and at least one household member with 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 a SSN by an individual who does not contend to have eligible immigration status.
4. Existing program participants ~~as of January 31, 2010~~, who have previously disclosed their SSN and HUD has determined the SSN to be valid.

5. 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:

- An original SSN card issued by Social Security Administration (SSA);
- An original SSA-issued document, which contains the name and SSN of the individual; or
- An online printout from the SSA website; or
- 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 an Social Security Administration (SSA)-assigned SSN. Below is a listing of such individuals, which is not all-inclusive:

- Newborn children (these individuals will be issued an SSN upon SSA confirmation of a birth);
- Non-citizens lawfully present in the U.S. (these individuals will be issued a SSN upon SSA's confirmation of the individual's Department of Homeland Security (DHS) /U.S. Citizenship and Immigration Services (USCIS) documentation or confirmation that the individual is required by law to provide a Social Security number to receive general assistance (GA) benefits they already have qualified for);
- Non-citizens unlawfully present in the U.S. (these individuals cannot be assigned a SSN);
- The PHA will require citizens and lawfully present non-citizens 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 (ALT~~D~~ ID) generator within the Public and Indian Housing Information Center (PIC) to generate a unique identifier for those individuals who do not have or are unable to disclose a SSN.
- Once an individual discloses a SSN, the PHA will delete the ALT ID~~,~~ and 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:

- The document is not an original document; or
- The original document has been altered, mutilated, or not legible; or
- The document appears to be a forged or fraudulent 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 six years of age or under~~ and has an assigned SSN, ~~to the family,~~ the participant must disclose the assigned SSN and provide the PHA with the documentation 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 who does not have an assigned SSN, the participant must disclose that a SSN has not yet been assigned and agree to provide the PHA with appropriate documentation within 90 calendar days of the child being added to the household.

If the family is unable to 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 for the child. 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 assistance of the entire family.

If a minor under the age of six is added to the applicant's household prior to lease up~~, within a six-month period prior to the household's date of admission to the program,~~ the applicant may become a participant, so long as the minor child's SSN is received within 90 days of the admission to the program.

If the PHA determines, at its discretion, that the applicant family could not supply the Social Security documentation through no fault of their own, it will grant the applicant family an additional 90 days to provide documentation of the SSN for the minor child. If the family fails to supply the required documentation at the end of the given time frame (90 or 180 days), the ~~applicant or~~ participant family will be removed from the program and will be offered an informal hearing review (IHR) ~~if they are still an applicant or an informal hearing if they are a participant family~~.

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

An applicant family must furnish SSNs for all family members, with the exception of those individuals who do not 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.

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

- **Applicants:** The PHA must deny the eligibility of an 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, except for minors under the age of six as set forth above.
- ~~**Applicants to the Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program for Homeless Individuals, under 24 CFR Part 882**: These individuals may be admitted to the program without providing the requested documentation (prior to or at admission); however, they must provide the PHA with such documentation within 90 calendar days from the date of admission. The PHA may grant these individuals one 90-day extension with supervisor approval. If, upon the expiration of the allotted time period, these individuals fail to comply with the SSN~~

~~disclosure and documentation requirements, the PHA must terminate their tenancy or assistance, or both.~~

- **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 with an opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date the PHA determined the family is not in compliance with the SSN disclosure and documentation requirement~~., if the PHA determines:~~

- ~~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~~
- ~~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, family members must be U.S. citizens or eligible immigrants. Individuals who are neither may elect to not disclose their statuses. 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 United States citizen or eligible immigrant. Families that include eligible and ineligible individuals are referred to as "mixed" families or households. 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 to which the applicant is entitled to a hearing like those provided for participants.

Verification of Status before Admission

The PHA will not provide assistance to any 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 for family behavior or suitability for tenancy. The PHA will not be liable or responsible to the owner of a rental property 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, sexual assault, dating violence, or stalking shall be denied admission to the program if they are otherwise qualified. However, applicants who fall into this category may be denied admission to the program based on other disqualifying information. (HUD PIH Notice 2017-08.). The PHA will provide all applicants and participants information about their rights under VAWA in the application.

The landlord (owner) or property management company is responsible for screening and selection of the family to occupy the owner's unit. At or before the PHA's approval of the tenancy, the PHA will inform the owner or property manager that screening and selection for tenancy is their responsibility.

The PHA will advise families on how to file a complaint if they feel they have been discriminated against by an owner or property manager. 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 Agency.

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 the PHA will terminate the application 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 admission to 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 the termination confirmed.

If the applicant is associated with more than one subsidized unit, the Agency will ask the family to sign an affidavit stating that the family understands that they cannot be a party to two different subsidized units at the same time and that they must relinquish their current unit in order to participate in the new program.

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

Changes in subsidy standard and Total Tenant Payment (TTP) that occur during the period between issuance of a voucher and prior to lease-up with the approved rental unit may affect the family's eligibility or share of the rental payment. The PHA, at its discretion, may take a voucher back when a change in a family's household occurs in order to re-determine the correct voucher size. The family will be given no less than 60 days of search time with the corrected voucher size.

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 are denied due to non-citizen status. See the "Complaints and Appeals," section in 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 manner. This chapter describes the policies and procedures for completing a pre-application, an 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. Pre-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 an HCV waiting list is open, any family requesting placement on an HCV waiting list will be given the opportunity to complete a pre-application.

When the PHA opens the waiting list, the PHA must announce the opening of the waiting list. The PHA will advertise through local and non-English speaking media.

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 a pre-application or how to sign up online;
- The programs for which pre-applications will be taken; and
- A brief description of the program limitations, if any, on who may apply.

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

The PHA may also provide information about the opening and closing of its waiting lists on its websites, www.shra.org and/or www.sacwaitlist.com.

Upon request from a person with a disability, additional time can be granted as a reasonable accommodation for submission of a pre-application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit a pre-application in cases when a social service organization provides inaccurate or untimely information about the closing date or some other factor related to their disability prevents them from timely submitting the pre-application.

The waiting list may remain open for specific preferences (ie, Limited Homeless Allocation Preference and Move On Preference) even when the waiting list is closed. This information will be posted and updated at www.shra.org for families seeking housing assistance

Closing the Waiting list

The PHA, at its discretion, may restrict and/or suspend pre-application intake or close waiting lists in whole or in part. The PHA may open or close the list by local preference category or by bedroom size. The PHA may stop pre-applications if there are enough pre-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 posting the closing date on www.shra.org and/or www.sacwaitlist.com. When the period for accepting pre-applications is over, the PHA will not accept additional pre-applications or maintain a list of those who wish to be notified when the waiting list is open as this would be administratively burdensome to the PHA.

TENANT BASED WAITING LIST

Note: Project-Based Vouchers are discussed in Chapter 21.

B. ADMINISTRATION OF THE WAITING LIST

(24 CFR §982.204(b))

Pre-applicants may apply to the HCV program during open waiting list periods ONLY. A single waiting list is utilized for admission to the tenant-based voucher program.

The application process will involve two phases:

1) The first is the pre-application for admission. This first phase is to determine placement on the waiting list. Duplicate pre-applications will not be accepted. "Duplicate Pre-Application" is defined in the glossary. It will not benefit applicants to submit multiple pre-applications (i.e. this does not improve the chances of being selected).

2) Selection from the Tenant-Based Voucher Waiting list:
   a. Pre-applications submitted for the Tenant-Based Voucher Waiting list that meet the income limit will be drawn through a computerized random lottery selection process and placed on the waiting list.
   b. The assigned lottery number is used to determine the family's placement on the waiting list. Again, the submission of multiple pre-applications will not increase the chances of being placed on the waiting list.

3) The next phase is the "final determination of eligibility for admission." The full two-part application takes place when the family or individual pre-applicant reaches the top of the waiting list. At this time the PHA will ensure that verification of all HUD and PHA eligibility factors are current and accurate.

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

C. PRE-APPLICANT STATUS WHILE ON THE WAITING LIST

(24 CFR §982.204)

Pre-applicants are required to inform the PHA of any changes in family composition, income, address, or preference status within 30 days of the change by going to www.sacwaitlist.com to update the information submitted on the pre-application. Changes submitted in writing will still be accepted. Pre-applicants are also required to respond to requests from the PHA to update information on their pre-applications, or to determine their continued interest in assistance. It is important that pre-applicants keep the PHA informed of any changes in the information submitted at the pre-application stage. Pre-applicants must notify the PHA if they move or any other circumstances that might affect their pre-application change. It is not the responsibility of the PHA to keep address or any other pre-application information current. This is the responsibility of the pre-applicant.

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

The PHA will process pre-applications for families for waiting lists for which funding and vouchers are available.

D. CHANGE IN PRE-APPLICATION STATUS

If the pre-applicant head of household passes away or moves out of the household, the remaining spouse/partner or co-head may retain the household's position on the waiting list. In the absence of the spouse/partner or co-head, another adult who is on the original pre-application may become the head of household. It is the responsibility of the spouse/partner, co-head, or another adult who is on the original pre-application to provide any such information to the PHA.

The PHA will consider all the following when deciding who will retain the position on the waiting list or the voucher:

1. Remaining member who has custody of any dependent children.
2. The composition of the new family unit, and which unit contains elderly or disabled members.
3. Whether domestic violence was involved in the breakup.
4. Which family members remain in the unit.
5. Recommendations of social service professionals.

E. COMPLETION OF APPLICATION

Once a family is selected from a waiting list, they are mailed an initial letter and application. They transition from a pre-applicant to an applicant once they respond to either the letter or 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, but prior to determining final eligibility. Therefore, it is important that applicant families notify the PHA of any changes that would affect the preferences contained in their pre-application (e.g. moving out of Sacramento County, change in rent burden due to increased income, etc.).

The qualification for a preference must exist at the time the preference is verified, regardless of the length of time a pre-applicant has been on the waiting list. The claim of a preference is based on current status. If the family fails to meet any preference that they claimed on the pre-application, they will be returned to the

waiting list unless they are not selected for the preference. If applicants are returned to the waiting list, they will not have the right to request an informal review of this action.

Pre-applicants will be required to complete an application (including a *Personal Declaration Form)*. The pre-applicant will sign and certify that all information is complete and accurate. The PHA will verify said information.

The application may be mailed to the pre-applicant.

The PHA, at its discretion, and at any time, may suspend, restrict or stop application intake and processing.

F. VERIFICATION

(24 CFR §982.201)

Information provided by the applicant will be verified, using the verification procedures described in Chapter 7 of this Administrative Plan. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent-calculation factors, along with other relevant 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 complete, 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. 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 HCV Program. Attendance at this briefing session is mandatory as the PHA will provide important information related to participation in the HCV 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.

I. CHANGE IN APPLICANT STATUS

If the applicant head of household passes away or moves out of the household after waiting list selection, the remaining spouse/partner or co-head may retain the household's position on the waiting list. In the absence of the spouse/partner or co-head, another adult who is on the original pre-application may become the head of household. It is the responsibility of the spouse/partner, co-head, or another adult who is on the original pre-application to provide any such information to the PHA.

The PHA will consider all of the following when determining eligibility for the voucher:

1. Remaining member who has custody of any dependent children.
2. The composition of the new family unit, and which unit contains elderly or disabled members.
3. Whether domestic violence was involved in the breakup.
4. Which family members remain in the unit.
5. Recommendations of social service professionals

Chapter 4 ESTABLISHING PREFERENCES AND MAINTAINING TENANT BASED VOUCHER WAITING LIST

(24 CFR Part 5, Subpart D and §§ 982.54(d)(1), 982.204, 982.205, and 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 admission in accordance with the policies contained 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 these preferences.

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

Project-based vouchers are discussed in Chapter 21.

A. WAITING LIST MANAGEMENT

(24 CFR §982.204)

Cross-Listing of Different Housing Programs and Housing Choice Voucher

Families have the option to apply for all PHA-administered housing programs that have open waiting lists.

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 an open PHA waiting list for tenant-based assistance; or
- 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.

B. WAITING LIST PREFERENCES

(24 CFR §982.207)

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

Applicants may apply to these waiting lists by going to www.sacwaitlist.com, unless they are being served through:

- Special admissions funded by HUD (e.g. Veterans Affairs Supportive Housing [VASH], Enhanced Vouchers, and residents displaced by the conversion of the Twin Rivers public housing development). In these cases, the PHA received vouchers specifically for these families.
- Homeless Initiatives (Limited Homeless Allocation Preference, Performance Partnership Pilots [P3] and the Move On Preference). In these cases, families are referred by service providers whether the waiting list is open or closed to the public.

Families are reviewed for eligibility by the PHA in coordination with the approved third party(ies) based on the policies of the program and, if determined to be eligible, are added to the waiting list, pulled and issued a voucher. All selections will be in accordance with policies and preferences defined in this Administrative Plan. Any significant changes in waiting list preferences will be publicly noticed providing opportunities for public input. Per PIH Notice 2013-15 any time a new preference is added to an existing waiting list, families already on the affected waiting list will be given the opportunity to receive the benefit of the preference and move up on the waiting list accordingly.

Information contained in the Waiting list includes but is not limited to:

1. Applicant name,
2. Social Security Number,
3. Date of Birth,
4. Racial or ethnic designation of the head of household and their family,
5. Annual (gross) family income,
6. Targeted program qualifications, and
7. Qualification for any local preference.

A preference does not guarantee admission to the HCV Program. Preferences are used to establish the order of placement on the waiting list. All applicants must meet the PHA's selection criteria as defined in this Administrative Plan. An applicant's certification that he or she qualifies for a preference will be accepted during the pre-application period. However, when the applicant is selected from the waiting list for the determination of eligibility, the preference will be verified during the application review process. If the applicant or applicant family is selected based on waiting list preferences, they must meet the preferences at the time of verification regardless of the amount of time the family has been on the waiting list.

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 accurately determine the placement of families on the waiting list. The applicant's cumulative points will determine the preference status and position on the waiting list.

Funding-Based Preferences

1) (100 points) Emergency Housing Voucher (EHV) Holders affected by Funding Loss
   In accordance with PIH Notice 2025-19, current SHRA EHV participants who meet the following criteria:
   a) Are in a subsidized unit under a HAP contract; or
   b) *Are a returning to SHRA (Initial PHA) portability billing EHV family; or*
   c) Are out of a subsidized unit with no pending alleged violations of family obligations; ***and***

   Have lost or will lose their assistance due to lack of funding as outlined in PIH Notice 2025-19.

This preference applies only to affected EHV participants identified by SHRA for meeting the criteria above.

The selection order from the waiting list for EHV participants is as follows:

1. Oldest new admission date first. If multiple participants have the same admission date; then
2. Oldest initial voucher issuance date. If multiple participants have the same voucher issuance date; then
3. Random selection (if necessary)

2) (30 points) Displaced family preference,
   A family in which each member, or whose sole member, is a person:
   (a) displaced by governmental action resulting from the:
      i. prepayment of a mortgage or
      ii. voluntary termination of a mortgage insurance contract or
      iii. termination from housing due to a lack of funding or
      iv. demolition or disposition of a public or Indian housing project, or
   (b) a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief (24 CFR §5.403)

3) (29 points) Canceled voucher preference for applicant families whose vouchers were recalled due to insufficient funding. These families will be returned to the waiting list and will be awarded preference points based on their status. 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 the effective date of their original voucher. 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.

<u>Other Preferences</u>

<u>The PHA reserves the right to verify the authenticity of any document it deems to be questionable.</u>

1) (5 points) Residency preference for families who live, work, or have been hired to work in Sacramento County, or any political subdivision thereof. The PHA will verify residency accepting one of the following:
   a) Lease agreement in the applicant's name showing an address in the city or county of Sacramento and proof that they still reside there.
   b) Copy of current utility bill in applicant's name.
   c) Proof of employment in the City or County of Sacramento.
   d) Written documentation from a government agency such as the Department of Human Assistance, DMV or Social Security Administration certifying to the applicant's residency and address in the city and county of Sacramento.
   e) If homeless, a referral from a homeless provider in the City or County of Sacramento verifying residency or a self-certification on SHRA Housing Declaration Form.

2) (3 points) Veteran preference to a household containing a veteran,
   a person who has served in the active military, who was called to active duty by a federal order of the United States at any time and <u>who was discharged or released under conditions other than dishonorable</u>.

3) (2 points) Permanently disabled preference for families who have a member with a permanent disability. The applicant family must supply one of the following:

a) A Social Security Disability (SSD) or Supplemental Security Income (SSI) letter from the Social Security Administration verifying the disability status. The SSD or SSI printout must state the person is disabled or have the SSD or DI mark which is typically located at the top right of the SSA or SSI print out next to the person's name. A person may receive SSD or SSI simply because they are elderly which would not qualify them for the Disabled Preference.
b) *Certification of Disability* form completed by a doctor or other medical professional, a peer support group, a non-medical service agency, or other reliable third party.

4) (2 points) Lease In-Place
In the event the HCV leasing rate falls below 97%, preference will be given to families on the waiting list who are willing and able to lease in place. Families who are considered to be living in-place are those who reside in a unit in Sacramento County where the landlord will certify they will accept the gross rent. They must have resided in the unit for the past three months and must remain in the unit for a period of no less than one year after assistance starts. The unit must meet all other program requirements in order to qualify for the preference.

5) (1 point) Rent Burden preference is given to applicants who pay more than 50% of their gross income for rent and utilities. The applicant family must provide copies of one of the following:
a) A lease or rental agreement in the applicant's name including the rent amount and utility responsibility. Must also have proof of actually paying rent within the last 30 days such as money order, canceled checks or rent ledger or a written statement from the Landlord or person from whom the applicant is renting or sharing a rental, including the amount of rent and utilities received.
6) (1 point) Homeless preference to a currently homeless household. A family or individual must meet the definition of "homeless" as defined in the Glossary. The PHA will accept documentation as provided by the applicant or the applicant can self-certify homelessness. Applicants can be homeless or rent-burdened, but not both.

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 this Administrative Plan. For families with the same preferences, families will be pulled from the waiting list based on lottery number assigned at the time of the pre-application.

HOMELESS INITIATIVES

Contingent on funding, the PHA will allocate vouchers to serve homeless families utilizing tenant-based vouchers (the Limited Homeless Allocation and the Move On Allocation), the Performance Partnership Pilots Initiative Program (P3) program (described in Chapter 23) and project-based vouchers tied to supportive services (described in Chapter 21). The PHA is prioritizing housing homeless families, while continuing to serve families on the current waiting list.

The PHA may utilize the following additional preferences:

1) Limited Homeless Allocation. This preference is available to homeless individuals/families currently receiving services and who are referred by a partnering homeless services organization, another coordinated system, or consortia of homeless service providers. The referring agency will verify homelessness and will assist the family with finding a suitable rental property once the voucher is issued. Ongoing housing stabilization services will continue to be provided to the family. At its discretion, the PHA will annually evaluate whether to renew this preference.

2) Move On Allocation. This preference is available to formerly homeless individuals/families who are ready to transition from supportive housing to the HCV tenant-based voucher program while simultaneously transitioning from receiving intensive to less intensive/no services. Families will be referred to the PHA by their service provider if they meet programmatic guidelines. Final approval (for the families to be referred to the HCV Intake staff) will be conducted by the PHA. Transitioning formerly homeless families to the voucher program will create vacancies in supportive housing programs, allowing additional homeless families in need of services to be housed. At its discretion, the PHA will annually evaluate whether to renew this preference.

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 family or individual falsifies documents or knowingly makes false or misleading statements, 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 any such 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)

The PHA may send regular electronic reminders to applicants who have not updated their information on sacwaitlist.com for six (6) months. After one (1) year of no response or updates on sacwaitlist.com, a purge notice will be sent to the contact information on file.

If an applicant fails to respond within forty-five (45) days of the date of the purge letter/notice, the applicant will be removed from the waiting list. If the applicant family contacts the PHA within forty-five 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 family is removed from the waiting list for failure to respond within the forty-five-day grace period, the PHA will consider mitigating circumstances before determining that the family will not be reinstated. If the family provides proof that the return mail was due to an error of the PHA, the Postal Service, or there are other mitigating circumstances acceptable to the PHA, the family will be reinstated.

Emergency Housing Voucher (EHV) Families

In accordance with HUD Notice PIH 2025-19 and any subsequent HUD guidance, current Emergency Housing Voucher (EHV) families placed on the Housing Choice Voucher (HCV) waiting list under HUD-authorized waiver authority will remain on the HCV waiting list while participating in the EHV Program.

An EHV family will be removed from the HCV waiting list if, prior to being selected from the HCV waiting list, the family:

- Is terminated from the EHV Program due to non-compliance with program requirements; or
- Voluntarily withdraws from or otherwise self-terminates participation in the EHV Program.

This provision does not apply to families that successfully transition from the EHV Program to the Housing Choice Voucher Program, are admitted to a Public Housing unit, or whose EHV assistance ends after they have been admitted to the Housing Choice Voucher Program.

E. INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act of 1998 (QHWRA), each fiscal year the PHA will reserve 75% of its HCV Program new admissions for families whose income does not exceed 30%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 75% of all admissions during the fiscal year, the PHA may choose to admit less than the minimum 40% of extremely low-income families in a fiscal year to its public housing program under QHWRA's "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 that meets the targeted funding criteria.

G. MAINSTREAM VOUCHERS

The PHA received allocations of Mainstream vouchers for non-elderly homeless persons with disabilities. Families currently on the tenant-based waiting list will be queried to determine whether they meet the criteria and they will be selected in sufficient number to utilize the allocated Mainstream vouchers. When the tenant-based waiting list has been exhausted of non-elderly homeless persons with disabilities, the PHA will accept referrals from partnering agencies for families meeting the criteria.

H. SPECIAL ADMISSIONS

(24 CFR §§ 982.54, 982.203)

If HUD awards a PHA program funding that is targeted for families living with specific attributes, the PHA will admit these families under a special admission procedure. Upon the HUD award, the PHA will move

forward with implementation using the HUD guidelines of the award and will add the new program or changes to an existing program to the following Administrative Plan.

Special-admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, and they are not required to be on the program waiting list.

The PHA maintains separate records of these special admissions.

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

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

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

- The Veterans Affairs Supportive Housing (VASH) program.
- Families receiving enhanced vouchers from HUD
- Tenant Protection Vouchers
- Mainstream Vouchers
- Emergency Housing Vouchers
- Family Unification Program (FUP) is a program under which housing assistance is provided under the Housing Choice Voucher (HCV) program in partnership with Public Child Welfare Agencies to two groups:

  1. Families for whom the lack of adequate housing is a primary factor in the imminent placement of the family's child, or children, in out-of-home care; or the delay in the discharge of the child, or children, to the family from out-of-home care; and
  2. Youth at least 18 years and not more than 24 years of age (have not reached their 25th birthday) who left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in Section 475(5)(H) of the Social Security Act and are homeless or are at risk of becoming homeless at age 16 or older. Foster Youth to Independence (FYI) is a program for youth aging out of the foster care program. The waiting list for FYI vouchers is continually open for referrals from Sacramento County Department of Children, Family and Adult Services (DCFAS) Child Protective Services (CPS) as long as there are FYI vouchers available.

The Family Unification Youth (FUPY) or Foster Youth Initiative program provides 36 months of assistance. Families may qualify for a 12-month extension if they meet one of the statutory requirements below:

- Participating in the Family Self-Sufficiency (FSS) Program.
- Engaging in education, workforce development, or employment activities.

- Being the parent or other household member responsible for the care of a dependent child under the age of 6 or for the care of an incapacitated person.
- Regularly and actively participating in a drug addiction or alcohol treatment rehabilitation program.
- Inability to comply with the FSS program, engage in education, workforce development, or employment activities, due to a documented medical condition.

FUPY/FYI families may qualify for up to two subsequent 12-month extensions if they meet one of the statutory requirements as listed above, for a maximum total program assistance of 60 months. HCV program participation will be terminated if a family fails to adhere to program requirements, no longer qualifies for an extension, which will be verified annually, or reaches a maximum total of 60 months of HCV program assistance, whichever comes first.

I. EMERGENCY HOUSING VOUCHERS (EHV)

Notice PIH 2021-15 (HA)

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (P.L. 117-2, hereafter referred to "the ARP") to address the continued impact of the -COVID-19 pandemic on the economy, public health, State and local governments, individuals, and businesses. The ARP appropriated the cost for new EHV. the renewal of EHVs, and fees for the cost of administering the EHVs and other eligible expenses defined by notice to prevent, prepare, and respond to coronavirus to facilitate the leasing of the emergency vouchers, such as security deposit assistance and other costs related to retention and support of participating owners.

Individual and Family Eligibility under the Qualifying Categories

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

A. Individuals and families who are homeless

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

Homeless means:

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

(i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or

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

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

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

(ii) No subsequent residence has been identified; and

(iii) The individual or family lacks the resources or support networks, *e.g.,* family, friends, faith-based or other social networks, needed to obtain other permanent housing.

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

(i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

(ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

(iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

(iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

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

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

At risk of homelessness.

(1) An individual or family who:

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

(ii) Does not have sufficient resources or support networks, *e.g.,* family, friends, faith-based or other social networks, immediately available to prevent them

from moving to an emergency shelter or another place described in paragraph (1) of the "Homeless" definition above; an

(iii) Meets one of the following conditions:

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

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

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

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

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

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

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

(2) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

(3) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

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

This category is composed of any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking.

This includes cases where a HUD-assisted tenant reasonably believes that there is a threat of imminent harm from further violence if they remain within the same dwelling unit, or in the case of sexual assault, the HUD-assisted tenant reasonably believes there is a threat of imminent harm from further violence if they remain within the same dwelling unit that they are currently occupying, or the sexual assault occurred on the premise during the 90- day period preceding the date of the request for transfer.

Domestic violence includes felony or misdemeanor crimes of violence committed by:

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

Dating violence means violence committed by a person:

a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
   1. The length of the relationship;
   2. The type of relationship; and
   3. The frequency of interaction between the persons involved in the relationship.

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

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(1) Fear for the person's individual safety or the safety of others; or
(2) Suffer substantial emotional distress.

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

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

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

D. Individuals or families who are recently homeless

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

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

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

J. DISSOLUTION OF WAITING LIST

When a waiting list must be dissolved, the remaining applicants on the dissolved waiting list will be transferred to another waiting list designated by the PHA. The applicants will be transferred keeping their current preferences and their original date and time of pre-application. If the original waiting list property was located in the Sacramento City limits, the applicants would be moved to a City waiting list. If the original waiting list property was located in the County of Sacramento, the applicant would be moved to a County waiting list.

If a Public Housing site is converted to a Rental Assistance Demonstration (RAD) PBV property, remaining applicants on the Public Housing waiting list will be added to the waiting list that will serve that RAD PBV property.

Chapter 5 SUBSIDY STANDARDS

(24 CFR §982.54(d)(9))

INTRODUCTION

HUD guidelines require that PHAs 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 (HQS). This chapter explains the subsidy standards used to determine the voucher size (based on the 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 they are awarded.

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 are 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 size of the rental unit.

One bedroom will be assigned to the head of household and spouse/partner and one bedroom will be assigned for each additional two persons.

The subsidy standard will not be increased for additions to the family unless the addition is due to birth, adoption, ~~or~~ court-awarded custody, or the addition of a spouse/partner with minor children.

An applicant family that consists of a pregnant woman (with no other persons in her household) must be treated as a two-person family. When determining the voucher size for an applicant family that consists of the head of household and their spouse or partner, and either are pregnant (with no other family members in the household) the unborn child will be considered in the determination of the voucher size.

Children placed with an applicant family temporarily will not be considered toward household composition or voucher/bedroom size.

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

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 so 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 indicated in Section C of this Chapter.

Adding Additional Members to the Household for Participant Families

All additions (except for additions by birth to a household member and children added to the family via court-awarded custody and adoption) must have the prior approval of the owner (landlord) and the PHA. Approvable additions may include:

- A spouse/partner and his or her minor children
- A minor who had been part of the assisted household who moved out and is returning to the household
- A PHA pre-approved live-in aide
- Birth of children by an existing family member
- Adoption of children
- Long-term foster placement
- Guardianship or conservatorship, verified by notarized statement or self-certification
- Adult children under 26 years of age who left only to attend school. Request must be received within 1 year of dis-enrollment or graduation or verification of online/distance learning
- Adult disabled children of the head of household, spouse or co-head ~~who are disabled~~
- The elderly or disabled parent or grandparent of the head, spouse or co-head ~~who is elderly or disabled~~
- Family members previously removed from the assisted household due to military deployment.

The voucher size will not be increased for additions to the family unless the addition is due to birth, adoption or court-awarded custody or the addition of a spouse/partner with a biological, adopted, or court awarded guardianship minor child(ren).

The PHA will not approve an addition to the household if the individual the family has requested to add does not have one of the relationships to the head of household or spouse/partner listed above. HCV participants must obtain prior authorization of any additions to the household. However, minors may be guests in the home pending the PHA's determination of the family's request to add the minor to the household as long as this is consistent with the lease with the owner. HCV participants must also inform the PHA when any approved household member moves out of the unit or is removed from the unit (e.g. incarcerated, removed by Child Protective Services [CPS], etc.)

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 (subject to the limitations and restrictions provided in California Welfare and Institutions Code §§ 827 and 828 as applicable).

Any person requesting to be added to the household who has committed any violent- or drug-related criminal activity within the last three years may be denied.

Any person requesting to be added to the household who was previously terminated from a HUD Rental Assistance program as a result of an adverse action (e.g. termination for cause) within the last three years may be denied.

Foster Children and Temporary Placement of Minor with Non-Parent

For Applicants: Any foster child or foster adult, or any minor who is in a temporary placement with a non-parent, who is in the home at the time of initial voucher issuance, and who is determined to be in a long-term placement, will be included when calculating the 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, foster adults or temporary placement of minor with non-parent. The PHA will add such members to the family composition; however, the addition will not be reflected in the subsidy calculation until the foster child(ren), adult(s), or temporary placement of minor with non-parent 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 agree to allow them to reside in the unit.

Any participant or applicant who has foster children or adults will be required to report within 30 days of any foster child or foster adult moving into or leaving the home, just as any change in household composition must be reported within 30 days.

The PHA may limit the number of foster children who may be added to the household based on the family's current voucher size. If adding additional foster children to the household will result in an increase in the voucher size and causes an under-housed situation for the family in the subsidized unit, the PHA may deny the addition.

Child Protective Services

The PHA 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 PHA will increase the bedroom size in accordance with its subsidy standard policy. The reunification plan must specify the anticipated date when the children will be reunited. The family must submit a copy of the written notice to PHA immediately.

Once the child/children are returned to the home, the family must notify the PHA in writing within 30 days. Any changes that occur regarding family composition and income must be reported to the PHA.

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 will 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.

If a reasonable accommodation (RA) was granted by the initial PHA to an assisted household with a disabled member, this accommodation may transfer with the family when the family moves into this PHA's jurisdiction (Sacramento County). The PHA will evaluate any reasonable accommodation information from the initial PHA to see if it meets the requirements of the PHA's RA policy. If so, it will be accepted as is. If not, the family will need to submit a new RA request with the receiving PHA.

B. EXCEPTIONS TO SUBSIDY STANDARDS

(24 CFR §982.402)

The PHA may grant an exception upon request as a reasonable accommodation (RA) 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 a family member with a disability, the family may request a Reasonable Accommodation. The PHA may approve this request after the need is verified by a doctor or other medical professional, a peer support group, a non-medical service agency, or other reliable third party who is in a position to know about the individual's disability.

Reasonable Accommodation Requests for Live-In Aides or Medical Equipment:

A person with disabilities may request a RA in any format (verbally, in writing, or in person). They are not required to use a specific form in order to make such requests, however, the PHA has a standard Reasonable Accommodation Request form available in order to help expedite these requests. All requests for exceptions to the subsidy standards as a reasonable accommodation for a person with disabilities must be submitted to the PHA's Reasonable Accommodation Compliance Committee (RACC). The RACC will review the family's request and the information from a doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability and make a decision as to whether to grant or deny the reasonable accommodation request.

If the reasonable accommodation request is approved and results in an increase in voucher size, the increase will be processed the later of:

- the first day of the month following the date of the decision,
- the first day of the month after the live-in aide passes the background check, or
- the voucher issuance date if a move is required.

An additional bedroom will **not** be approved for multiple caregivers who provide service to a participant(s)/applicant(s) on a rotating or part-time basis (i.e., less than 12 hours per day).

Once approved, the live-in aide must use the subsidized unit as his or her primary place of residence.

An additional bedroom will not be provided for family members of a live-in aide (e.g., the live-in aide's children, spouse/partner, etc.).

If an additional bedroom is approved by the PHA based on a reasonable accommodation (RA) request by the family to accommodate medical equipment and/or supplies, it will be effective the first day of the month following the month in which the request was approved.

When an additional bedroom has been approved as a RA and the PHA later determines that the room is not being utilized for its intended purpose, approval of this RA may be rescinded, and the voucher size may be reduced. The reduction in voucher size will take place at an annual recertification or during the move process.

If the PHA becomes aware that an approved live-in aide is not residing in the unit, the participant will be given 120 days to identify and obtain approval of a substitute live-in aide. If another live-in aide is not identified and approved within 120 days, the voucher size will be reduced to the size the family would qualify for without a live-in aide.

If the RA request is denied, the applicant or participant will be sent a letter regarding the reason for the denial. The applicant or participant may contact staff to discuss the reason for the denial and may submit a revised request for a reasonable accommodation with any additional supporting documentation or information for the RACC to consider.

Approval of Increased Payment Standards

The PHA may approve a payment standard of not more than 120% of the Fair Market Rent (FMR) if necessary, 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 request. Such requests that include the physical features necessary to provide a reasonable accommodation for an individual with disabilities will be reviewed for consideration prior to an inspection of a unit. 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 sized dwelling unit than that listed on the voucher; however, this will **not** increase the amount of rental assistance the family receives (i.e. the family will not receive additional rental assistance). The Payment Standard (amount of assistance) is based on the authorized voucher or actual bedroom size, whichever is less. The utility allowance is based on the size of unit actually selected or the authorized voucher size, whichever is less.

Over-housed

If a participant's family size has decreased, resulting in a lower voucher size, the family may choose to remain in the unit. However, if they choose 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 subsidy will be based on the payment standard for the number of bedrooms for which the family is eligible or the actual number of bedrooms in the unit, whichever is less.

Under-housed CFR 982.403

If a unit does not meet HQS space standards due to an increase in family size (unit too small), the PHA will issue a new voucher of the appropriate size as soon as the under-housed situation is identified. The PHA will terminate the HAP contract once an appropriate HQS approvable sized unit has been found. The under-housed status will be determined based on the physical unit size in which the family resides and not on the voucher size.

***HQS GUIDELINES FOR UNIT SIZE SELECTED**

Unit Size	Maximum Number in Household
0 Bedroom or Studio	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 and 24 Part CFR §982.515)

INTRODUCTION

An accurate calculation of annual income and adjusted income will ensure that families are not paying more or less rent than required under HUD 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 additional 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 that 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 calculation of the TTP.

A. MINIMUM RENT

The “Minimum rent" for this PHA is $0. Minimum rent is a minimum TTP. A family whose TTP has been set at the minimum rent may receive a utility reimbursement. Families may request an exemption to this policy based on hardship and complete a PHA-approved form to request such an exemption.

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. This includes during the eligibility process or after lease up.

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, it will suspend the minimum rent for the 90-day period beginning the first of the month following the date the family submits the request for a hardship exemption. HUD requires the PHA to offer a reasonable repayment agreement in such cases, on terms and conditions established by the PHA. The PHA may also 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 credit report after ninety (90) days once a participant has been approved for a minimum rent or hardship exemption. The participant has the right to request an informal hearing if a minimum rent request is denied.

Long-Term Hardship

If the PHA determines the financial hardship is long-term, the PHA will 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 amounts received from all sources by each adult family member 18 years or older or the head of household or their spouse, plus unearned income by or on behalf of each dependent under 18 years, plus income from assets. For purposes of calculating the Total Tenant Payment (TTP), HUD defines what is to be calculated and what is to be excluded in the Code of Federal Regulations (CFR). In accordance with this definition, all income that is not specifically excluded by HUD's regulations (as set forth in the CFR) 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." (See 24 CFR §5.609 for additional information what counts as income in determining the TTP or Housing Choice Voucher Program Guidebook).

All employment income will be included unless separation or termination of employment is verified.

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 (adjusted annually for inflation) each for family members (other than the head or spouse/partner) 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 (adjusted annually by HUD) per family for families whose head or spouse/partner is 62 or over or a person with disabilities.
- Unreimbursed Allowable Medical Expenses: Deducted for all family members where the head of household or spouse is an eligible elderly/disabled family. These deductions are set forth in 24 CFR §5.611(a)(3)(i).
- 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 expenses for persons with disabilities if needed to enable the individual or an adult family member to work. These expenses are set forth in greater detail in 24 CFR §5.611(a)(3)(ii).

~~C. EARNED INCOME DISREGARD (EID)~~

~~(24 CFR §5.617)~~

~~Effective January 1, 2024, only families currently participating in EID may continue to receive benefits up to 2 years from this date.~~

~~To qualify for the earned income exclusion, a family member with disabilities must be receiving tenant-based rental assistance through the HCV 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;~~
- ~~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 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 must 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 disregard period must resume at any time within the 24-month period, and must continue until the disregard has been applied for a total of 12 cumulative months (the initial 12-month full exclusion).~~

~~No earned income disregard will be applied for that family member after the 24-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 at least 50%of any increase in income of a family member who is a person with disabilities from the annual income of a qualified family.~~

~~Maximum Two-Year Disregard~~

~~The earned income disregard is limited to a lifetime 24-month period for each family member who is a person with disabilities. For each family member who is a person with disabilities the disregard only applies for a maximum of 12 cumulative months of full exclusion of incremental increase, and a maximum of 12 cumulative months of phase-in exclusion during the 24-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 family member who is a person with disabilities 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 disregard 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 disregard, 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 twenty-four-month (two year) disregard period (twenty-four months from the date of the initial earned income disregard), and~~
- ~~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 disregard.~~

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

~~Inapplicability at Admission~~

~~The earned income disregard is only applied to determine the annual income of families with a member who is a person with disabilities, who are participants in the HCV Program, and 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 receiving the earned income exclusion at an initial PHA exercises portability (moves with continued voucher benefits) 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. It is the family's obligation to report changes in family composition within thirty (30) days. This includes any changes in income.

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

Participants must report to the PHA in writing if any household member will be away from the home for 30 days or more for any reason (including medical [e.g. hospitalization], educational [e.g. college], or legal [e.g. incarceration in jail or prison or commitment to a mental or behavioral health treatment center], etc.).

Any member of the household will be considered permanently absent if they are away from the unit for more than thirty (30) consecutive days in a twelve-month period, except with PHA approval or except for full-time students away at school or minors placed in foster care.

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

If the spouse/partner is out of the residence solely for the purpose of employment, the spouse/partner will not be considered absent and his or her income will be counted. In such cases the family will be required to provide written verification that the spouse/partner is away from the home for the purpose of employment and must report any changes in the spouse/partner's income to the PHA.

Any member of the household will be considered permanently absent if s/he is incarcerated for thirty (30) or more consecutive days.

Reporting Absences to the PHA

Reporting changes in household composition is both a HUD and a PHA requirement. Failure to timely report such changes may result in termination from the HCV Program.

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 whether the member is temporarily or permanently absent. If the absence is permanent, 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.

In either case, the family must promptly report any absence due to incarceration of 30 days or more to the PHA in writing.
In the event that the absent family member is unwilling to cooperate in providing supporting documentation, the head of household may be required to self-certify that the family member is absent.

The PHA may conduct an interim evaluation for changes, which will affect the Total Tenant Payment (TTP) 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 Administrative Plan.

A family must notify the PHA in advance, in writing, and obtain approval from the PHA of their absence from the unit if the family anticipates that they will be gone for thirty (30) consecutive days or more. 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 thirty (30) or more consecutive days, without prior notification and approval by the PHA, the unit will be considered vacated/abandoned. If it is determined that the unit is considered to be vacated, the PHA will immediately stop any future payments and may terminate the Housing Assistance Payment (HAP) contract and the family's participation in the HCV Program.

Absences do not negate the family's obligations (e.g., to attend appointments, or return paperwork) under the HCV Program or other HUD rules and regulations.

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

- Conduct a home visit,
- Send letters to the family at the unit,
- Telephone the family,
- Interview neighbors,
- Contact emergency or third-party contacts,
- Verify whether utilities are in service,
- Check with the Post Office, or
- Obtain written or verbal verification from the property owner (landlord) that the assisted family has abandoned the unit.

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

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 obligations, and if funding is available, the PHA may reinstate the family as a reasonable accommodation if the family makes such a request.

Absence Due to Medical Reasons or Move to a Nursing Facility

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 knowledgeable about the family member's medical history as to the likelihood and timing of their return.

If the verification indicates that the family member will permanently remain in 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 fewer than 120 consecutive days, the family member will not be considered permanently absent.

If the PHA verifies the family member has been away from the home for more than 120 days, the PHA will require additional confirmation from a health care professional 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 date, the PHA may issue a notice of termination from the HCV Program.

If the head of household and/or spouse/partner/co-head is permanently moved to a hospital or nursing facility and there is a family member who 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, the voucher will be passed to the remaining member so long as he or she qualifies. In these cases, the person who has permanently moved to a care facility will be removed from the voucher. The remaining family member's voucher size eligibility will be reassessed at the next annual recertification or move with continued assistance, whichever comes first.

Absence Due to Full-time Student Status

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

Absence due to Incarceration

If the sole member is incarcerated for more than 30 consecutive days, s/he will be considered permanently absent and the PHA may terminate the participant's assistance according to procedure.

If the Head of Household is incarcerated, the remaining household members who are at least 18 years of age will be responsible for reporting the absence. If there are minor children in the home, refer to Caretaker for Child(ren).

Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 30 consecutive days.

If a member of the household is subject to a court order that restricts him/her from the home for more than 30 days, that individual will be considered permanently absent.

The PHA will determine whether the reason for incarceration is for drug-related or violent criminal activity.

If there are additional family members who would lose access to housing, mitigating circumstances will be considered when evaluating the status of the voucher.

If the reason for the absence is due to incarceration, the family member who was incarcerated may be required to undergo a new criminal background check upon his or release from jail, prison, or other facility.

Absence due to Military Service

Absence of the head of household or the spouse/partner, due to military service, will be considered a temporary absence.

Absence of other household member(s) due to enlistment in military training for up to three (3) months will be considered a temporary absence and their income will be counted toward the household income. In such cases the family will be required to provide written verification that the household member is enlisted in training, the duration of the training, and the expected graduation or release-from-service date.
If a household member is absent due to military service not related to training as mentioned above, he or she will be considered permanently absent from the home. See "Permanent Absence of Family Members" above. Upon completion of a military assignment resulting in permanent absence, this family member may be added back to the household. See Chapter 5 Section A- Determining Family Unit (Voucher Size) "Adding Additional Household Members."

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 contact the appropriate agency to determine when the child/children will be returned to the home.

If the time period is to be longer 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 Child(ren)

If the remaining member/s of the assisted family includes minor(s), the PHA may allocate the voucher to a person who was not previously part of the assisted family, who has gained legal custody or guardianship of the minor(s), as long as the original minor(s) remain in the home. This person will be subject to meeting all eligibility criteria.

If legal custody or guardianship cannot be established within 90 days, or if the person who obtains custody or guardianship of the minor/s does not meet program eligibility criteria, the PHA will terminate the family's assistance.

If custody or guardianship is awarded for a limited period of time, the PHA will state in writing that the transfer of the voucher is for that period time or as long as the individual will have custody or guardianship of the children.

When the PHA approves a person to reside in the unit as caretaker for the child(ren), the income of the guardian will be counted in the household income.

The guardian is eligible to receive the full benefits of the HCV assistance as long as guardianship of the children is retained.

The PHA will work with the appropriate service agencies and the landlord to provide as smooth a transition as possible in these cases.

Overnight Visitors

Any adult or minor child not included on the HUD Form 50058 who has been in the unit more than 30 consecutive days without PHA approval, or a total of thirty (30) days in a twelve (12) month period, will be considered to be living in the unit as an unauthorized occupant. If the family has mitigating circumstances, a family can request in writing for a visitor to stay over 30 days (less than 12 months. For over 12 months see Chapter 24 Reasonable Accommodations) once a Landlord has approved the request. If the PHA determines based on the evidence that an individual is an unauthorized occupant, the PHA will propose termination of the household's participation in the HCV Program since prior approval was not requested for the additional household member. When the PHA makes the determination that there is an unauthorized occupant/household member in the unit, the family may provide evidence that the individual (who the PHA purports to be an unauthorized occupant) is a guest (who has not been in the unit for a longer period of time than the PHA's guest policy allows) and not an occupant of the unit. The PHA may consider the following factors in determining that the unauthorized occupant is residing in the assisted unit as part of the household:

- Absence of evidence of any other address (e.g. written lease or rental agreement) Statements from neighbors and/or the owner (landlord) or property manager that the individual is living in the unit.
- Use of the unit address as the visitor's current residence (or mailing address) for any purpose that is not explicitly temporary.

Examples of acceptable methods of proof that the visitor is not an unauthorized occupant of the assisted unit may include a combination of the following items:

- mail to the individual at another (verifiable and current) address,
- address of record given to any federal, state, or other public entity (e.g. DMV),
- lease/rental agreement (verifiable) for current residence,
- utility bills for current residence,
- current address of record from employer, or
- credit report history.

In the absence of such proof, the individual may be considered an unauthorized member of the household and the PHA may terminate assistance of the household since it failed to obtain prior approval from the PHA to add that individual to the household.

In a joint physical custody arrangement, if the minor is in the household 50% of the time or less, he or she will not be considered an unauthorized household member.

In a joint custody arrangement where both parents are participating in the HCV program, only one parent can claim the child for deductions and for determination of 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 individual to the unit and to inform the PHA of the birth, adoption or court-awarded custody of a child. The family must submit a written request prior written approval to the PHA of the request to add additional household members. 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 occupant in violation of the HCV Program rules.

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

In addition, the family must obtain prior written approval from the owner (landlord) or property manager when there are changes in family composition (except with respect to children born to members of the household or added to the household as the result of a court-ordered guardianship) and must submit a copy to the PHA. (Also see Chapter 5 – Adding Additional Members to the Household)

E. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER

~~PHA-approved spouse/partner or co-head will "inherit" the voucher in the event of the death of the head of household if the spouse/partner has been part of the assisted family for the past 12 months, or has been part of the family throughout the term of assistance.~~

~~If the head of household passes away and there is no spouse/partner/co-head, an approved family member may retain the voucher if the family member has been a part of the assisted family for the past 12 months or has continually been part of the family throughout the term of assistance. If there are minor children in the home, refer to the "Caretaker for Child(ren)" section above.~~

The Housing Choice Voucher issued to the assisted family is not transferable or assignable to another individual. Except as specifically provided elsewhere in this Administrative Plan, including policies governing family break-up, legal guardianship, or as required as a reasonable accommodation for a person with a disability, the PHA will not approve a change in the Head of Household. Under this section, a change in the Head of Household is permitted only upon the death of the current Head of Household.

Upon the death of the Head of Household, the PHA may approve an eligible remaining family member to become the new Head of Household and continue receiving assistance if all of the following conditions are met:

- The individual is an approved member of the assisted household at the time of the Head of Household's death;
- The individual has been a member of the assisted household for at least the preceding 12 consecutive months, or has been a member of the household continuously since the family first received Housing Choice Voucher assistance, if less than 12 months; and
- The household continues to meet all Housing Choice Voucher Program eligibility requirements.

If the remaining family includes a PHA-approved spouse, partner, or co-head who meets the above criteria, that individual will generally be approved as the new Head of Household.

If there is no eligible spouse, partner, or co-head, another adult remaining household member who meets the above criteria may be approved as the new Head of Household.

If the only remaining household members are minor children, the PHA will follow the policy outlined in the "Caretaker for Child(ren)" section of this Administrative Plan.

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 will be counted for the purposes of determining the subsidy amount.

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

Amounts of $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 (12) months, the PHA will average known sources of income that vary to compute an annual income.

If there are bonuses or overtime that an 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.

H. MINIMUM INCOME

There is no minimum income requirement.

Families reporting zero income will be required to complete a Zero Income packet with supporting documentation at each interim recertification until the household ceases to report zero income. The PHA will inquire into how the family pays expenses, including personal expenses, with no income.

The PHA may conduct credit checks for all adult members of families who 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 MOVED TO NURSING HOME

If a family member, other than the head of household or spouse/partner/co-head, is permanently moved to a hospital or nursing home, that family member and their income will be removed from the household. The remaining family member's voucher size will be reassessed at the next annual recertification or move with continued assistance, whichever comes first.

J. REGULAR CONTRIBUTIONS AND GIFTS

(24 CFR §5.609(a)(2), (b)(7), and (c)(9))

Regular and anticipated contributions and gifts are counted as income for calculation of the Total Tenant Payment (TTP). 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 sporadic contributions or gifts.
Contributions or gifts received less than three times in the year will not be counted as income for calculation of the TTP.

If the family's expenses exceed its known income, the PHA will request information from the family regarding contributions and gifts to explain this discrepancy.

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 granted by the court, the PHA will use the amount granted by the court unless the family can verify that they are not receiving the full amount ~~and verification of item(s) as follows:~~

- ~~The PHA receives verification from the agency responsible for enforcement or collection;~~
- ~~The family furnishes documentation of a 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; or~~

~~Online printout from the Department of Child Support Services, the Department of Social Services, or the Department of Human Assistance websites.~~

L. 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.

Veterans Participating in Compensated Work Therapy (CWT) Programs, Including Incentive Therapy (IT)

CWT is a Veterans Health Administration (VHA) treatment program that consists of two major clinical models: transitional work and supported employment. Both are integrated into treatment, and provided under medical orders of VHA physicians. CWT is not considered temporary employment program by VHA, and there are no regulations establishing a time limit on participation. Participation is based on the treatment needs of the individual Veteran, and judgment of the treatment team. Therefore, the number of hours per week/month, the length of participation, and the number of times the veteran participates in such programs varies widely among veterans.

The PHA cannot make a general determination that such income should be excluded as temporary, nonrecurring or sporadic income as it has in other cases (e.g., census workers) because in the case of CWT and IT, the factors for making such a determination are case specific, not program specific. Circumstances vary considerably depending on the situation of each veteran and local VA administrative policies, therefore PHAs should consider the specific circumstances of each veteran participating in CWT and/or IT to determine if a Veteran's earnings under these programs may qualify as temporary, nonrecurring or sporadic income in accordance with PHA policy and 24 CFR §5.609(c)(9).

M. 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, will not be 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 the Social Security Administration (SSA) for benefits SSA administers, such as Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI), 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 the family owes as a result of the unreported lump sum receipt, the PHA uses a method to calculate this amount 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 most recent.

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 to the PHA.

The amount owed "retroactively" 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 the amount paid for the attorney fees.

N. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS

(24 CFR §5.609(b)(4))

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

- While an individual is employed, only amounts the family can withdraw without retiring or terminating employment count as assets.
- After retirement or termination of employment, lump sums received count as assets.

O. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

(24 CFR §5.603(b)(3)

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 fair market value (FMV) of the asset and the actual payment received in calculating total assets.

Assets disposed of due to foreclosures or bankruptcies are not considered to assets disposed of for less than FMV. Assets disposed of due to divorces or separations are also not considered assets disposed of for less than FMV.

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

P. STUDENT INCOME

24 CFR §5.609(b)(9) and California Postsecondary Education Commission - Glossary of Terms

Full-time Student Status (also see Chapter 2 – Student Eligibility):

A student must meet all program eligibility and screening criteria. Any change in Full-Time Student status must be reported to the PHA within 30 days of the change.

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

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

A full-time student is a person who is enrolled in at least 12 or more units at 1 (one) or more educational, technical or vocational institutions. An adult member of the household enrolled full-time in high school will also be considered a full-time student upon receipt of verification of continued enrollment.

Financial assistance does not include loan proceeds.

Financial assistance received in the form of grants, financial aid or awards will be counted as income unless the student is a dependent student living with his or her parent(s) on the program or if they are 24 years of age or older (by December 31st of the award year) with a dependent child.

The “dependent child” is the student’s own child who is a minor, a full-time student 18 or over, or a person with disabilities 18 or over. Foster children do not qualify as dependent children.

For single-member student households, any financial assistance received in excess of amounts received for tuition and fees shall be considered income. Financial assistance counted as income does not include loan proceeds since loans are debts that must be repaid by the borrower.

In cases where the student is not considered an “independent student” (see Federal Register-5969-N-01), both the student’s and parents’ income are considered for eligibility/recertification purposes. Once the student has been determined Final Eligible for the HCV Program and the parents are not part of the household, any financial assistance received in excess of tuition and fees shall be considered income. Financial assistance counted as income does not include loan proceeds since loans are debts that must be repaid by the borrower.

Independent status must be verified by:

- Reviewing and verifying previous address information to determine evidence of a separate household or verifying the student meets the U.S. Department of Education's definition of ''independent student,''
- Reviewing a student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of ''independent student,'' and
- Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income.

Q. CHILD CARE EXPENSES

(24 CFR §5.611(a)(4))

Non-reimbursable childcare expenses for children under thirteen (13) years of age shall be deducted from annual income if they enable a family member, to be employed, or to further his or her education to comply with federal law.

For disabled children thirteen (13) years of age and older refer to the section titled Allowances for Disability Assistance Expense.

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" expenses are 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 use other surveys to determine what is reasonable. The PHA will use the collected data as guidance. 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 full-time student whose earned income above $480 is excluded, child care costs related to enabling the family member to work may not exceed the portion of the person's earned income that actually is included in annual income.

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

- Current cost statement from the childcare agency (dated 60 days from the date of request).
- Childcare from an individual provider-canceled checks or money order receipts for the last 3 months or previous year's tax return with the childcare expense exemption.

Exemption to Continue the Child Care Expense Deduction

A family whose eligibility for the childcare expense deduction is ending may request a financial hardship exemption to continue the deduction. If the family is granted a hardship exemption, they are required to report to the PHA within 30 days if the circumstances that made the family eligible for the hardship exemption are no longer applicable.

- Up to 90 days.
- The exemption may be extended, at the PHA's discretion, for additional 90-day periods based on family circumstances.
- The PHA may terminate the hardship exemption if they determine that the family no longer needs it.

R. UNREIMBURSED MEDICAL EXPENSES/DISABILITY ASSISTANCE EXPENSE

(24 CFR §5.611(a)(3)(i))

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

Health and medical care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

To qualify for a deduction, medical expenses must be un-reimbursed and not covered by an outside source such as insurance (including MediCal).

If a family qualifies for medical expense deductions, the medical expenses of all family members may be 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 (including MediCal). The medical expense deduction is not intended to give a family an allowance equal to last year's expenses, but to anticipate regular ongoing and anticipated unreimbursed medical expenses that will be incurred in the coming year.

Medical expenses may include:

- Services of doctors and health care professionals;
- Services of health care facilities;
- Medical insurance premiums;
- Prescription/over-the-counter medications prescribed by a physician;
- Transportation to treatment (cab fare, bus fare [not bus passes unless they are single daily passes used specifically for transportation to and from a medical appointment or treatment], 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.

The PHA will require the family to provide verification of expenses. Verification may include but is not limited to invoices, printouts and statements from a doctor or other healthcare provider certifying the anticipation of the medication and/or treatment costs for the next twelve months. "Recommendations" of a healthcare provider are not acceptable. Actual prescriptions from a licensed healthcare provider (usually a doctor) are an example of acceptable verification of the unreimbursed medical expense.

A tenant-signed certification of medical expenses without supporting documentation will not be accepted as proof of medical expenses.

Allowance for Disability Assistance Expense (24 CFR §5.611(a)(3)(ii))
Families are entitled to a deduction for unreimbursed expenses to cover care attendants and auxiliary apparatus expenses for a family member with disabilities to the extent these expenses are necessary to enable the family member (including the member who is a person with disabilities) 18 years of age or older to be employed.

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 ensure the family's 10% 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 enabled to work due to the attendant care or auxiliary apparatus, the disability allowance must be calculated before the medical allowance is calculated.

When the family has disability assistance expenses greater than or equal to 10% 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 10% 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 ~~3~~10% of annual income.

If the disability assistance expense is more than the amount earned by the person who has been enabled to 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 10% may have been exhausted in the disability assistance allowance, and the first calculation will not be applied to medical expenses.

Hardship Exemptions to the Health and Medical Expenses Deduction

The family must have been receiving a deduction from annual income of qualified health and medical expenses exceeding 3% of annual income. If the family is granted a hardship exemption, they are required to report to the PHA within 30 days if the circumstances that made the family eligible for the hardship exemption are no longer applicable. There are two (2) categories of hardship exemption to the 10% threshold for unreimbursed medical expenses.

Category 1: Phased In relief for families already receiving a health and medical deduction.

Form and duration of the exemption: Families experiencing a hardship will have a phase in to the new deduction amount over two years:

- 1st year: PHA deducts eligible expenses exceeding 5% of the family's income.
- 2nd year: PHA deducts eligible expenses exceeding 7.5% of the family's income.

After 24 months this hardship exemption expires. The PHA will deduct expenses exceeding 10% of the family's annual income unless the family requests and qualifies for a new exemption under category 2.

Category 2: General Financial Hardships

Families who can demonstrate a financial hardship due to an increase in their qualified expenses or because of a change that would not otherwise trigger an interim reexamination.

Eligibility: A family must demonstrate that their applicable expenses increased, or the hardship is a result of a change in circumstances, as defined by the PHA, that would not otherwise trigger an interim reexamination.

This relief is available regardless of whether the family previously received health and medical deductions or is currently receiving, or previously received, a hardship exemption under the first category.

Form and duration:

- The family may receive a deduction of all eligible expenses exceeding 5% of their annual income.
- The exemption ends when the circumstances that made the family eligible for the exemption no longer apply or after 90 days, whichever comes earlier.
- The PHA may, at their discretion, extend the relief for one or more additional 90-day periods while the family's hardship continues.

Category 2 may also include families that qualified under Category 1 but:

- Exhausted that relief (after 24 months), or
- Choose to apply for relief under this category in the 2nd year of receiving a Category 1 deduction. The family would then receive a deduction for their qualifying expenses over 5% of their income instead of those exceeding 7.5% of their income.
- The family will no longer be eligible for a hardship exemption under the first category, even if they had not finished the 24-month period.

S. 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). Applicants with 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 that amount by the percent of the family members who actually are eligible. Calculations for each housing program are performed on the HUD 50058 form.

T. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

See Recertifications, Chapter 12 of this Administrative Plan.

U. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

(24 CFR §982.517)

The PHA must review its schedule of utility allowances each year and must revise its allowances for any category if there is a change of 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 10% or more since the most recent 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 or the authorized voucher size, whichever is less.

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 form results in a utility reimbursement payment due to 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 HCV Program participant (tenant) and owner (landlord) 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 must 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 §§ 5.240, 5.210, 982.516, 982.551)

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 in accordance with HUD regulations and will document tenant files whenever third-party verifications are not available and why third-party verification was not obtained.

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:

Level 6: Upfront Income Verification (UIV) is income information that 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 Upfront Income Verification;

Level 5: Upfront Income Verification using non -EIV system (e.g., The Work Number, web-based state benefit systems, etc.);

Level 4: Written Third-Party Verification (aka tenant-provided verification), which may be a document provided by the tenant from the income provider or source or EIV + Self-Certification;

Level 3: Written Third Party Verification Form, 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; The PHA may skip this level of verification before attempting Level 2, which means they will have completed only level 3 ***or*** Level 2;

Level 2: Oral Third-Party Verification, which is income verified orally by phone with the income provider or source. The PHA may skip this level of verification before attempting Level 3, which means they will have completed only level 2 ***or*** Level 3;

Level 1: Self-Certification – the tenant submits a signed statement of reported income and /or expenses (signed under penalty of perjury). May be used as the highest form of verification when the family reports zero income.

The PHA will allow up to five (5) days for return of third-party verifications and will allow up to 5 days to obtain other types of verifications before using the next verification 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.

The PHA will not delay the processing of an application or recertification beyond a reasonable and appropriate time period based solely upon a third party's failure to 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 information regarding earned income, Social Security benefits, Supplemental Security Income (SSI), and unemployment benefits. If UIV information differs from tenant-supplied information by more 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 benefits or SSI for applicants.

- PHAs are required to use EIV to verify Social Security/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 recent third-party verification from the income source, 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 that the tenant provide a current (dated within the appropriate benefit year for fixed income sources, or dated within 120 days of the date received by the PHA for written third-party verification) benefits verification 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 Social Security or SSI benefits because the dollar amount listed may not be the gross benefit amount.

The PHA may use EIV to verify tenant employment and income information during an interim reexamination of family composition and income.

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

- Social Security Administration (for SSI and other Social Security programs)
- Veterans Administration
- Department of Human Assistance (welfare office)
- Employment Development Department (EDD)
- Unemployment Insurance Appeals 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

Third-Party Oral Verification

When third-party oral verification is used, PHA staff is required to complete a Certification of Document Viewed or Person Contacted Form, stating the name of the person 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 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 readily noticeable:

- 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 of more than $100 a month (per income source), the PHA will utilize the third-party verification.

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 and sign it under penalty of perjury.

Self- certification means a statement written on an Affidavit form and 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 also elect to have a self-certification notarized at his or her own expense.

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

Self-certification is acceptable at recertification when

- Income sources that are fully excluded
- Net family assets equal to or less than HUD threshold adjusted annually (e.g., $52,787 in 2026)
- The family declares that they do not have any present ownership in any real property
- A family states they have nonrecurring income that will not be repeated in the coming year
- When the family reports zero income
- The PHA has adopted a policy to implement streamline recertifications for fixed sources of income

B. RELEASE OF INFORMATION

(24 CFR §§ 5.230, 982.516, and 982.551)

All adult family members will be required to sign the HUD-9886-A Release of Information/Privacy Act form and the PHA's Authorization for the Release of Information. The executed consent form will remain effective until the family is denied assistance, the assistance is terminated, or the family provides written notification to the PHA to revoke consent. Revocation of consent of the HUD-9886-A form will result in termination of assistance or denial of admission.

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 requested by the PHA and to sign consent forms requested by the PHA or HUD. It is also a family obligation that all information provided is true and correct. Falsifying or omitting any requested information or otherwise providing misleading information to the PHA may result in denial of admission to the HCV Program or termination of assistance.

C. COMPUTER MATCHING

The PHA may use computer matching with various local, state, and federal agencies.

D. ITEMS TO BE VERIFIED

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

1. All sources of income not fully excluded
2. Full-time student status of any and all adult students.
3. Current assets including assets of $5,000 ($50,001 or more (adjusted annually for inflation) upon HOTMA implementation) or more disposed of for less than fair market value in the last two years.
4. Allowable child care expenses.
5. Total allowable medical expenses of all family members in households whose head or spouse/partner is elderly or disabled.
6. 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.
7. Disability for determination of preferences, allowances or deductions.
8. U.S. citizenship/eligible immigrant status.
9. Social security numbers for all family members, with the exception of 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.
10. "Preference" status.
11. Familial Status or Spousal Relationship
12. Verification of Reduction in Benefits for Noncompliance (e.g. for Social Security/SSI benefits or welfare benefits).
13. 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 a family's request for rent reduction.
14. Legal Identity verification includes the following items:
    a. A valid state or federally issued identification card 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.
15. 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 may 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, or bonus pay expected during the next 12 months

Acceptable methods of verification include, in this order:

- Check stubs or earning statements showing the employee's gross pay, frequency of pay and/or year-to-date earnings. If check stubs are provided by the tenant, a minimum of two (2) of the most current and consecutive check stubs are required.
- A formal employment letter from the employer detailing the criteria stated above.
- Employment verification form completed by the employer.
- 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.

Applicants and program participants may be required to sign an authorization for release of information for the PHA to contact the Internal Revenue Service (IRS) for further verification of income.

In cases where there are questions about the validity of information provided by the family, the PHA may require the most recent federal income tax statements/returns.

Social Security, Pensions, Supplemental 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
- Online printout from the income source website
- Benefit verification form completed by the agency providing the benefits
- Tenant Declaration signed under penalty of perjury

Unemployment Compensation

Acceptable methods of verification include, in this order:

- Upfront Income Verification (UIV)
- Two (2) of the most current and consecutive payment stubs or a letter generated from a third party source (e.g. the Employment Development Department [EDD])
- PHA verification form completed by the unemployment compensation agency. Computer report electronically obtained or in hard copy, from EDD stating payment dates and amounts
- Tenant Declaration signed under penalty of perjury

Alimony or Child Support Payments

A family's child support or alimony income is based on payments received, not the amounts the family is entitled to receive based on any court or agency order.

Acceptable methods of verification include, ~~in this order~~:

- Copy of last two (2) checks and/or payment stubs for the tenant provided by the court,
- Copy of the most current court order,
- A written accounting or other statement from a local child support agency,
- Copy of a separation or marital settlement agreement or a divorce decree (court order) stating amount and type of support and payment schedules,
- PHA verification form completed by payment provider,
- Oral verification by staff from the Department of Child Support Services (DCSS), and
- ~~Tenant declaration, signed under penalty of perjury, of amount received and of the likelihood of support payments being received in the future, or statement that support payments are not being received.~~

If payments are ~~irregular~~ not paid in equal and regular installments, the family may be asked to provide one or more of the following:

- 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 (NOA) showing amounts received by the welfare agency for child support, or
- ~~A written statement from an attorney certifying that a collection or enforcement action has been filed against the parent responsible for making the payments.~~

If none of the above methods can be obtained following HUD defined hierarchy, tenant declaration can be accepted. Tenant declaration must have the following:

- signed under penalty of perjury,
- amount received and of the likelihood of support payments being received in the future,

Self-Employment Income

Gross income received through self-employment or the operation of a business; with the exception of the following which shall be considered income:

- Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in IRS regulations; and
- Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

Net Income from a Business

To verify the net income from a business, the PHA will review IRS and financial documents from the most recent year and use this information to anticipate the income for the next twelve months with all schedules (including IRS 1099s and Schedule Cs for self-employed individuals).

Some examples of financial documents a PHA may use in reviewing business income include:

- 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 last 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.
- Tenant declaration 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 non-licensed day care operation, the PHA will require that the applicant/participant complete a form for each customer including the name of person(s) whose child/children is/are being cared for, contact information including phone number and e-mail address if available, number of hours the child/children is being cared for, method of payment (check/cash), amount paid by HCV applicant/participant, and signature of person providing care.

If the family has filed a tax return, the family will be required to provide it to the PHA.

If childcare services were terminated, third-party verification may be sent to the parent whose child was cared for.

Recurring Gifts
The family must furnish a self-certification form containing the following information:
- The name and contact information of the person who provides the gifts;
- The value of the gifts;
- The frequency (dates) of the gifts; and
- The purpose of the gifts.

Zero-Income Status
Families claiming to have no income may be required to complete a zero-income packet and provide proof that prior income has ended. The PHA may accept self-certification of zero-income status. Recertifications will be processed for any change in income.

At any time, the PHA may run a credit report.

Full-time Student Status
A full-time student is a person enrolled in at least 12 or more units at 1 (one) or more educational, technical, or vocational institutions. An adult member of the household enrolled full-time in high school will also be considered a full-time student upon receipt of verification of continued enrollment.

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

F. INCOME EXCLUSIONS

(24 CFR 5.609 (b) and (c))

The following are income exclusions in addition to exclusions in 24 CFR 5.609 (b) and (c)

- Amounts received from Medicaid or other state/local programs meant to keep a family member with a disability living at home
- Veterans' aide and attendant care
- Distributions of principal from non-revocable trusts, including Special Needs Trusts.
- Temporary income paid as a Guaranteed Income Benefit Program payment through local city, state, or federal funds or approved funding sources.
- U.S. Census Bureau for employment income (relating to decennial census or the American Community Survey) lasting no longer than 180 days and not resulting in permanent employment.
- Direct federal or state payments for economic stimulus or recovery.
- State or federal refundable tax credits or state or federal tax refunds received directly at the time they are received directly by the family.
- Gifts for significant life events or milestones (e.g., holidays, birthdays, wedding gifts, baby showers, anniversaries).
- Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization.
- Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings.

G. INCOME FROM ASSETS

1. Interest bearing and income generating financial accounts
    a. Provide current asset statements
    b. PHA verification form to be completed by relevant financial institution, or
    c. 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, or
    d. 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:
    a. Amortization schedule showing interest for the twelve months following the effective date of the certification or recertification.
    b. 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.
    c. If the family has filed a tax return, they will be required to provide it.

3. Net Rental Income from Property Owned by Family:
    a. IRS Form 1040 with all attached Schedules (Rental Income).
    b. 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.
    c. Copies of latest rent receipts, leases, or other documentation of rent amounts.

H. ASSET EXCLUSION

Retirement accounts and educational savings accounts will not be considered a net family asset.

CashApp/Venmo and e-commerce money transfer instruments are not considered financial institutions but rather instruments for the movement of funds.

I. VERIFICATION OF ASSETS

The PHA will accept a family's self-certification of net family assets equal to or less than $50,000 (as adjusted annually for inflation by HUD) and anticipated income earned from assets at admission and reexamination. Self-certified assets accepted at the reexamination must be fully verified every three years.

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 assets were converted to cash).
Acceptable verifications may include but are not limited to the following:

- All Financial Account Statements:
  - Checking Account Statements
  - Savings Accounts Statements
  - Cryptocurrency Account Statements
- Property Owned by Family
  - County Assessor Tax Bill
- Life Insurance Policies
  - Current cash surrender value statement

For all assets 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. Examples include:

a. Saving Passbooks, certificates of deposit, bonds, or financial statements completed by a financial institution or broker;
b. Written quotes from a stockbroker or realty agent as to the net amount family would receive if they liquidated securities or real estate;
c. Real estate tax statements if the approximate current market value can be deduced from assessment;
d. Copies of closing documents showing the selling price;
e. Appraisals of personal property held as an investment.

- For closed accounts, the family must submit verification from the institution where the account was closed.
- For assets or cash held at the family's home or in safe deposit boxes, the PHA will accept the family's self-certification.

The PHA may opt to conduct a streamlined verification process for families that have net assets totaling $50,000 (as adjusted annually for inflation by HUD) or less.

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 family must disclose whether any member has disposed of assets for less than fair market value (FMV) within the past two (2) years of the effective date of the certification or recertification. The PHA must count assets disposed of for less than FMV during the two (2) years preceding initial certification or recertification. 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 FMV is $50,000 (as adjusted annually for inflation by HUD). If the total value of assets disposed of within a two-year period is less than $50,000 (as adjusted annually for inflation by HUD), they will not be considered an asset.

If the family certifies that they have disposed of assets over $50,000 (as adjusted annually for inflation by HUD) for less than fair market value, verification is required and must show:

- the date they were disposed of;
- the payment amount the family received; and
- the market value of the assets at the time of disposition.

Third-party verification will be obtained whenever 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 divorces or separations are not considered to be assets disposed of for less than fair market value.

J. ASSET INCOME EXCLUSION

Baby Bonds

Income earned by government contributions to, or distributions from, 'baby bond' accounts created, authorized, or funded by federal, state, or local government.

Trust Distributions

Irrevocable trust or revocable trust outside of family or household control, excluded from the definition of net family assets under § 5.603(b),

- Distributions of the principal, or corpus, of the trust, and
- Distributions of income from the trust used to pay the costs of health and medical care expenses for a minor.

Revocable trust or a trust under the control of the family or household: any distributions from the trust are excluded from income.

Except that any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.

K. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

Child Care Expenses

Families must provide certification as to whether any of child-care 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 childcare provider is an individual, s/he must provide a statement of the amount he/she is charging the family for services.

Verifications must specify the child-care provider's name, address, telephone number, social security or tax I.D. number, the names of the children cared for, the number of hours the provider cares for the child(ren), 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, letters, or a printout from a licensed agency providing the childcare service.
- Receipts from an unlicensed childcare provider that have been third-party verified by a PHA employee

Medical Expenses

Families whose head or co-head is elderly or disabled and eligible to claim medical expenses will be required to submit a certification as to whether 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, or pharmacist certifying:
  (a) The anticipated medical costs to be incurred by the family and regular payments due on medical bills; and
  (b) The 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 may 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; amount and frequency of payments received from the family or agency; 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 agreement or most recent invoices verifying 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 within the past twelve months that can clearly show ongoing need may be used to anticipate future medical expenses. PHA may use this approach for "general medical expenses" such as prescribed over-the-counter drugs and regular visits to doctors or dentists, but not for one-time, non-recurring expenses from the previous year. Costs for over-the-counter medications will not be counted in determining medical expenses unless prescribed by a medical professional. “Recommendations” from a healthcare provider for over-the-counter medications or other products are not sufficient proof of medical expenses.
- The PHA will use mileage at the IRS rate, cab fare, bus fare (for trips for medical purposes, not, e.g., regular monthly/daily bus passes [since these can be used for trips unrelated to medical visits for treatment, check-ups, etc.]), or other public transportation cost for verification of the cost of transportation directly related to medical treatment.
- Cost for transportation to stores or medical facilities 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 (not "recommended" or "suggested") by a doctor.

Assistance to Persons with Disabilities

For households that include family members with disabilities, the PHA will take into consideration medical expenses that allow a family member or the person who is disabled to work. The following verification will be accepted:

- 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.
- The 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 or duplicate copies of checks the family used to make payments.
- Attendant's written certification of payment amounts received from the family, frequency of receipt, and number of hours of care provided.

Auxiliary Apparatus:

- Receipts for purchases or proof of monthly payments and maintenance expenses for 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.

L. VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identity

In order to prevent program abuse, the PHA will require applicants/participants 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 (I.D.) card (employment or student IDs are not acceptable). Expired government-issued identification may be accepted if accompanied by a receipt for renewal or reissuance.
- Birth certificate
- Naturalization papers
- U.S. military discharge (DD 214)
- U.S. Passport
- Department of Human Assistance Benefits Identification Card

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

- Copy or original birth certificate issued by a bureau of vital statistics
- Naturalization paperwork issued from U.S. Department of State
- Adoption papers

- Custody agreement
- Passport
- Valid state Identification Card or Driver's License

Familial Relationships

The following documents may be accepted to verify familial relationships:

- Birth Certificates
- Baptismal Certificates
- 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 may consider any of the following as verification:

- Filing of a petition for divorce, and proof of another home address.
- Filing of a petition for 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 rent checks, driver's license, or lease or rental agreement.
- Statements from agencies, such as social services agencies, 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.
- The PHA will accept a self-certification from the head of household or the spouse/partner or co-head.

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. The family is required to report any changes in family composition (e.g. a family member moves out) to the PHA.

Verification of Disability

~~The family may verify the~~ Disability of a family member can be verified through the EIV system verification, ~~that~~ disabled member's receipt of Supplemental Security Income (SSI) benefits based on disability, Social Security Disability Insurance (SSDI), or by appropriate diagnostician, including but not limited to a physician, psychiatrist, licensed clinical social worker, therapist, rehabilitation specialist, or psychologist, using the HUD language as the verification format. ~~Receipt of a VA letter stating that the Veteran receives "Service Connected Disability" will also suffice as verification of a disability.~~ This threshold is not used for purposes of evaluating a request for a reasonable accommodation. ~~(refer to Chapter 1).~~

Verification of Citizenship/Eligible Immigrant Status

Ineligible family members are those who 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 not U.S. citizens or ineligible immigrants 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 the Department of Homeland Security. Each family member must declare his or her status once. For minor children, the parents or guardians will declare their eligibility status. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the PHA is awaiting verification of legal status.

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 will be copied front and back and returned to the family. The PHA verifies the status through the Department of Homeland Security SAVE system. If this primary verification fails to verify status, the PHA must request within ten days that the Department of Homeland Security 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/partner.

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

Failure to Provide

If an applicant or participant family member fails to sign the required declarations and consent forms or provide documents, 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 the 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 must occur before the new family member moves into the assisted unit.

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 receiving 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 United States Citizenship and Immigration Services (formerly INS) for issuance of replacement of any of the above documents that shows the 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 for three years.

Verification of Social Security Numbers (24 CFR §§ 5.216, 5.218 and HUD 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:

1. An original or copy of SSN card issued by SSA;
2. An original SSA-issued document, which contains the name and SSN of the individual; or
3. 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 that a SSN has not yet been assigned and agree to provide the PHA with appropriate documentation 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, 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.

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 PHA's goals and objectives are designed to ensure that families selected to participate in the HCV Program are equipped with the tools necessary to locate an appropriate housing unit. Families are provided sufficient information regarding the program and how to achieve maximum benefit while complying with program rules and 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 operates. The briefing will provide a broad overview of owner (landlord) and family (tenant) 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% lease-up. The PHA performs a monthly calculation to determine whether applications can be processed, the number of vouchers that can be issued, and the extent to which the PHA can over-issue vouchers (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 HUD Annual Contributions Contract (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 need individual assistance (e.g. because they do not understand the information or have additional questions) will be referred to designated staff for further assistance. Virtual briefings and electronic voucher issuance may be offered as allowed by HUD.

The purpose of the briefing is to explain how the HCV 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 (landlords) 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 if such a briefing is requested by the family as a reasonable accommodation based on their disability or disabilities.

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; and
  - Where the family may lease a unit. For a 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 is called 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, 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 Occupancy Rights under Violence Against Women Reauthorization Act (VAWA) of 2013 (HUD-5380), which includes the “Certification of Domestic Violence, Dating Violence, or Stalking” form, (HUD-5382), 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.
- Information regarding the schools in the various school districts and their rankings, how to research crime in neighborhoods, employment, child care opportunities.
- 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 24 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 perform a recertification before approving a move if the recertification is scheduled within 150 days of the request to move. Similar information as provided in the intake briefing is provided to the tenants including (but not limited to) a map showing areas representing various income levels of the jurisdiction and surrounding areas for the purpose of expanding housing opportunities for families. In addition, information regarding the schools in the various school districts and their rankings, how to research crime in neighborhoods, employment, and child care opportunities is provided.

If the family is moving involuntarily, every effort will be made to expedite the recertification also for the same reason, but the family will not be delayed in moving.

Owner Briefing

Briefings are held for owners monthly. The purpose of the briefing is to ensure 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 if the participant feels he or she has been discriminated against based on their membership in a legally protected class (e.g. disability, race, sex, source of income, etc.).

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 must be in accordance with California law as set forth in the California Civil Code.

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 HCV Program participation.

F. VOUCHER ISSUANCE

(24 CFR §§ 982.302, 982.402 and 982.54(d)(2))

During the briefing session, each household will be issued a voucher authorizing the family to search for a suitable unit. The voucher is evidence that the PHA has determined the family is 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 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 household initially leases up in their approved unit, 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.

The PHA, at its discretion, may suspend, restrict, or stop voucher issuance for families in the application intake process.

Participants who are out of the assisted unit without voucher may not delay the issuance of an available voucher when directed by the PHA. If the participant fails to accept and sign an available voucher, they may be subject to the termination policy in Chapter 15.

Term of Voucher (24 CFR §982.303)

Vouchers may be issued for a term of 120 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.

Port in vouchers will be given the regulatory 30-day extension, in addition to any time left on the initial PHA's voucher. The 30 days will start at the end of the initial PHA's voucher date or the date of the briefing, whichever is longer. Additional extensions to be granted by initial PHA.

In the case of port-outs the family will be scheduled for a briefing as soon as:

- They give written notice of their intent to move to the PHA;
- The recertification has been completed;
- All outstanding debts have been paid to the PHA; and
- Any pending violations of family obligations are resolved.

The effective day of the voucher will be the date the family attends the briefing. The voucher lists the issue date and the expiration date.

Voucher Extensions

The PHA may approve a 90- day ~~60-day~~ extension to the voucher term. All requests for an extension must be received orally or 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 will notify the family in writing of voucher extension approvals and denials. 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 for individuals with disabilities.

Tolling/Suspension of Search Time

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

Additional time will be given to the family to choose an appropriate size unit following a reasonable accommodation decision for individuals with disabilities that affect their ability to search for and/or secure an appropriate rental unit.

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 will expire, and the family will no longer be eligible to participate in the Housing Choice Voucher program.

If the voucher expires during the term of the HAP contract and the eligible family remains in the assisted unit, they will continue to receive assistance.

The Voucher Expiration Notice is included in the briefing packet and is required to be signed by the family. There are no hearing rights associated with:

- The expiration of the voucher,
- The PHAs denial of a request to extend the term of the voucher, or
- The PHAs denial of a request 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

The PHA will assist families with contract rent negotiations (based on comparable rent) with owners once a Request for Tenancy Approval (RFTA) is submitted for specific unit on RFTA and provide other limited assistance related to their search for housing.

G. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS

(24 CFR §982.315)

~~**Division of family due to divorce or legal separation**~~

Division of Family Due to Divorce, Legal Separation, or Family Break-Up

~~When a family assisted under the HCV program or an applicant family becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family absent a court's decision or order, the supervisor may 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, separation, or divorce~~
- ~~Which family members remain in the unit~~
- ~~Recommendations of social service professionals~~

When an applicant family or a family receiving Housing Choice Voucher (HCV) assistance separates into two otherwise eligible family units due to divorce, legal separation, or family break-up in the absence of a court order or other legally binding determination regarding the disposition of the voucher assistance, the PHA will determine which family will continue to receive assistance.

In making this determination, the PHA may consider, including but not limited to, the following factors:

- Which family unit has primary custody of any dependent child(ren);

- Which family member was the original Head of Household at the time the family first received Housing Choice Voucher assistance;
- The composition of each resulting family unit, including the presence of elderly or persons with disabilities;
- Whether the separation resulted from domestic violence, dating violence, sexual assault, stalking, or human trafficking, consistent with applicable federal requirements;
- Which family members continue to reside in the assisted unit; and
- Recommendations or documentation provided by social service professionals or other qualified third parties, as appropriate.

~~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.~~

The PHA may consider any other relevant information or documentation necessary to make an equitable determination. The requesting parties are responsible for providing documentation supporting their request.

If the requested documentation is not provided within the timeframe established by the PHA, the PHA will make its determination based on the information available. Failure to provide information necessary to determine continued program eligibility may result in denial or termination of assistance in accordance with program requirements.

Division of family when a legal guardian is the Head-of-Household

When a legal guardian has been added to the household to care for dependents and the guardian can no longer remain in the household, the PHA will determine who will be the new head of household based on the following factors:

- Whether any of the original dependent children have turned 18 years of age and are willing to become the new head-of-household; or
- Whether there is a new legal guardian who can be approved and added to household temporarily to care for the children.

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 vouchers 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 Payment (HAP) 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), and 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. When a replacement RFTA is requested, the family must submit the request in writing indicating the reason for the request.

The PHA will review the Request for Tenancy Approval documents in determining whether the request can be approved. 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 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% 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 providing notification to all involved parties. The PHA will also send a void confirmation letter to the participant or landlord.

Additional time will be given to the family to choose an appropriate sized unit following a reasonable accommodation decision for individuals with disabilities.

When a participant cancels an existing RFTA and there is no remaining time on the tenant's voucher, the tenant shall have 10 calendar days from the date of RFTA cancelation to request a voucher extension, and after receipt of such request, the PHA may grant a voucher extension in its sole and absolute discretion. If there is no remaining time on the tenant's voucher and the tenant fails to timely request a voucher extension, the tenant is no longer eligible to participate in the program.

B. ELIGIBLE TYPES OF HOUSING

(24 CFR §982.353)

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

- All structure types can be utilized
- Manufactured homes
- Group homes
- Congregate facilities (only the shelter rent is assisted)
- Single room occupancy (SRO)
- Units owned (but not subsidized) by the PHA (following HUD-prescribed requirements).

A participant can own a rental unit and receive assistance with the space rental and other eligible expenses. 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 receiving HUD project-based Housing Choice Voucher assistance or any duplicative rental subsidies.

Owner Interest in Unit

The owner may not reside in any portion of the assisted property, unless

- the family owns the mobile home and rents the pad, or
- in shared housing, or
- the client is a participant in the Homeownership Program.

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 for the voucher holder.

C. LEASE AND TENANCY

(24 CFR §982.308)

The tenant must have legal capacity to enter into a lease under state and local law since a lease is a legally binding contract. If the owner uses a standard lease form for the rental of 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).

The HUD 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 Housing Assistance Payment Contract and the Tenancy Addendum Section 8 Tenant-Based Assistance Housing Choice Voucher Program shall supersede any conflicting provisions.

The owner must submit a copy of the lease or rental agreement to the PHA.

The lease must specify:

- The name(s) of the owner(s) and all household members;
- The address of the rental unit;
- The term of the lease;
- The amount of the monthly rent to the owner;
- The utilities and appliances to be supplied by the owner; and
- The utilities and appliances to be supplied by the family.

The Tenancy Addendum Section 8 Tenant-Based Assistance Housing Choice Voucher Program 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-Based Warning Statement and disclosure information as 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 Housing Quality Standards (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 40% of the family's monthly adjusted income.

D. SEPARATE AGREEMENTS

Illegal Side Agreements (Side Payments or Side Rents)

Families and owners are 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, including but are not limited to, any payments charged by the owner and/or accepted from the tenant for rent and/or utilities in excess of the rent approved on the HAP contract or the most current Subsidy Adjustment Notice (SAN). For example, if the contract rent is $800, the tenant (voucher holder) and owner (landlord) may not enter into a separate agreement, either oral or written, that the tenant will pay an additional $100 rent per month to the landlord. This rule is in place to protect both the PHA from providing excessive subsidies and the tenant from paying additional rent to the landlord.
The family is responsible for all matters concerning the lease that are not covered by the HAP contract.

Separate Agreements Approved 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 that are routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher, garage, or covered parking space) or are permanently installed in the unit cannot be put into a separate agreement. For there to be a separate agreement, the family must have the option of not utilizing the service, appliance or other item. Separate agreements must not be a substitute for higher rent.

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 is not more than rent charged by the owner for comparable unassisted units in the building or 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 and any applicable state or local laws.

F. DISAPPROVAL OF PROPOSED RENT

(24 CFR §§ 982.506, 982.507, 982.508)

Rent Reasonableness
If the proposed gross rent is not reasonable, the PHA will offer the owner the opportunity to accept the maximum approvable rent for the family.

Affordability
Prior to approval of a new lease/contract, if the rent is not affordable because the family share would be more than forty percent of the family's monthly adjusted income, and the gross rent is more than the payment standard, the PHA will negotiate with the owner to reduce the rent to an affordable rent for the family.

If the rent is 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 and 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 are encouraged to screen applicants for rent payment history, payment of utility bills, eviction history, ability to respect the rights of other residents, damage to previous rental units, any drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others the tenant has engaged in, 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. 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 of the rent prior to the effective date of the HAP contract the information will be verified and the total family share will be recalculated (please see Chapter 12, Part B, Interim Changes).
A HAP contract will not be generated when the family reports a change in household income or family composition that results in a reduction of the family's voucher size or TTP prior to the generation of the HAP contract. The family's eligibility for the unit will be re-determined based on the new voucher size. If the reduction results in the family paying more than 40% of their monthly adjusted income toward rent and

utilities, the RFTA will be voided. This limitation will apply even if the family has moved into the unit prior to PHA approval or a "Passed" unit inspection has been completed.

The family will be responsible for any HAP overpayment due to untimely reporting of changes in household composition or income and may result in termination of HCV assistance.

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 [P.O.] box).
- a current home or cell 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 and property address.
- a copy of the management agreement, if an agent (e.g. a property manager) is acting on behalf of an 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. The PHA may waive this restriction as a reasonable accommodation for a family member who is a person with a disability. This means that covered individuals may **not** rent from immediate family members, including spouse, parents (including step-parents), child (including a step-child) grandparents, grand-child, siblings (including step-brother or step-sister) of any family member.

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 made in writing. In order to change the utility or appliance responsibility a 60-day written notice must be submitted to the PHA and must 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.

If the change in utilities results in the tenant paying for utilities that were previously the responsibility of the owner, the PHA will:

1. Complete a comparable rent study before the approval of any utility change(s).
2. Establish a contract rent based on the results of a current rent comparability study.
3. Execute a new Housing Assistance Payment (HAP) Contract based on the new utility and/or contract rent.

The owner and tenant will be required to sign the new HAP contract before the PHA will make any payments.

Electronic Submission

All RFTAs submitted whether electronically or on paper are subject to the same approval process.

K. LANDLORD AND APPLICANT INCENTIVE PROGRAM

Based on funding availability, the PHA may offer Landlord Incentives and assistance with Applicant leasing costs and move-in costs. These Incentive Programs may only be available to certain voucher types based on funding. Any security deposit assistance paid to a Landlord on behalf of an Applicant will be returned to the Applicant upon move-out to assist the Applicant to lease future housing units.

Chapter 10 HOUSING QUALITY STANDARDS, NSPIRE, AND INSPECTIONS

(24 CFR §982.401)

INTRODUCTION

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based rental assistance 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 violation 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 common areas, 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 biennially. The PHA may comply with the biennial inspection requirement through reliance upon an inspection conducted for another housing assistance program. Compliance with the biennial inspection requirement may be met by reliance upon an inspection of housing assisted under the HOME Investment Partnerships (HOME) Program (under Title II of the Cranston-Gonzalez National Affordable Housing Act, 42 USC §12701) or housing financed via the Treasury Department's Low-Income Housing Tax Credit program (LIHTC), taking into account the standards used by those programs.

The PHA will also perform quality control inspections on the number of units required for file sampling by the Section Eight Management Assessment Program (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 both the owner and family, as well as 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)

The PHA will make an effort to encourage owners to provide housing above HQS minimum standards. However, the PHA will not promote any additional acceptability criteria that are likely to adversely affect the health or safety of participant families, or severely restrict housing options.

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 requirements. The family and owner must then certify at move-in that the appliances are in the unit and are in working order. The PHA will not conduct a re-inspection on this basis alone.

There are five types of inspections:

1. Initial/Move-In: conducted prior to the initial term of the lease.
2. Biennial: conducted within twenty-four months after the last inspection as required by SEMAP.

3. Alternative Inspections: utilized to comply with biennial inspection requirement through reliance upon an inspection conducted for another housing assistance program when applicable (such as HOME, LIHTC, or HUD inspections).
4. Special: conducted as needed to determine if the unit meets HQS.
5. Quality Control: conducted to ensure that inspections performed by the PHA are accurate and complete.

B. INITIAL HQS INSPECTION

(24 CFR §§ 982.401(a) and 982.305(b)(2))

Timely Initial HQS Inspection

When the family submits a complete Request for Tenancy Approval (RFTA), the PHA will seek to 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 may 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 whether the unit and property meet the HQS defined in this Administrative 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 to 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.

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

- The unit has not been occupied since the date the unit passed the HQS inspection; and
- 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 re-inspected before the lease and contract may begin.

Emergency Inspection

When a family resides in a unit that becomes uninhabitable, the PHA may conduct a priority inspection of the new unit.

The PHA will execute a Housing Assistance Payment (HAP) contract if all other required factors including rent comparability, family, and unit eligibility have been met.

The PHA will cease payment on the uninhabitable unit on the day it became uninhabitable and may begin payment at the new unit from the inspection pass date if the family is determined to be eligible.

If the biennial inspection due date is within 90 days of a scheduled special inspection, the special inspection will be categorized as biennial and all biennial procedures will be followed.

C. BIENNIAL HQS INSPECTIONS

(24 CFR §982.405(a))

The PHA inspects each assisted unit biennially at least 24 months after the last inspection as required by SEMAP.

If an additional room has been granted as a reasonable accommodation for an individual with disabilities, at the biennial inspection the PHA will verify that the additional bedroom is being used as intended. 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 will only be granted if there are extenuating circumstances. Another inspection must be scheduled within seven days of the original inspection and must be inspected within 30 days thereafter.

A missed or inconclusive inspection is considered to be a family caused failed inspection. A request to move will not be approved if there is an unresolved family caused failed inspection.

The family must allow the PHA to inspect the unit at reasonable times and with reasonable notice as one of the family's obligations under the HCV Program. (24 CFR §982.551(d)). If the family misses one inspection appointment, the PHA may schedule a Mandatory Tenant Conference to discuss the violation of family obligations and to consider any mitigating circumstances. Violation of family obligations may lead to termination of assistance.

The owner must correct HQS deficiencies that cause a unit to fail unless the family is responsible for the HQS breach. (24 CFR § 982.404(b).

For family caused damages or other conditions that violate HQS, the family must correct the repairs within the specified timeline (See Time Standards for Repairs below). If the family 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)

It is a family obligation to allow the PHA to inspect the unit to ensure that it meets HQS.

Inspection Reinspection Fees

If an initial inspection, turn-over inspection or annual inspection does not pass within the first two scheduled inspections, the third scheduled inspection and every inspection approved thereafter may be charged a $35 inspection fee payable to SHRA.

Time Standards for Repairs

Emergency items must be corrected within 24 hours of notification.

~~Repairs for non-emergency items must be made within 30 days of the inspection fail date. An extension beyond the 30-day period may be approved by a Supervisor or Program Manager upon written request from the owner, with verifiable documentation. If the tenant is responsible and corrections are not made during the timeframe provided to the family, the PHA will terminate the HAP contract when assistance is terminated. A PHA supervisor may grant a time extension to a repair deadline in lieu of abatement in the following cases: if there is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services, or if the repairs must be delayed due to climate conditions.~~

Repairs for non-emergency deficiencies must be completed within 30 days of the inspection failure date. An extension beyond the 30-day period may be approved by a Supervisor or Program Manager if the owner submits a written request with verifiable supporting documentation. Extensions may be granted instead of abatement when repairs are delayed due to unavailable parts (when the required part is not readily available through normal open market sources within a reasonable time frame), contractor scheduling, or weather-related conditions.

If the deficiency is the family's responsibility and the required corrections are not completed within the specified timeframe, the PHA will terminate housing assistance, resulting in termination of the HAP contract.

Self-Certification of Repairs by Owner and Tenant

The PHA may allow owners and tenants to self-certify that repair work has been completed, in lieu of the PHA completing a re-inspection. In this case, the owner and tenant will 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 of photos, receipts, work invoices/contracts, etc.

Alternative Inspections

The Housing Authority may comply with the biennial inspection requirement through reliance upon inspections conducted for another housing assistance program. Compliance with the biennial inspection requirement may be met by reliance upon an inspection of housing assisted under the Home Investment Partnerships (HOME) Program (under Title II of the Cranston-Gonzalez National Affordable Housing Act, 42 USC §12701) or housing financed via the Treasury Department's Low- Income Housing Tax Credit program (LIHTC), taking into account the standards used by those programs.

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. The reasonable time for non-emergency items is 30 days.

The PHA will consider HQS-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 biennial inspection due date is within ninety days of a scheduled special inspection, the special inspection will be categorized as biennial, and all biennial 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.

D. QUALITY CONTROL INSPECTIONS

(24 CFR §982.405(b))

Quality control inspections will be conducted by PHA staff and will be based upon the SEMAP-defined minimum file sample size.

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

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

E. SINGLE CYLINDER DEAD BOLT LOCKS

The PHA requires that the owner install an operable single-cylinder deadbolt 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:

1. The front door
2. The back door
3. 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 requirements.

F. CARBON MONOXIDE (CO) MONITOR / ALARM

The State of California requires that CO detectors be installed in all residential units with fuel-burning appliances such as oil or gas furnaces and gas stoves or with attached garages. Carbon monoxide detectors may be battery operated or hard-wired in existing construction. CO detectors are required

- Just outside each sleeping room, and
- At least one on every level of the unit.

G. EARTHQUAKE STRAPS

The State of California requires water heaters be braced, anchored or strapped when installed to prevent it from falling during an earthquake.

H. EMERGENCY REPAIR ITEMS

(24 CFR §982.404(a))

The following items are considered emergency repairs and must be corrected by the owner or tenant (whoever is responsible) within 24 hours' notice from the PHA:

1. Lack of security for the unit
2. Severe structural damage (e.g. collapsed ceilings, walls, or floors)
3. Major plumbing leaks (e.g. those causing flooding or significant hazards)
4. Natural gas leak or fumes
5. Electrical problem that could result in shock or fire (e.g. exposed stripped wires)
6. Lack of running water
7. Shattered glass where someone could be injured
8. Lack of a functioning toilet in the unit
9. Lack of one working smoke detector per floor of the unit
10. Lack of functioning carbon monoxide detectors as specified above
11. Lack of an alternate means of ingress and egress (entry and exit) that meets state and local requirement.

In those cases, where there is leaking gas or potential for 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 National Fire Alarm and Signaling Code (NFPA) 72 (or successor standards).

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

(24 CFR §§ 982.404 and 982.453)

When it has been determined that a unit on the program fails to meet Housing Quality Standards (HQS), 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 that 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 sixty (60) 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 to Repair Deadlines, Delaying Abatements

A PHA supervisor may grant a time extension to a repair deadline 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; or
- The repairs must be delayed due to climate conditions.

The extension will be made for a period of time not to exceed 30 days. At the end of that time, 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 the unit).

J. DETERMINATION OF RESPONSIBILITY

(24 CFR §982.404)

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 that 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 this 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 this will be noted in the family's file.

K. 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 30 days (or any PHA approved extension). 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 may propose termination of the family's assistance. The owner's rent will not be abated for items which are the family's responsibility.

A PHA supervisor may grant a time extension to a repair deadline in the following cases:

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

The extension will be made for a period of time not to exceed 30 days.

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

L. LEAD SAFE HOUSING RULE (LSHR)

(24 CFR Part 35, PIH 2017-13)

When a child under six (6) is identified with an EBLL (Elevated Blood Lead Level), the PHA working in concerted effort with the owner must take certain steps:

- Verify EBLL with medical provider or health department
- Notify the health department within 3 days
- Notify HUD within 3 days

Activity	**Responsible Party - THE PHA**	**Responsible Party - Landlord**
Initial Notification of confirmed case to HUD	*	*
Verification, when necessary	*	
Initial notification of confirmed case to public health department, when necessary	*	**
Environmental Investigation	*	
Lead Hazard Control		*
Lead Hazard Control Enforcement	*	
Clearance after work is completed	*	**
Notification to other residents		*
Ongoing LBP Maintenance		*
Monitoring of owner's compliance with LSHR and HQS	*	

- Lead Risk Assessor must perform environmental investigation within 15 days
- Notify family of investigation results within 15 days
- If lead based paint hazards are found, engage a certified renovation firm to "control" the hazard in other units in a multi-family property; and notify residents of the complex
- If lead based paint hazards are found in other units, engage a certified renovation firm and notify residents of the results
- Relocate residents as necessary
- Complete lead hazard control of all affected units within 30 days
- Ensure all units pass clearance as determined by a certified risk assessor
- Notify all residents that lead hazard control was completed in a multi-family complex.
- Notify HUD s of completion within 10 business days.

Legend: ** denotes landlord responsibility. However, landlord must work in concerted effort with PHA to ensure the activity is completed.

The PHA is the designated party responsible for ensuring compliance with all the regulations

National Standards for the Physical Inspection of Real Estate (NSPIRE) Introduction

National Standards for the Physical Inspection of Real Estate (NSPIRE) are the HUD minimum quality standards for tenant-based rental assistance programs. Housing inspections conducted by the PHA will check for any items in violation of NSPIRE standards. NSPIRE inspections are required both at initial occupancy and during the term of the lease. NSPIRE applies to the building and common areas, as well as the unit. Newly leased units must pass the NSPIRE inspection before the beginning date of the assisted lease and HAP contract.

NSPIRE regulations are anticipated to be effective October 1, 2025. If HUD announces a delay in implementation, Housing Quality Standards will continue in effect.

The PHA will inspect each unit under contract at least biennially. All inspections shall be conducted by a third-party vendor contracted by PHA. The PHA may comply with the biennial inspection requirement through reliance upon an inspection conducted for another housing assistance program. Compliance with the biennial inspection requirement may be met by reliance upon an inspection of housing assisted under the HOME Investment Partnerships (HOME) Program (under Title II of the Cranston-Gonzalez National Affordable Housing Act, 42 USC §12701) or housing financed via the Treasury Department's Low-Income Housing Tax Credit program (LIHTC), taking into account the standards used by those programs.

The PHA will also perform quality control inspections on the number of units required for file sampling by the Section Eight Management Assessment Program (SEMAP) annually to maintain the PHA's required standards and to ensure consistency in the PHA's program. This chapter describes the PHA's procedures for performing NSPIRE, and PHA standards for the timeliness of repairs. It also explains the responsibilities of both the owner and family, as well as the consequences of non-compliance with NSPIRE requirements for both families and owners. The use of the term "NSPIRE" in this Administrative Plan refers to the combination of both HUD and PHA requirements.

The focus of NSPIRE is on the condition of dwelling units and prioritizing the health and safety of residents. NSPIRE removed the "Site and Neighborhood" requirement for HCV at 24 CFR 982.401(l). NSPIRE standards can be found at https://www.hud.gov/reac/nspire-standards.

A. NSPIRE GUIDELINES/TYPES OF INSPECTIONS

The PHA will make an effort to encourage owners to provide housing above NSPIRE minimum standards. However, the PHA will not promote any additional acceptability criteria that are likely to adversely affect the health or safety of participant families or severely restrict housing options.

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 NSPIRE requirements. The family and owner must then certify at move-in that the appliances are in the unit and are in working order. The PHA will not conduct a re-inspection on this basis alone.

There are five types of inspections:

1. Initial/Move-In: conducted prior to the initial term of the lease.
2. Biennial: conducted within twenty-four months after the last inspection as required by SEMAP.
3. Alternative Inspections: utilized to comply with biennial inspection requirement through reliance upon an inspection conducted for another housing assistance program when applicable (such as HOME, LIHTC, or HUD inspections).
4. Special: conducted as needed to determine if the unit meets NSPIRE standards.
5. Quality Control: conducted to ensure that inspections performed by the PHA are accurate and complete.

Units under a PBV HAP Contract are subject to all turnover inspections for new families moving in and a random sampling of at least 20 percent of the contract units for periodic NSPIRE inspections. Like HCV, the random sample will be done at least biennially.

Inspectable Areas

The NSPIRE final rule defines the inspectable areas for the inspection as inside, outside, and units of HUD housing at 24 CFR 5.703:

- ***Unit or Dwelling unit:*** Refers to the interior components of an individual unit.
- ***Inside areas:*** Refers to the common areas and building systems that can be generally found within the building interior and are not inside a unit.
- ***Outside areas:*** Refers to the building site, building exterior components, and any building systems located outside of the building or unit.

While the above definitions include areas and components that are covered by the regulation, they are not all required to be inspected for an HCV or PBV inspection. The inspectable areas for HCV and PBV programs are defined at CFR 5.705(a)(2):

> *The inspection requirement for the tenant-based HCV program and the unit inspection for the PBV program only applies to units occupied or to be occupied by HCV and PBV participants, and common areas and exterior areas which either service or are associated with such units.*

Affirmative Habitability Requirements

NSPIRE provides for minimum habitability requirements for each "area" (unit, inside, outside); these requirements can be found in 24 CFR 5.703(b), (c), and (d).

HOTMA Life-Threatening List

Under the Housing Opportunity Through Modernization Act of 2016 (HOTMA), compliance with NSPIRE Standards and life-threatening (LT) standards are mandatory for all HCV subsidized units. The HOTMA LT List can also be found separately in Table 65 of the Standards at: https://www.hud.gov/sites/dfiles/PIH/documents/6092-N-05nspire_final_standards.pdf

- **Life-threatening:** The Life-Threatening category includes deficiencies that, if evident in the home or on the property, present a high risk of death to a resident
- **Severe:** The Severe category includes deficiencies that, if evident in the home or on the property, present a high risk of permanent disability, or serious injury or illness, to a resident; or the physical security or safety of a resident or their property would be seriously compromised.
- **Moderate:** The Moderate Health and Safety category includes deficiencies that, if evident in the home or on the property, present a moderate risk of an adverse medical event requiring a healthcare visit; cause temporary harm; or if left untreated, cause or worsen a chronic condition that may have long-lasting adverse health effects; or that the physical security or safety of a resident or their property could be compromised.
- **Low:** Deficiencies critical to habitability but not presenting a substantive health or safety risk to resident.

Scoring

NSPIRE inspections result in a pass/fail score. Pass inspections require no further action by the PHA, family, or landlord. Fail inspections will require follow-up, reinspection, or verification to confirm the correction of the failed standards. Each individual NSPIRE Standard indicates whether a deficiency would result in a pass or fail for the unit under the HCV programs.

NSPIRE Enforcement

The PHA will exercise any of its rights or remedies under the contracts held with landlords and families. This may include abatement of assistance payments to the landlord, termination of the HAP Contract, or potential termination of assistance to the family (in cases of tenant-caused damages).

B. NSPIRE INITIAL NSPIRE INSPECTION

Timely Initial NSPIRE Inspection

When the family submits a complete Request for Tenancy Approval (RFTA), the PHA will seek to 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 NSPIRE inspections for the family and owner in a manner that is time efficient.

The initial inspection will be conducted to:

- Determine whether the unit and property meet the NSPIRE standards.
- Document information to be used for the determination of rent-reasonableness.

If the unit fails the initial NSPIRE inspection, the owner will be given up to 10 business days to complete repairs and to 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.

If the effective date of the lease and contract is within 120 days after the unit passed NSPIRE inspection, another inspection is not necessary as long as the owner certifies in writing that:

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

If the date the unit passed NSPIRE inspection is more than 120 days from the effective date of the lease and contract, the unit must be re-inspected before the lease and contract may begin.

C. NSPIRE BIENNIAL HQS INSPECTIONS

The PHA inspects each assisted unit biennially, and units must pass inspection 24 months after the last inspection.

If an additional room has been granted as a reasonable accommodation for an individual with disabilities, at the biennial inspection the PHA will verify that the additional bedroom is being used as intended. 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 window of time for 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 will only be granted if there are extenuating circumstances. Another inspection must be scheduled within seven days of the original inspection and must be inspected within 30 days thereafter.

A missed or inconclusive inspection is considered to be a family caused failed inspection. A request to move will not be approved if there is an unresolved family caused failed inspection.

The family must allow the PHA to inspect the unit at reasonable times and with reasonable notice as one of the family's obligations under the HCV Program. (24 CFR §982.551(d)). If the family misses two inspection appointments, the PHA will schedule a Mandatory Tenant Conference to discuss the violation of family obligations and to consider any mitigating circumstances. Violation of family obligations may lead to termination of assistance.

The owner must correct NSPIRE deficiencies that cause a unit to fail unless the family is responsible for the NSPIRE breach. (24 CFR § 982.404(b).

For family caused damages or other conditions that violate NSPIRE, the family must correct the repairs within the specified timeline (See Time Standards for Repairs below). If the family 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)

It is a family obligation to allow the PHA to inspect the unit to ensure that it meets NSPIRE.

Life-Threatening (LT) Inspection

24 CFR §982.404(a)

The Life-Threatening category includes deficiencies that, if evident in the home or on the property, present a high risk of death to a resident

In those cases, where there is leaking gas or potential for 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 NSPIRE breach that is a family obligation, the PHA will terminate the assistance to the family.

When a family resides in a unit that becomes uninhabitable, the PHA may conduct a priority inspection of the new unit.

The PHA will execute a Housing Assistance Payment (HAP) contract if all other required factors including rent comparability, family, and unit eligibility have been met.

The PHA will cease payment on the uninhabitable unit on the day it became uninhabitable and may begin payment at the new unit from the inspection pass date if the family is determined to be eligible.

Time Standards for Repairs

Life-Threatening (LT) items must be corrected within 24 hours of notification.

Repairs for severe or moderate items must be made within 30 days of the inspection-fail date. An extension beyond the 30-day period may be approved by a Supervisor or Program Manager upon written request from the owner, with verifiable documentation. If the tenant is responsible and corrections are not made during the timeframe provided to the family, the PHA will terminate the HAP contract when assistance is terminated. A PHA supervisor may grant a time extension to a repair deadline in lieu of abatement in the following cases: if there is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services, or if the repairs must be delayed due to climate conditions. The extension will be made for a period of time not to exceed 30 days.

There are some deficiencies considered Low that even if present in the unit will result in a pass and would only be noted by the inspector for information purposes.

Self-Certification of Repairs by Owner and Tenant

The PHA may allow owners and tenants to self-certify that repair work has been completed, in lieu of the PHA completing a re-inspection. In this case, the owner and tenant will 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 of photos, receipts, work invoices/contracts, etc.

Alternative Inspections
(24 CFR 982.406)

The Housing Authority may comply with the biennial inspection requirement through reliance upon inspections conducted for another housing assistance program. Compliance with the biennial inspection requirement may be met by reliance upon an inspection of housing assisted under the Home Investment Partnerships (HOME) Program (under Title II of the Cranston-Gonzalez National Affordable Housing Act, 42 USC §12701) or housing financed via the Treasury Department's Low- Income Housing Tax Credit program (LIHTC), taking into account the standards used by those programs.

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 NSPIRE 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. The reasonable time for non-emergency items is 30 days.

The PHA will consider NSPIRE-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 NSPIRE, the responsible party will be required to make the necessary repairs.

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

D. NSPIRE QUALITY CONTROL INSPECTIONS

(24 CFR §982.405(b))

Quality control inspections will be conducted by PHA staff and will be based upon the SEMAP-defined minimum file sample size.

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

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

F. NSPIRE CARBON MONOXIDE (CO) MONITOR / ALARM

The State of California requires that CO detectors be installed in all residential units with fuel-burning appliances such as oil or gas furnaces and gas stoves or with attached garages. Carbon monoxide detectors may be battery operated or hard-wired in existing construction. CO detectors are required

- Just outside each sleeping room, and
- At least one on every level of the unit.

G. NSPIRE EARTHQUAKE STRAPS

The State of California requires water heaters be braced, anchored or strapped when installed to prevent it from falling during an earthquake.

H. NSPIRE 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 NSPIRE 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 National Fire Alarm and Signaling Code (NFPA) 72 (or successor standards).

I. NSPIRE Unvented, Fuel-Burning Space Heaters

NSPIRE no longer allow for the use of unvented, fuel-burning space heaters because of the risk of carbon monoxide exposure. For any initial inspection that occurs on or after October 1, 2023, PHAs may not execute a new Housing Assistance Payments (HAP) contract for a unit with an unvented, fuel-burning space heater. The owner must provide an appropriate heating source prior to HAP contract execution. The owner must also ensure that if there is no carbon monoxide device in the unit, one must be installed within 24 hours, in accordance with statutory requirements. For inspections that occur on or after January 1, 2024, the presence of an unvented, fuel-burning space heater will be considered a failed item under NSPIRE that the owner must correct in accordance with regulatory requirements and PHA-established timeframes, 30 days from the date of the fail. If the owner does not correct the deficiency within the required timeframes, the PHA will abate HAP and enforce the owner obligations in accordance with program requirements in 24 CFR 982.404.

J. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-LIFE- THREATENING)

(24 CFR §§ 982.404 and 982.453)

When it has been determined that a unit on the program fails to meet NSPIRE, 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 National Standards for the Physical Inspection of Real Estate may include abatement of the HAP or termination of the HAP contract.

Abatement

Should circumstances arise that 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 sixty (60) 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 NSPIRE. The notice of abatement states that the tenant is not responsible for the PHA's portion of rent that is abated.

Extensions to Repair Deadlines, Delaying Abatements

A PHA supervisor may grant a time extension to a repair deadline 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; or
- The repairs must be delayed due to climate conditions.

The extension will be made for a period of time not to exceed 30 days. At the end of that time, 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 the unit).

K. NSPIRE DETERMINATION OF RESPONSIBILITY

(24 CFR §982.404)

Certain NSPIRE 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 that could not be charged against the tenant's security deposit under State law or court practice).

The owner is responsible for all other NSPIRE 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 this 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 this will be noted in the family's file.

L. NSPIRE CONSEQUENCES IF FAMILY IS RESPONSIBLE

(24 CFR §982.404(b))

If non-life-threatening violations of NSPIRE are determined to be the responsibility of the family, the PHA will require the family to make any repair(s) or corrections within 30 days (or any PHA approved extension). The family will be required to make repairs or corrections to tenant-responsible life-threatening violations within 24 hours. If the repair(s) or correction(s) are not made in this time period, the PHA may propose termination of the family's assistance. The owner's rent will not be abated for items which are the family's responsibility.

A PHA supervisor may grant a time extension to a repair deadline in the following cases:

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

The extension will be made for a period of time not to exceed 30 days.

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

M. NSPIRE Lead-Based Paint Hazards, Mold and Moisture, and Pest Infestations

For lead-based paint and the programs, PHAs and owners shall comply with the requirements and timelines in 24 CFR Part 35 Subpart M—Tenant-Based Rental Assistance, and Subpart H—Project-Based Assistance. PHAs and owners are reminded that any deteriorated paint in target housing, or other lead-based paint hazard identified through a lead-based paint risk assessment or lead-based paint inspection is considered a violation of the NSPIRE Standards.

For the tenant-based programs, Subpart M applies to units where a child under age 6 resides or is expected to reside, common areas that service that unit, and exterior painted surfaces associated with that unit or common areas. For project-based programs, Subpart H applies to assisted units and common areas of the property regardless of whether a child under age 6 resides or is expected to reside in the unit.

Chapter 11 OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

(24 CFR §§ 982.503, 982.504, 982.505, and 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 rents charged by owners are reasonable based upon unassisted comparable units 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 §§ 982.507 and 982.508)

All HAP contracts will begin the later of:

- the date the unit passes HQS 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 owners 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% 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. The PHA issues payments to landlords via direct deposit. As a requirement, all landlords must agree to Electronic Funds Transfer (EFT) as the sole method of payment. 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 PHA's 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. Payments that are not received will not be replaced until a request has been received from the payee and a stop payment has been placed on the payment. A request for stop payment will be processed no sooner than ten (10) days after the payment issuance date.

Overpayments

The total amount of rent paid by the family plus the PHA housing assistance payment to the owner may not be more than the contract rent. The owner must immediately return any excess HAP to the PHA.

Owners who do not return excess payments will be subject to penalties as outlined in the "Owner or Family Debts to the PHA," Chapter 17 of this Administrative Plan.

Late Payments to Owners

It is a local business practice in Sacramento for property managers and owners to charge families a reasonable late fee for rents not received by the owner or property manager by the due date. Therefore, in keeping with generally accepted practices in the local housing market, the PHA must make housing assistance payments to the owner promptly and in accordance with the HAP contract.

The PHA may pay a maximum $35.00 late fee to the owner for housing assistance payments that are not processed by the PHA by the tenth day of the month if requested by the owner and due to no fault of the owner, excluding the first two calendar months of the HAP contract term.

Late fees will not be paid when any portion of the housing assistance payment has been issued timely.

Proof of "Processed" date will be the date of the check on the HAP register.

The PHA will not be obligated to pay any late payment penalty if HUD determines that late payment is due to factors beyond the PHA's control, such as a delay in the receipt of program funds from HUD. The PHA will not use any program funds for the payment of late fee penalties to the owner.

Payments When Property Ownership/Management Changes:

All changes in property ownership, property management or payee must be reported to the PHA in writing.

The PHA will make monthly HAP according to the owner/payee of record that has been reported and documented in writing to the PHA. When the PHA receives notification of an ownership, property management or payee change, the PHA will place the vendor payments on “Hold” to prevent the HAP from going to an unauthorized party. The payments will remain on “Hold” until the PHA receives documentation of the change and the change has been completed by the PHA.

The new owner must complete a PHA “Owner/Agent/Payee” form provided by the PHA with proof of ownership which may include but is not limited to:

- A Trustees Deed of Sale
- A property Bill of Sale showing the property sale date and purchaser’s name
- Property Auction receipt showing the property sale date and purchaser’s name
- Other documentation that is commonly known to verify property ownership; and,

The owner must provide:

- A completed W-9
- A copy of the Management Agreement, where one is applicable and must sign a new HAP contract and provide a lease agreement.

C. RENT REASONABLENESS DETERMINATIONS

(24 CFR §982.507)

The PHA will determine and document on a case-by-case basis that the approved rent is reasonable relative to rent for other comparable unassisted units on the market. This applies to all programs.

The PHA will not approve a lease until the PHA determines that the initial rent to owner is a reasonable rent. The PHA must reassess rent reasonability before any increase in the rent to owner. The PHA must also reassess rent reasonability if there is a 10% decrease in the published Fair Market Rent (FMR).

The PHA must reassess rent reasonableness if directed by HUD and based on a need identified by the PHA's auditing system. The PHA may elect to reassess rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the most recently determined reasonable rent assessed by the PHA.

The owner will be advised that accepting each monthly housing assistance payment s/he is certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units on the premises.

If requested, the owner must give the PHA information on rents charged by the owner for other units on the premises or elsewhere. The PHA may request information on the owner's units elsewhere if:

- the PHA has cause to believe the owner charges higher rents to program participants, or
- the PHA needs to determine rent reasonableness on comparable units.

The data for other unassisted units may be gathered from newspapers, realtors, professional associations, inquiries of owners, market surveys, and other available sources. The market areas for rent reasonableness include area zip codes/subdivisions/census tracts/neighborhoods within the PHA's jurisdiction.

The following items may be used for rent reasonableness determination:

- Size (number of bedrooms/square footage)
- Location
- Quality
- Amenities (bathrooms, dishwasher, air conditioning, etc.)
- Housing Services
- Age of unit
- Unit Type
- Maintenance
- Utilities

Rent Reasonableness Methodology

The PHA uses an "appraisal" method and tests the subject unit against selected units with similar characteristics. Adjustments are made for differences between the subject unit and comparable units on the market.

The PHA maintains an automated database that includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis and purged when it is more than eighteen (18) months old.

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM

(24 CFR §982.503)

The Payment Standard is used to calculate the housing assistance payment for a family. In accordance with HUD regulations, and at the PHA's discretion, the Payment Standard amount is set by the PHA between 90% and 110% of the HUD-published FMR by bedroom size. This is considered the basic range. The PHA reviews the appropriateness of the Payment Standard periodically and annually when the FMR is published. In determining whether a change is needed, the PHA will ensure that the Payment Standard is always within the range of 90% to 110% of the new FMR, unless an exception payment standard has been approved by HUD. Annual changes must be completed no later than 90 days following HUD's publication of the new amounts.

When determining the amount to be established for the payment standard, the PHA will consider:
1) The success rate of families with vouchers leasing units;
2) The trending of contract rent amounts in the market;
3) The rent burden of participating families;
4) The budget available; and
5) The lease up rate.

The PHA may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities. However, the payment standard cannot be approved for an amount over 120% of the Fair Market Rent.

Small Area FMR

Beginning in 2018, HUD published Small Area FMRs (SAFMRs) determined by zip code as well as the metropolitan wide FMRs. All the rules that apply to the FMRs also apply to SAFMRs and any references to FMRs are intended to include SAFMRs also.

The SAFMRs were implemented effective April 1, 2018.

Only the HCV tenant-based voucher program utilizes SAFMRs. Programs that will continue to use the metropolitan FMRs include but are not limited to:

- Continuum of Care programs (Shelter Plus Care);
- Moderate Rehabilitation; and
- Project-based vouchers

Insufficient Funding

If the PHA determines that it has insufficient funding with which to continue to assist families served by the program, it may consider decreasing the Payment Standard, in accordance with regulations. The PHA will consider the impact of lowering the Payment Standard on families. The PHA will consider and implement other cost-saving measures wherever feasible, including those listed in PIH 2011-28, before considering whether to lower the Payment Standard.

Financial Feasibility

Before increasing the Payment Standard, the PHA may review the budget to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

The PHA will compare the number of families who could be served under a higher Payment Standard with the number assisted under current payment standards.

File Documentation

The PHA will retain a file for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

E. EXCEPTION TO PAYMENT STANDARDS

HUD may approve a payment standard amount that is higher than the basic range for a designated area. This is called an "exception area." If the dwelling unit is located in an exception area, the PHA must use the appropriate payment standard amount established by the PHA for the exception area in accordance with regulation at 24 CFR §982.503(c).

The PHA may approve a payment standard of more than 110% of the FMR if required as a reasonable accommodation for a family that includes a person with disabilities. For information on this, please refer to Chapter 5 Subsidy Standards, Section B of this Administrative Plan, under "Approval of Increased Payment Standards."

F. OWNER PAYMENT

(24 CFR §982.308(g))

The owner is required to notify the family and PHA, in writing, at least sixty days before any change in the amount of proposed contract rent. Any requested change in rent to owner will be subject to rent reasonableness requirements and available PHA funding.

Contract Rent Increases

Requests for rent increases will not be approved if the:

- unit is in an initial lease term.
- the family and PHA have not received proper notice.
- unit is in a failed HQS condition.
- requested rent amount is not rent reasonable per HUD guidelines.
- RFTA supplemental form is missing.
- rent increase violates applicable state and local laws

If approved, any increase will be effective on the first of the month following the 60-day notice. Upon approval of a rental increase, the new contract rent amount will remain effective for a period of 12 months. Owners may request rent increases no more than once every 12 months.

If the PHA determines in the course of processing a rent increase that the current contract rent amount is not reasonable given market conditions, the PHA will process a rent decrease to the "reasonable" amount. This applies to Project-Based vouchers as well as tenant-based vouchers.

G. Decrease of Payment Standards 24 CFR 982.505 (c) (3)

If the PHA changes the Payment Standard Schedule resulting in a lower payment standard amount for families under current HAP contract, the initial reduction to the payment standard may not be applied any earlier than two years following the effective date of the decrease in the payment standard. The new payment standard will be applied at the next reexamination following the two years or if the family moves to a new unit.

The above applies to EHV families converted to HCV or Mainstream.

Chapter 12 RECERTIFICATIONS

(24 CFR §982.516)

INTRODUCTION

In accordance with HUD requirements, the PHA will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Recertifications and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulations. It is a HUD requirement that families report all changes in household composition. Between regular annual recertifications, HUD requires that families report all changes in household composition, but the PHA decides what other changes must be reported and the procedures for reporting them. This chapter defines the PHA's policy for conducting annual recertifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

NOTE: The terms "*annual recertification"* and "*annual reexamination"* are synonymous.

A. ANNUAL RECERTIFICATIONS

(24 CFR §982.516)

The PHA will recertify each family's continued eligibility at least annually.

The PHA may opt to conduct a streamlined reexamination of income for the Elderly families and Disabled families when 100% of the families' income consists of fixed income every three years. In a streamlined reexamination, the PHA will recalculate family income by applying any published cost of living adjustments to the previously verified income amount (HUD PIH Notice 2016-05).

Recertification Notice to the Family

The PHA will maintain a recertification tracking system and the household will be notified by mail and electronically at least 90 days in advance of the anniversary date; however, documents will be due prior to the anniversary date. The PHA may require that a family attends a recertification appointment. If requested as an accommodation by a person with a disability, the PHA will provide the notice in an accessible format. The PHA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. ~~A list of all pertinent agencies that may be able to assist the family will be provided with the recertification notice.~~

Completion of Annual Recertification

The PHA will have all recertifications for families completed within 12 months of the last annual recertification. This includes notifying the family of any increases in tenant rent at least 30 days before the effective date of change.

Failure to Respond to Notification to Recertify

The written notification must state the due date the completed recertification must be submitted. The family may call to request an extended due date in case of emergency (as defined in the Glossary).

If the family does not respond by the due date of the first written request, the family will be mailed a Final Notice with an annual recertification packet scheduling a Mandatory Tenant Conference (MTC) appointment to complete the recertification process. If the family fails to submit a completed recertification

packet at the MTC appointment or fails to attend the MTC appointment, the family will be mailed a Notice of Proposed Termination of Eligibility and an Informal Hearing Request form.
If the annual recertification is completed and the Notice of Proposed Termination of Eligibility is rescinded, a Warning Notice will be issued.

If the family violates the same family obligation after a warning has been issued, the Agency will follow its termination process (see Chapter 15).

Exceptions to these policies may be reviewed and approved by a supervisor.

Streamlined Annual Recertification for Fixed Income (24 CFR §§960.257, 982.516, NOTICE PIH 2016-05 (HA))

The PHA has the discretion to adopt a streamlined income determination for any family member with a fixed source of income. The term "fixed-income" includes income from:

- Social Security payments, to include Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI);
- Federal, state, local, and private pension plans; and
- Other periodic payments with ongoing fixed amounts received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic payments.

Verification of Information

All information affecting the family's continued eligibility for the program and the family's Total Tenant Payment (TTP) will be verified in accordance with the verification procedures according to HUD guidelines. Verifications used for recertification must be dated within 120 days of the date received by the PHA. For fixed-income sources, a statement dated within the appropriate benefit year is acceptable documentation.

When the information has been verified, it will be analyzed to determine:

- The continued eligibility of the participant as a family or as the remaining member of a family;
- The unit size required by the family; and
- The amount of rent the family should pay.

Tenant Rent Portion Increases at Annual Recertification

If the tenant rent portion increases, a notice of the change will be mailed to the family at least 30 days prior to the effective date of change.

If less than 30 days are remaining before the scheduled effective date of the annual recertification, the tenant rent portion increase will be effective on the first of the month following a full 30-day notice. If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the recertification processing, there will be a retroactive increase in rent to the scheduled effective date of the annual recertification.

Tenant Rent Portion Decreases at Annual Recertification

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

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

If the participant reports a decrease in income prior to the effective date of the annual recertification, this information may be taken into consideration while processing the recertification.

B. REPORTING INTERIM CHANGES

(24 CFR §982.516)

Changes in Family Composition

Program participants **must** report all changes in household composition to the PHA in writing within thirty (30) days of the change. This includes additions due to birth, adoption or court-awarded custody of a child or children, or the addition of a spouse/partner with minor children. The family must obtain PHA approval before any additions are made to the household. Landlord authorization is also required with the exception of additions of newborn children and children added to the family via court-awarded custody and adoption.

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

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required prior to moving into the unit. Additions of adult family members (18 years or older) will be subject to criminal background checks prior to moving into the unit.

Increases in Income

Program participants must report all changes in household income in writing within thirty (30) days of the change. The PHA will conduct interim recertifications for any income increases for families who:

- Are Family Self Sufficiency program participants or;
- Are Home Ownership program participants or;
- Have zero income or;
- ~~Have an Earned Income Disregard (EID) at the end of the 24-month period or;~~
- Have a repayment agreement for a debt owed to the PHA or;
- Failed to report a change timely.
- Request by the participant in writing to have the increase processed
- The family's adjusted unearned income has increased 10% or more in annual adjusted income.
    - ~~The PHA will not consider any increases in **earned income** when calculating whether the family's adjusted income has increased, unless the family has previously received an interim reduction during the same reexamination cycle.~~

The PHA will not conduct an interim reexamination if a family reports an increase in income within three months of their next annual reexamination date. Families who delay reporting income increases until the last three months of the recertification period may be subject to retroactive rent increases in accordance with PHA policy.

If an increase in income is due to an addition to the household, the PHA will process a rent adjustment to include the income of the household addition at the time the additional household member is added.

If multiple changes of increase and decrease of income are reported by the family within a 60-day period, an annual recertification may be processed.

Full-time Student Status:

Any change in Full Time Student status must be reported within 30 days of the change.

Decreases in Income

Program participants must report all decreases of income in writing within 30 days. The PHA must process the change if a decrease in income of at least 10% decrease of adjusted income is reported.

When a family is at zero Housing Assistance Payment, any reported change ~~decrease~~ of income or household composition that may result in a Housing Assistance Payment must become effective before the expiration of the 180-day period and will be reviewed by staff to determine continued eligibility for assistance.

If multiple changes of increase and decrease of income are reported by the family within a 60-day period, an annual recertification may be processed.

Standard for Timely Reporting of Changes

The PHA requires that the family report in writing any decrease of income to the PHA within thirty (30) days of when the change occurs.

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

Procedures When the Change is Reported in a Timely Manner

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

- Decreases in the Tenant Rent are effective the first of the month, following the month in which the PHA is provided adequate written documentation. However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.

Procedures When the Change is Not Reported by the Family in a Timely Manner

If the family does not report the change as described under Timely Reporting, or fails to provide requested verification within the given timeframe, the family will be considered to have caused a delay in the interim certification processing and the following guidelines will apply:

- Decreases in Tenant Rent will be effective on the first of the month following completion of processing by the PHA and not retroactively.

PHA Errors

If the PHA makes an error that causes a decrease in the family's portion of the rent, the PHA will process the correction retroactively to the effective date of when the action was made. If the family was overcharged

tenant rent due to a de minimis error in income determination (i.e., no more than $30 per month or $360 per year in adjusted income), payment shall be made to the family by check.

If the PHA makes an error that causes an increase in the family's portion of the rent, the PHA will correct the error by processing an interim in a time frame to allow the family 30 days' notice of the tenant rent increase. The family will not be charged retroactively.

C. OTHER INTERIM REPORTING ISSUES

(24 CFR §5.516)

The PHA will conduct an interim certification to count imputed welfare income (defined below) for families whose welfare assistance is reduced specifically because of:

- Welfare fraud; or
- Failure to participate in an economic self-sufficiency program; or
- Noncompliance with a work activities requirement.

The PHA will also conduct an interim certification to reflect changes in actual welfare income if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where the family has complied with welfare program requirements but cannot or has not obtained employment; or
- The family has complied with welfare program requirements, but the duration of time limit, such as a cap on the length of time a family can receive benefits, that causes the family to lose their welfare benefits.

Definition of "Imputed Welfare Income"

Imputed Welfare income is the amount of annual income projected but not actually received by a family as a result of a specified welfare benefit reduction.

The amount of Imputed Welfare income is determined by the PHA, based on written information supplied to the PHA by the welfare agency, including:

- The amount of the benefit reduction
- The term of the benefit reduction
- The reason for the reduction
- Subsequent changes in the term or amount of the benefit reduction

The family's annual income will include the Imputed Welfare income, as determined at the family's annual or interim recertification, during the term of the welfare benefits reduction (as specified by the welfare agency). The amount of Imputed Welfare income will be offset by the amount of additional income the family receives that commences after the sanction was imposed. When additional income from other sources is at least equal to the Imputed Welfare income, the Imputed Welfare income will be reduced to zero.

If the family was not an assisted participant when the welfare sanction began, Imputed Welfare income will not be included in the annual income.
If the family claims the amount of Imputed Welfare income has been calculated incorrectly, designated staff will review the calculation for accuracy.

Family Dispute of Amount of Imputed Welfare Income

If the family disputes the amount of Imputed Income and the PHA denies the family's request to modify the amount, the PHA will provide the tenant with a notice of denial, which will include:

- An explanation for the PHA's determination of the amount of Imputed Welfare income;
- A statement that the tenant may request an informal hearing; and
- A statement that information received from the welfare agency cannot be disputed at the informal hearing and the issue to be examined at the informal hearing will be the PHA's determination of the amount of Imputed Welfare income (not the welfare agency's determination to sanction the welfare benefits).

The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced due to fraud or noncompliance with welfare agency economic self-sufficiency or work activities requirements before denying the family's request for rent reduction.

The PHA will rely on the welfare agency's written notice to the PHA regarding welfare sanctions.

D. NOTIFICATION OF RESULTS OF RECERTIFICATION

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

The Subsidy Adjustment Notice and Calculation Summary will be sent to the tenant. The Subsidy Adjustment Notice will be sent to the owner/agent. If the family disagrees with the rent adjustment, they may request a review of the rent calculations. If the family still disagrees, they may request an informal hearing (see Chapter 18, Section D for hearing request procedures).

E. TIMELY REPORTING OF CHANGES IN FAMILY COMPOSITION

Changes in family composition require an interim recertification and may result in a change to the tenant rent. The voucher size may be changed at the next annual recertification or if client is in the move process. If the interim change of household results in a change to the voucher size the change in voucher size may be captured at the interim.

Standard for Timely Reporting of Changes

The PHA requires that the family report in writing any change of family composition to the PHA within thirty (30) days of when the change occurs.

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

Procedures When the Change is Reported in a Timely Manner

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

- Increases in the Tenant Rent are effective on the first of the month following at least 30 days' notice.
- Decreases in the Tenant Rent are effective the first of the month, following the month in which the PHA is provided adequate written documentation. However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.

Procedures When the Change is Not Reported by the Family in a Timely Manner

If the family does not report the change as described under Timely Reporting, or fails to provide requested verification within the given timeframe, the family will be considered to have caused a delay in the interim certification processing and the following guidelines will apply:

- Unreported increases in household income will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and will be required to pay the debt in full. (see Chapter 17 Repayment of Debts to the PHA)
- Decreases in Tenant Rent will be effective on the first of the month following completion of processing by the PHA and not retroactively.
- If the voucher size is affected, an annual recertification may be processed early to adjust the voucher size and the family will be given a thirty-day notice of such a change.
- The PHA may issue a warning to the family for violation of Family Obligations.

If the family violates the same family obligation after a warning has been issued, the Agency will follow its termination process (see Chapter 15).

Procedures When the Change is Delayed by the PHA

In this case, an increase will be effective after the required 30 days' notice prior to the first of the month after completion of processing by the PHA.

If the tenant has overpaid their portion of the tenant rent, the landlord/owner must refund any overpayment to the tenant or apply credit to their future rent payment(s), if applicable.

F. CHANGES IN VOUCHER SIZE AS A RESULT OF FAMILY COMPOSITION CHANGES

If the family composition increases or decreases during the HAP contract term, the voucher size will be changed at the family's first regular reexamination following the change. Exceptions to this policy include:

- An increase in voucher size made as a result of a Reasonable Accommodation for an individual with disabilities will be effective the month following the month of approval.
- When the family is moving a change in the household composition that causes an increase or decrease in the voucher size will be made at the time of the move.

G. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES

Under the Non-citizens Rule, "mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members. The Non-citizens Rule was implemented on or after November 29, 1996, and mixed families may receive prorated assistance only.

H. MISREPRESENTATION OF FAMILY CIRCUMSTANCES

If any participant deliberately misrepresents the information on which eligibility or tenant rent is established, the PHA may terminate assistance and may refer the family file/record to the proper authorities for appropriate disposition (See Chapter 20 Program Integrity).

I. WARNINGS

If a family has been issued a warning in the past for a violation and the same violation reoccurs, the PHA will follow the termination process as described in Chapter 15 of this plan.

Chapter 13 MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

(24 CFR §§ 982.353, 982.355(a), and 982.551)

INTRODUCTION

HUD regulations permit families to move with continued assistance to another unit within the PHA's jurisdiction, or to a unit outside of the PHA's jurisdiction under portability procedures. The regulations also allow the PHA the discretion to develop policies that define any limitations or restrictions on moves. This chapter defines the procedures for moves, both within and outside of, the PHA's jurisdiction, and the policies for restriction and limitations on moves.

A. ALLOWABLE MOVES

Families will only be permitted to move once every 12 months with continued assistance (with proper notice of lease termination and PHA approval).

If a participant abandons his/her unit without prior written notice to the PHA and the landlord, they will not be issued a voucher to lease up in another unit. However, they will be given the right to request an informal hearing.

Should the family not meet the deadlines to submit an informal hearing request they will be terminated from the HCV Program.

Mitigating circumstances will be reviewed on a case-by-case basis.

If a participating family appeals a decision by the PHA that they have ~~it has~~ violated a program obligation and ~~is~~ are awaiting a hearing on the matter, the PHA will issue the family a voucher to move if:

1. The assisted lease for the old unit has terminated because the PHA has terminated the HAP contract for an owner breach, or the lease was terminated by mutual agreement of the owner and the family with PHA approval.
2. The owner has given the family notice to move with cause~~ or has obtained a court judgment or other process allowing the owner to evict the family.~~ The PHA will follow termination procedures as described in Chapter 15 of this plan.
3. The owner has given the family a notice to terminate its tenancy without cause.
4. The Violence Against Women Act (VAWA) provides that a family may receive a voucher from a PHA and move under the tenant-based assistance program when the family has demonstrated that a member of the family has been a victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believed he or she was actually or imminently threatened by harm or further violence if he or she remained in the assisted dwelling unit.

B. INTERPROGRAM TRANSFERS

HCV Program participants may, with approval of the PHA's Executive Director, be accepted into PHA owned, managed, or affiliated properties if:

- Transfers meet all eligibility/suitability criteria; and
- Vacancies permit.

If HCV incurs a federal funding reduction (e.g. sequestration), the PHA will assist the family in making an inter-program transfer to alternative housing in order to prevent the family from becoming homeless whenever possible.
In an inter-program transfer, the family forfeits their HCV voucher and can reapply to the HCV waiting list when it is open.

C. RESTRICTIONS ON MOVES

(24 CFR §982.552)

The PHA will deny permission to move with continued assistance:

- During the initial term of the lease, unless the family has been approved for a mutual agreement to terminate the lease.
- If the family owes any PHA or SHRA money and is not in "Good Standing" (See Glossary)
- If the unit is in "fail" status for tenant-responsible items.
- If the family has been previously approved for a mutual agreement to terminate the lease within the last 12 months and the reason for the request to move is not due to health and safety, reasonable accommodation, or VAWA.
- If there is insufficient funding for continued assistance (please see Insufficient Funding Chapter 24).
- If the family has missed two (2) consecutively scheduled voucher issuance sessions without good cause, the move request will be canceled. If the family submits a new request to move within 30 days of the last canceled meeting, this request will be reviewed after all pending move requests are processed.
- If the family has engaged in or threatened abusive or violent behavior toward PHA personnel.

The supervisor may consider exceptions to these restrictions if there is an emergency justification for the move over which the participant has no control, or as a reasonable accommodation for individuals with disabilities, or pursuant to VAWA (42 USC §§ 13925-14045d) or applicable state law. "Emergency" is defined in the glossary of this Administrative Plan.

D. POLICY FOR MOVES

(24 CFR §§ 982.351-982.355)

Issuance of Voucher

Families approved to move to a new unit within the PHA's jurisdiction will be issued a new voucher after all necessary documents have been submitted by the family.
If the family reports a change in income or family composition prior to the submission of a Request for Tenancy Approval (RFTA), the move process will be stopped and the reported change in income or family composition will be reviewed to determine whether the family remains eligible for the voucher size it has been issued, or if the change will result in the family paying more than 40% of their monthly adjusted income toward rent.

If the family is exercising portability and reports a change, the receiving PHA will first request the initial PHA to complete an interim change. If the initial PHA does not cooperate timely and causes a delay in processing the portability, the receiving PHA will complete an interim change.
Subject to the restrictions on moves, the PHA will issue the authorization (voucher) to move, and may require the family to attend a briefing (see chapter 8 of this Administrative Plan, Section B).

If the family does not locate a new unit and remains in the current unit with the owner's approval, the HAP will terminate on the date identified in the Notice to Vacate unless a notice to rescind or extend the vacate date is delivered to the PHA.

Notice Requirements

The family must give the owner at least 30-day written notice of intent to vacate as specified by applicable law and must simultaneously give a copy to the PHA. The notice must be submitted to the PHA prior to inspection scheduling for RFTA submitted. ~~no later than the date the family submits a Request for Tenancy Approval (RFTA).~~

If the landlord provides notice to move with or without cause, the tenant does not have to provide notice back to the landlord before vacating the unit unless the family intends to move prior to the vacate date served by the landlord. All notices provided to the tenant by the landlord must be provided to the Housing Authority by the tenant within 15 days of being served the notice (per the HCV Family Obligations).

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will require the participant to request to move, be issued a new voucher and enter into a new HAP contract prior to moving. There will be no overlapping assistance.

Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap with Supervisor approval.

E. PORTABILITY

(24 CFR §§ 982.353(b) and 982.355)

All portability processes will follow the HUD PIH Notice 2016-09 (HA) regarding the streamlining of the portability process

Portability applies to families moving out of or into the PHA's jurisdiction within the United States and its territories.

Outgoing Portability (24 CFR §§ 982.353 and 982.355)

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside the PHA's jurisdiction. The PHA will allow the family to exercise its right to portability anywhere in the United States and its territories as long as there is a PHA with a tenant-based program.

When a family requests to move outside of the PHA's jurisdiction, the family's written request must specify the area to which the family wants to move. This PHA will identify the receiving PHA and approve or deny the request. If there is more than one PHA in the area in which the family has selected a unit, the PHA will work with the family to identify the correct receiving PHA.

Restrictions on Portability (24 CFR §982.353)

The PHA will not permit families to exercise portability:

- If the family is in violation of a family obligation.
- If the family has moved out of its assisted unit in violation of the lease.
- If the family is a non-resident applicant in the PHA's jurisdiction at the time of their initial application for assistance, the family will not be permitted to exercise portability upon initial issuance of a voucher. Nonresident applicants have no right to move under portability for 12 months from the time the family is admitted to the HCV program.
- Other reasons as listed in Part C of this Chapter.

Incoming Portability (24 CFR §982.355)

Upon meeting existing regulations and PHA policy, a participant family may exercise its right to port into Sacramento County and lease a unit within this PHA's jurisdiction.

Absorption or Administration

The receiving PHA will accept a family with a valid voucher from another jurisdiction and administer or absorb the voucher. If administering, the family will be issued a "portable" voucher by the PHA. The voucher issued by the receiving PHA to the family may not expire before 30 calendar days has passed from the expiration date of the initial PHA's voucher. The family must submit a RFTA for an eligible unit to the receiving PHA during the term of the receiving PHA voucher. The receiving PHA may grant extensions in accordance with this Administrative Plan. However, if the family decides not to lease-up in the receiving PHA's jurisdiction, they must contact the initial PHA to request an extension.

The PHA will not process the family if the initial PHA's voucher has expired.

When the receiving PHA does not absorb the incoming voucher, it will administer the initial PHA's voucher and the receiving PHA's policies will prevail.

The receiving PHA will determine the family unit size for the portable participant family, and will issue a "portable voucher" in accordance with the subsidy standards of the receiving PHA.

Incoming Portability and Criminal Background Checks

Families who port into the jurisdiction of the PHA will be held to the same standard as current HCV participants for background checks. Families porting into Sacramento County will have a criminal background check run, and their request to port into the PHA's jurisdiction may be denied if they do not meet the standards described in Chapter 15 where screening for criminal activity is discussed.

In order to be consistent with the PHA's policy to check the criminal background of anyone requested to be added to the household, the PHA will conduct a criminal background check on all family members who are at least 18 years or older who choose to "port" their voucher into Sacramento County. If the results of the criminal background check includes drug or violent criminal activity that has occurred within the last three years, the PHA may:

- Deny the family's request to port into this jurisdiction and provide them with a copy of the criminal report;
- Notify the initial PHA of the results in the criminal background report and provide the initial PHA with a copy of the criminal background report; and
- Allow the family to rescind their request to exercise portability into the receiving PHA's jurisdiction and return the portability paperwork with the 52665 to the initial PHA indicating the family has elected not to exercise portability into the receiving PHA's jurisdiction.

The PHA's decision to conduct a current criminal background check will not cause a delay in the processing of the family's portability or a loss of the family's right to exercise portability.

If a family fails a criminal background check (please see the standards described in Chapter 15 where screening for criminal activity is discussed), they will be denied from porting into the PHA's jurisdiction until they are able to meet the criminal background screening requirement.

Income and Total Tenant Payment of Incoming Portables (24 CFR §982.355(d))

This PHA will request the initial PHA to conduct an annual or an interim certification for families that exercise portability into this PHA's jurisdiction when a change in income occurs prior to the execution of a Housing Assistance Payment contract. An updated 50058 will be requested from the initial PHA. If the initial PHA does not make the change, this PHA will complete the change prior to lease up.

This PHA will not approve additions of household members while the family is in the process of porting-in. Addition of household members will be subject to the add-on policy described in Chapter 5 after initial lease-up.

Reasonable Accommodation Requests and Incoming Portability

A reasonable accommodation approved by an initial PHA does not automatically transfer to this PHA with the family. Upon the request for a reasonable accommodation by the family, this PHA may verify the need for the reasonable accommodation for an individual with disabilities through the Reasonable Accommodation Compliance Committee (RACC).

Families porting into SHRA may be required to attend a mover's briefing.

Incoming portable families are subject to the receiving PHA's subsidy standards.

This PHA may extend the voucher of a family and notify the initial PHA. The extension will be granted within the billing date of the initial PHA. If the initial PHA informs this PHA it is not willing to extend the voucher in consideration of future billing, this PHA will deny the extension.
If the family leases up successfully, the PHA will notify the initial PHA within 10 days, and the billing process will commence.

If the receiving PHA denies assistance to the family, the receiving PHA will notify the initial PHA within 15 days and the family may request an Informal Review or Informal Hearing.
When the family submits a Request for Tenancy Approval, it will be processed using the receiving PHA's policies. If the family does not submit a Request for Tenancy Approval or does not execute a lease, the receiving PHA will notify the initial PHA.

The receiving PHA will notify the family of its responsibility to contact the initial PHA if the family wishes to move outside of the receiving PHA's jurisdiction under continued portability.

Regular Program Functions

The receiving PHA will perform all program functions applicable to the tenant-based assistance program.

Terminations

If the receiving PHA is administering the voucher, agency staff will notify the initial PHA in writing via the HUD-52665 form of any termination of assistance within 21 days of the termination or the hearing decision being rendered. If an informal hearing is required and requested by the family, the hearing will be conducted by the receiving PHA. A copy of the hearing decision will be furnished to the initial PHA.

The initial PHA will be responsible for collecting amounts owed by the family for claims paid and for monitoring repayment. If the initial PHA notifies the receiving PHA that the family is in arrears or the family has refused to sign a payment agreement, the receiving PHA will terminate assistance to the family.

Required Documents

As a receiving PHA, the PHA will require the documents listed on the HUD Portability Billing Form 52665 from the initial PHA.

Billing Procedures

The receiving PHA will bill the initial PHA monthly for housing assistance payments (HAP) if the family has not been absorbed. The billing cycle for other amounts, including administrative fees and special claims, will be monthly unless requested otherwise by the initial PHA. If the tenant moves in mid-month and the HAP is prorated, all HAP amounts are rounded to the nearest whole dollar.

The initial PHA must reimburse the receiving PHA the administrative fee per current HUD regulations and proration. The receiving PHA will notify the initial PHA of changes in subsidy amounts and will expect the initial PHA to notify the receiving PHA of changes in the administrative fee amount to be billed.

When the administrative fee changes, the new amount will be implemented at the next billing action after the effective date.

Chapter 14 CONTRACT TERMINATIONS

(24 CFR §§ 982.309-982.311)

INTRODUCTION

The Housing Assistance Payments (HAP) contract is the contract between the owner and the PHA that defines the responsibilities of both parties. This chapter describes the circumstances under which the contract can be terminated by the PHA and the owner, and the policies and procedures for such terminations.

A. CONTRACT TERMINATION

(24 CFR §982.311)

The term of the HAP contract is the same as the term of the lease. The contract between the owner and the PHA may be terminated by the PHA or by the owner.

No future subsidy payments on behalf of the family will be made by the PHA to the owner after the effective date of the contract termination. The owner must reimburse the PHA for any subsidies paid by the PHA for any period after the contract termination date.

If the family continues to occupy the unit after the HAP contract is terminated, the family is responsible for the total amount of rent due to the owner under the lease agreement. The owner will have no right to claim compensation from the PHA for vacancy loss under the provisions of certificate HAP contracts effective before October 1, 1996, with the exception of ~~Moderate Rehabilitation (Mod Rehab) and~~ Project-Based units which may claim compensation for vacancy loss.

If the family meets the criteria for a move from their current unit after the contract termination with continued assistance, the family may lease up in another unit. For further clarification in regards to effective date of the HAP contract, please refer to Chapter 11, Section A.

B. TERMINATION BY THE FAMILY

Family termination of the lease must be in accordance with the terms of the lease. Families are required to notify the PHA and the owner in writing with at least 30 days' notice before they move out of a unit. The tenant must provide the PHA with a copy of the notice served to the owner.

C. TERMINATION OF TENANCY BY THE OWNER

(24 CFR §§ 982.310 and 982.455)

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of an unlawful detainer (eviction) action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant. The owner eviction notice means a notice to vacate, or a complaint, or other initial pleading used under State or local law to commence an eviction action. The owner must provide the tenant with an appropriate notice to vacate as determined by state and local law.

During the term of the lease, the owner may not terminate the tenancy except for the grounds stated in the HUD regulations and State or local law. The owner must provide the PHA with a copy of the termination notice. During the term of the lease the owner may terminate tenancy for:

1. Serious or repeated violations of the lease, including but not limited to failure to pay rent or other amounts due under the lease, or repeated violation of the terms and conditions of the lease.
2. Violations of Federal, State or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises.
3. Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents or by persons residing in the immediate vicinity of the premises.
4. Any drug-related criminal activity on or near the premises.
5. Tenant history of disturbance of neighbors, destruction of property, or behavior resulting in damage to the premises.
6. Other good cause (when in accordance with Federal, State, and local law).

The eviction notice must specify the cause for the eviction.

After the initial term of the lease, other good cause includes:

1. Business or economic reason for regaining possession;
2. Owner's desire to repossess unit for personal use; or
3. Tenant's refusal to accept offer of a new lease

The owner may not terminate tenancy if the PHA fails to pay the housing assistance payment or pays it late. PHA failure to make the housing assistance payment is not a violation of the lease between the family and the owner.

Foreclosures

The Protecting Tenants at Foreclosure Act of 2009 has the following provisions regarding foreclosure:

- During the term of the lease, the tenant has a right to remain in the unit and cannot be evicted, except for actions that constitute good cause.
- If the lease ends in less than 90 days, the new owner may not evict the tenant without giving the tenant a minimum of 90 days' notice.
- At the end of the term of the lease, the new owner may terminate the tenancy if the new owner provides a 90-day notice.

The new owner may terminate the tenancy if the owner will occupy the unit as a primary residence, and has provided the tenant a notice to vacate at least 90 days before the effective date of such notice. This is the only exception to the rule that the tenant may not be evicted during the term of the lease.

The foreclosure of a property does not constitute "other good cause."

Evidence of Criminal Activity

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a family member if the owner determines they have engaged in the criminal activity:

- Regardless of arrest or conviction.
- Without satisfying the standard of proof used for a criminal conviction.

Exclusion of Culpable Household Member

The owner may require a tenant to exclude a household member in order for the family to continue to reside in the assisted unit.

Consideration of Rehabilitation

When determining whether to terminate the tenancy for illegal drug use or alcohol abuse, the owner may consider whether the family member:

- Is no longer participating in the drug and/or alcohol abuse.
- Has successfully completed a supervised drug or alcohol rehab program.
- Has otherwise been successfully rehabilitated.

The owner may require the tenant to submit evidence of any of the three (above).
Actions of termination by the owner must be consistent with the fair housing and equal opportunities as stated in 24 CFR Part 5.105.

Housing assistance payments are paid to the owner under the terms of the HAP contract. If the owner has begun eviction and the family continues to reside in the unit, the PHA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant, unless the family moves or other reasons for termination apply.

If the action is finalized in court, the owner must provide the PHA with the documentation, including notice of the lockout date.

D. TERMINATION OF THE CONTRACT BY PHA

(24 CFR §§ 982.404(a), 982.453, 982.454, and 982.552(a)(3))

The term of the HAP contract terminates when the lease terminates, when the PHA terminates program assistance for the family, and/or when the owner has breached the HAP contract (see "Owner Disapproval and Restriction," Chapter 16 of this Administrative Plan). The PHA may also terminate the contract if:

1. The PHA terminates assistance to the family.
2. The family is required to move from a unit when the unit does not meet the HQS space standards because of an increase in family size or a change in family composition.
3. Funding is no longer available under the Annual Contributions Contract.
4. Family vacates without notice.
5. Family self-terminates from HCV participation.

An active HAP contract will terminate if the HAP is zero dollars for 180 consecutive days. For clarification see Chapter 15, Section H.

Chapter 15 DENIAL OR TERMINATION OF ASSISTANCE

(24 CFR §§ 5.902, 5.903, 5.905, 982.4, 982.54, 982.552, and 982.553)

INTRODUCTION

The PHA may deny or terminate assistance for a family due to the family's action or failure to act. The PHA will provide families with a written description of the family obligations under the program and the grounds under which the PHA can deny or terminate assistance. This chapter provides the PHA's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

Public Housing Authority Discretion to Deny Admission or Terminate Assistance (24 CFR §982.552(c))

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the PHA will consider all relevant circumstances in each case, such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure to act.

The PHA may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in, or were culpable for the action or failure to act, will not reside in the unit. The PHA may permit the other members of a family to continue to participate in the program.

A. GROUNDS FOR DENIAL OF ASSISTANCE

(24 CFR §§982.54, 982.552, and 982.553)

If a denial decision is based on an individual's behavior or action resulting from a disability, the PHA may delay the denial in order to determine whether there is a reasonable accommodation that could be granted to adjust or ameliorate the behavior or action of the individual if such action or behavior is the result of the individual's disability.

HUD Standards for Denial (24 CFR §§ 982.54 (d), 982.552, 982.553)

The PHA must permanently deny assistance to applicants to the HCV program if the PHA determines that any member of the household has ever been convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing.

The PHA must deny admission to an applicant if the PHA determines that any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

The PHA may deny admission to the program for applicants if the PHA determines that any household member is currently engaging in the illegal use of a drug (including marijuana). See Section B of this chapter for the PHA's established standards.

The PHA may deny admission to the program for applicants if the PHA determines that it has reasonable cause to believe that a household member's illegal drug use may threaten the health, safety, or right to

peaceful enjoyment of residents in the immediate vicinity. See Section B of this chapter for the PHA's established standards.

The PHA must deny admission to the program for an applicant if any member of the family fails to sign and submit consent forms for obtaining information in accordance with 24 CFR Part 5, subparts B and F. The PHA must deny admission when required under the regulations to establish citizenship or eligible immigration status.

The PHA must deny admission if the family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in 24 CFR §5.612.

PHA Grounds for Denial of Assistance (24 CFR §§ 982.551, 982.552 and 982.553)

The PHA may deny program assistance for an applicant, for any of the following reasons:

- If any member of the family has engaged in or threatened abusive or violent behavior toward PHA personnel, contractors, or customers on the premises. This includes but is not limited to: verbal abuse, physical abuse, violence or acts of intimidation. Use of expletives customarily used to verbally abuse or intimidate may be cause for denial. "Threatening" refers to oral or written threats or physical gestures that communicate the intent to abuse or commit violence.
- If a member of the household has been indicted, convicted, or otherwise sought by the courts and is fleeing to avoid prosecution, custody, or confinement.
- If the family currently owes rent or other amounts to the PHA or to another PHA in connection with the Housing Choice Voucher (HCV) program [previously known as Section 8] or public housing assistance under the 1937 Act.
- If the family is not eligible for admission, refer to "Eligibility for Admission," Chapter 2 of this Administrative Plan for further information.

Notice of Denial

In any case where the PHA decides to deny assistance to the family, the PHA must give the family written notice which states:

- The reason(s) for the denial of assistance.
- The family's right to request an Informal Review to be held before denial of assistance.
- The date by which a request for an Informal Review must be received by the PHA.

Before the PHA takes any adverse action based on a criminal conviction record, including a notice denying admission, the PHA will provide the subject of the record and the applicant with a copy of the criminal record upon submitting a written request and providing a picture I.D. to ensure that the PHA is maintaining the security of the personal information of the subject of record. The PHA will not mail criminal records to any address as it is a security risk. The applicant will be provided an opportunity to dispute the accuracy and relevance of that record.

B. DENIAL - SCREENING FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

(24 CFR §982.553)

Administration

All screening shall be administered fairly and in such a way as not to violate rights of privacy or to discriminate on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, disability, sexual orientation, or gender identity, or other legally protected groups.

To the maximum extent possible, the PHA will encourage other community and governmental entities in the promotion and enforcement of this policy.

Screening of Applicants

Criminal Background screening will apply to any member of the household who is 18 years of age or older, or an emancipated minor (subject to the limitations and restrictions provided in California Welfare & Institutions Code §§ 827 and 828 as applicable).

Standard for Violation

The PHA will consider the illegal use of alcohol abuse to be a pattern if there is more than one conviction during the previous 18 months.

"Engaged in or engaging in" violent criminal activity means any act within the past three years by an applicant or participant or household member.

Violent criminal activity is any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

In evaluating evidence of negative past behaviors, the PHA may give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future, which could be supported by evidence of rehabilitation.

Applicants may be denied assistance if they have been convicted of violent criminal activity within the last three years prior to the date of the admission eligibility determination.

If an applicant is denied admission to the program for the reasons detailed in this section, the applicant retains the right to appeal (see "Complaints and Appeals," Chapter 18 of this Administrative Plan).

Other Criminal Activity

The PHA will deny participation in the program to applicants where the PHA determines that the person is/has been involved in drug related criminal activity or engaged in other criminal activity as defined in the Glossary within three years prior to consideration of eligibility for program admission.

Denial of Additions to the Household for Criminal Activity (24 CFR §982.553)

The PHA may deny any request to add a person to the household who is on either formal probation or parole. Staff will review each situation on a case-by-case basis and may deny the request if the person has been convicted for any of the following reasons within the last three years:

1. Drug-related criminal activity (see Criminal Screening Criteria, Chapter 2);
2. Violent criminal activity (see Criminal Screening Criteria, Chapter 2);
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;

Sex Offenders

The PHA will deny admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In screening applicants, the PHA will perform criminal history background checks to determine whether any household member is subject to a lifetime sex offender registration requirement

Evictions for Drug-Related Criminal Activity

Persons evicted from federally assisted housing because of drug-related criminal activity are ineligible for admission to the HCV program for a three-year period beginning on the date of such eviction. However, the household may be admitted if, after considering the individual circumstances of the household, the PHA determines that:

- The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA.
- The circumstances leading to eviction no longer exist because the culpable member is no longer in the household.

Confidentiality of Criminal History Records

The PHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

All criminal records, while needed by staff for screening for criminal behavior, will be housed in a secured location with access restricted to individuals responsible for such screening.

Misuse of the above information by any employee will be grounds for termination of employment.

If the family is determined eligible for initial or continued assistance, the PHA's copy of the criminal record shall be shredded as soon as the information is no longer needed for eligibility or continued assistance determination.

If the family's assistance is denied or terminated, the criminal record information will be shredded immediately upon completion of the review or hearing procedures and a final decision has been made.

The PHA will document in the family's file that the family was denied admission or the tenancy was terminated due to findings in the criminal history record.

Disclosure of Criminal History Records to the Family

Before the PHA takes any adverse action based on a criminal conviction record, including issuing a notice denying admission, the PHA will provide the subject of the record and the applicant with a copy of the criminal record upon written request and providing picture I.D. to ensure that the PHA is maintaining the security of the personal information of the subject of record. The PHA will not mail criminal records to any address as it is a security risk. The applicant will be provided an opportunity to dispute the accuracy and relevance of that record.

Staff will work with the family to address reasonable accommodation requests for individuals with disabilities.

C. DENIAL PROCEDURES FOR NON-CITIZENS

(24 CFR §§ 5.514, 5.516, and 5.518)

Denial due to Ineligible Immigrant Status

Applicant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance. The PHA must offer the family an opportunity for an informal hearing. (See "Eligibility for Admission," Chapter 3, section on Citizenship/Eligible Immigration Status.)

Procedure for Denial

If the family (or any member) claimed eligible immigrant status and the Department of Homeland Security (DHS) primary and secondary verifications failed to document the status, the family may make an appeal to the DHS and request a hearing with the PHA either after the DHS appeal or in lieu of the DHS appeal. After the PHA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

D. MISSED APPOINTMENTS AND DEADLINES

(24 CFR §982.551, 982.552(c))

It is a family obligation to supply information, documentation, and certification as needed for the PHA to administer the program. The PHA schedules appointments and sets deadlines in order to obtain the required information.

An applicant who fails to keep an appointment, or to supply information required by a deadline without notifying the PHA, may be sent a Notice of Denial of Assistance for failure to provide required information.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

- Eligibility for Admissions
- Verification Procedures
- Certificate/Voucher Issuance and Briefings
- Housing Quality Standards and Inspections
- Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are for “good cause,” which is defined in the Glossary.

E. GROUNDS FOR TERMINATION OF ASSISTANCE

(24 CFR §§ 982.552 and 982.553)

If a termination is based on an individual’s behavior or action resulting from a disability, the PHA may delay the termination in order to determine whether there is a reasonable accommodation that could be granted to adjust or correct the behavior or action of the individual if such action or behavior is the result of the individual’s disability.

HUD Grounds for Termination (24 CFR §§ 982.552(b), 982.553(a) and (b))

The PHA must terminate assistance for participants if at least 180 days have elapsed since the PHA's last housing assistance payment was made on behalf of the family. (See "Contract Terminations," Chapter 14 of this Administrative Plan).

The PHA must terminate the assistance of a family under the program if the PHA determines that any member of the household has ever been convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing.

The PHA will propose termination of assistance for program participants if the PHA determines that any household member is currently engaging in illegal use of a drug under Local, State, or Federal law. The PHA will consider mitigating circumstances. (See Section B Standard for Violation, Additional Grounds for Termination of Assistance of this chapter and Chapter 25).

The PHA will propose termination of assistance for program participants if the PHA determines that a household member's illegal drug use may threaten the health, safety, or right to peaceful enjoyment of other residents or persons residing in the immediate vicinity of the premises. The PHA will consider mitigating circumstances. See Section B, Standard for Violation of this chapter.

The PHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease. (See Glossary for definition of Serious Lease Violation).

The PHA must terminate program assistance for a participant if any member of the family fails to sign and submit consent forms for obtaining information in accordance with 24 CFR Part 5, subparts B and F.

The PHA must terminate assistance when required under the regulations to establish citizenship or eligible immigration status.

The PHA must terminate assistance if the family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher educations as specified in 24 CFR §5.612.

Additional Grounds for Termination of Assistance (24 CFR §§ 982.551, 982.552(c), 982.553(b))

The PHA may terminate program assistance for a participant for any of the following reasons:

- If any family member violates any family obligation under the program.
- If the family fails to submit a completed recertification in a timely manner.
- For committing acts of physical abuse or violence. HCV clients who are victims of certain types of violence may be protected from termination under the Violence Against Women Act (VAWA). Clients cannot be terminated from assistance solely because of domestic violence and/or abuse by a partner unless there is other cause for termination (such as non-payment of rent). Under VAWA protections, the abuser may be removed from the voucher while allowing the rest of the household to remain.
- The family pays an amount for rent to the owner not approved by the Housing Authority.
- If any member of the family has engaged in or threatened abusive or violent behavior toward PHA personnel, contractors, or customers on the premises. This includes but is not limited to: verbal abuse, physical abuse, violence or acts of intimidation. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination. "Threatening" refers to oral or written threats or physical gestures that communicate the intent to abuse or commit violence.

- If any family member engages in disruptive behavior that threatens health, life, or safety and creates a need for police to be summoned to the HA premises. This may include, but is not limited to refusing to leave when asked by HA staff or contractors.
- If the entire family is absent from the assisted unit for more than 30 consecutive days, without prior approval to the PHA, the unit will be considered to be vacated and assistance will be terminated.
- If a member of the household has been indicted, convicted, or otherwise sought by the courts and is fleeing to avoid prosecution, custody, or confinement.
- If the family self-terminates from the HCV Program.
- Eviction for serious lease violations.
- If the family fails to give the PHA a copy of any termination of tenancy notice (which may include but it is not limited) to a 30-Day, 60-Day, or 90-Day Notice to Vacate or a 3-Day Notice to Pay or Quit or Cure [e.g. for nuisance or other lease violation] or Quit) within 15 days.
- If the family is not eligible for admission, refer to "Eligibility for Admission," Chapter 2 of this Administrative Plan for further information.
- If the family is out of an assisted unit without a voucher and refuses to sign an available voucher when directed by the PHA.

The family will be given the opportunity to cure the breach. These opportunities may be appointments, written requests for information or both. Each case will be considered on an individual basis.

Mandatory Tenant Conference (MTC)

Before proposing termination of a family's eligibility, the PHA will send a Mandatory Tenant Conference appointment letter to the tenant detailing the allegations / request for information that will be discussed at the Mandatory Tenant Conference. The exception is when the family fails to attend a scheduled appointment, see Chapter 15, Part K. The MTC appointment will be scheduled with a 7 business day notice unless the tenant requests for an earlier appointment date and staff is available to meet with the tenant.

At the Mandatory Tenant Conference, the PHA will conduct a fact finding interview to discuss the allegations / required information and the tenant will be allowed to provide any documentation related to the allegations / or submit required information and complete an affidavit.

The family will be notified of how the PHA will proceed in this matter.

Notice of Proposed Termination of Assistance

In any case where the PHA proposes to terminate assistance to the family, the PHA will give the family written notice setting forth the allegations upon which the proposed termination is based. The notice will include an Informal Hearing Request form for a resident or an Informal Review request for an applicant.

Before the PHA takes any adverse action based on a criminal conviction record, including a notice denying admission, the PHA will conduct an individualized review of the individual's record. The PHA will provide the subject of the record and the resident/ applicant with a copy of the criminal record upon written request and providing picture I.D. to ensure that the PHA is maintaining the security of the personal information of the subject of record. The PHA will not mail criminal records to any address as it is a security risk. The applicant will be provided an opportunity to dispute the accuracy and relevance of that record.

The PHA will provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance, unless the family has vacated the subsidized unit, or the termination date

allows the owner to receive overlapping HAPs for two tenants in the same unit. The notice to the owner will not include any details regarding the reason for termination of assistance.

Methods of Termination

Termination of assistance for a participant may include, but is not limited to, any or all of the following:

- Refusing to enter into a HAP contract or approve a request for tenancy approval (RFTA).
- Terminating housing assistance payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures.

F. TERMINATION FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

(24 CFR §982.553)

Purpose

All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or disturb the peaceful and quiet use and enjoyment of other residents in and around the neighborhood. It is the intention of the PHA to fully endorse and implement a policy designed to:

- Help create and maintain a safe and drug-free community, and
- Keep program participants and neighbors free from threats to their personal and family safety, as well as the safety of their property.

Administration

All termination of assistance procedures will be administered fairly and in such a way as not to violate participants' privacy rights or discriminate on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, disability, sexual orientation, gender identity, or other legally protected groups.

The privacy policy will be posted on the bulletin boards of the PHA's area management offices (including 630 I Street in Sacramento) and copies will be made readily available to participants upon request.

To the maximum extent possible, the PHA will encourage other community and governmental entities in the promotion and enforcement of this policy.

Other Criminal Activity

The PHA may terminate participants from the program where the PHA determines that the person is/has been involved in drug related criminal activity or has engaged in or is currently engaged in other criminal activity as defined in the Glossary.

Sex Offenders

HUD regulations at 24 CFR §§5.856, 960.204(a)(4), and 982.553(a)(2) prohibit admission, after June 25, 2001, of any member of a household who is subject to a state lifetime sex offender registration requirement. This regulation reflects a regulatory prohibition. A household receiving assistance with such a member is receiving assistance in violation of federal regulations.

For any admissions after June 25, 2001 (the effective date of the Screening and Eviction for Drug Abuse and Other Criminal Activity final rule), if the recertification/reexamination screening reveals that the tenant or a member of the tenant's household is subject to a lifetime sex offender registration requirement, or that the tenant has falsified information or otherwise failed to disclose his or her criminal history on the application and/or recertification/reexamination forms, the Owner/Agent (O/A) or PHA will pursue termination of HCV program participation.

If an O/A or PHA erroneously admitted a lifetime sex offender, the O/A or PHA will offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the PHA or O/A must terminate the household's assistance.
For admissions before June 25, 2001, there is currently no HUD statutory or regulatory basis to evict or terminate the assistance of the household solely on the basis of a household member's sex offender registration status.

Standard for Violation for Drug-Related Criminal Activity or Violent Criminal Activity

The PHA will consider alcohol abuse to be a pattern if there is more than one conviction for an alcohol-related offense during the previous 18 months.

"Engaged in or engaging in" drugs or violent criminal activity means any act within the past three years by a participant or household member.

Violent criminal activity is any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

In evaluating evidence of negative past behavior, the PHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likeliness that the individual will refrain from such conduct in the future, which could be supported by evidence of rehabilitation.

The PHA may waive the requirement regarding drug-related criminal activity if the individual demonstrates successful completion of a credible rehabilitation program approved by the PHA. In appropriate cases, the PHA may permit the family to continue receiving assistance, provided that family members determined to have engaged in the proscribed activities, excluding Head of Household, Spouse/partner or Co-Head, will not reside in the unit. If the violating member is a minor, the PHA may consider individual circumstances by working with Juvenile Court system without violating the confidentiality of juvenile court records. For an adult, the PHA will require the family to sign a written certification the family member is no longer in the home, and will request documentation verifying the offending family member's new residential address (e.g. lease or rental agreement).

Absence due to Incarceration

If the sole member is incarcerated for more than 30 consecutive days, s/he will be considered permanently absent and the PHA may terminate the participant's assistance according to procedure.

Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 30 consecutive days.

If the Head of Household is incarcerated, the remaining household members who are at least 18 years of age will be responsible for reporting the absence. If there are minor children in the home, refer to Caretaker for Child(ren).

In either case, the family must promptly report any absence of 30 days or more due to incarceration to the PHA in writing.
If a member of the household is subject to a court order that restricts him/her from the home for more than 30 days, that individual will be considered permanently absent.

If there are additional family members who would lose access to housing, mitigating circumstances will be considered when evaluating the status of the voucher.

If the reason for the absence is due to incarceration, the family member who was incarcerated may be required to undergo a new criminal background check upon his/her release from jail, prison, or other facility.

Terminating Assistance for Alcohol Abuse by Household Members

Under the family obligations listed at 24 CFR §982.551, the members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. Assistance will be terminated due to violation of a family obligation if the PHA determines that a member of the household has demonstrated a pattern of alcohol abuse that threatens the health, safety or the right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. This includes cases where the PHA determines that there is a pattern of alcohol abuse.

The PHA will consider alcohol abuse to be a pattern if there is more than one conviction during the previous 18 months.

G. FAMILY OBLIGATIONS

(24 CFR §982.551)

Failure to comply with all Family Obligations may be cause for termination which includes (but is not limited to):

- The requirement that the family supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status.
- The requirement that the family supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
- The requirement that the family disclose and verify social security numbers and sign and submit consent forms for obtaining information, with the exception of those individuals who do not claim 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.
- The requirement that all information supplied by the family to the PHA be **true and complete**.
- The family's responsibility for breaches of the HQS caused by the family including but, not limited to, any of the following:
  - Failure of the family to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;
  - Failure of the family to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or

  - Damage to the dwelling unit or premises caused by any member of the household or any of their guests (this refers to damages beyond ordinary wear and tear [e.g. holes in the walls, broken fixtures, etc.]).
- The requirement that the family allow the PHA to inspect the unit at reasonable times and after reasonable notice.
- The requirement that the family not commit any serious or repeated violations of the lease.
- The requirement that the family notify the owner and, at the same time, the PHA before the family moves out of the unit or terminates the lease.
- The requirement that the family give the PHA a copy of any owner eviction notice/notice of termination of tenancy within 15 days. This includes 30-day notices, 3-day notices to perform or quit as well as other forms of warning notices. However, failure to give the PHA a copy of warning notices (as opposed to notices terminating the tenancy) will not be deemed cause for termination.
- The requirement that the family use the assisted unit for residence by the family. The unit must be the family's **only** residence. No household members may be listed as a resident on another lease or rental agreement or utility subscriber at another address.
- The requirement that the family not have their mail forwarded to another address or to a Post Office (P.O.) Box (except for those participating in the Safe At Home program).
- The requirement that the composition of the assisted family residing in the unit be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member or other individual as an occupant of the unit. No other person [i.e., nobody but members of the assisted family] may reside in the unit (except for a foster child or live-in aide, with prior approval).
- The requirement that the family notify the PHA within thirty (30) days if any family member no longer resides in the unit (e.g. if any household members moves out).
- The requirement that the family not sublease the unit.
- The requirement that the family refrain from assigning the lease or transferring the unit to any other individual(s).
- The requirement that the family supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of the absence of any household member(s) from the unit.
- The requirement that the members of the family not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.
- Criminal background screening will apply to any member of the household who is 18 years of age or older or an emancipated minor (subject to the limitations and restrictions provided in California Welfare and Institutions Code sections 827 and 828 as applicable).
- The requirement that members of the household not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
- The requirement that members of the household not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
- The requirement that the assisted family or any of its members not receive Section 8 tenant-based assistance while receiving another housing subsidy for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

- The following are additional Family Obligations as identified on HCV Participants' Annual Re-certification:
  - The family must notify the PHA of the birth, adoption or court-awarded custody of a child or children within thirty (30) days.
  - The family must notify the PHA in writing, within 30 days, when the family will be away from the unit for at least 30 days.
  - The family must notify the PHA in writing, within 30 days, of any and all changes in the income of any family member.
  - Unless their lease was effective prior June 17, 1998, the owner must not be a spouse, parents (including step-parents), child (including a step-child) grandparents, grand-child, siblings (including step-brother or step-sister). The PHA may waive this restriction as a reasonable accommodation for a family member who is a person with a disability if there is a nexus between the disability-related need and the provisions included in the rental property.

Explanations and Terms

The term "promptly" when used with regard to the family obligations always means "within 30 days." Termination of assistance is always optional except where this Administrative Plan or the Code of Federal Regulations state otherwise.

HQS Breaches

The assigned Inspector will determine if an HQS breach, as identified in 24 CFR §982.404(b), is the family's responsibility. Families may be granted extensions to cure HQS breaches under reasonable circumstances.

Confidentiality of Criminal Records

The PHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

All criminal reports, while needed by staff for screening for criminal behavior, will be housed in a secured location with access restricted to individuals responsible for such screening.

The PHA will document in the family's file that the family was terminated due to findings in the Criminal History Report.

Misuse of the Criminal History Report by any employee will be grounds for termination of employment. Penalties for misuse are contained in Personnel Policies.

Disclosure of Criminal Records to the Family

Before the PHA takes any adverse action based on a criminal conviction record, the PHA will provide the subject of the record and the applicant in person with a copy of the criminal record upon written request with the proper picture ID as an additional measure to protect the privacy of the applicant and the confidentiality of the records. The applicant will be provided an opportunity to dispute the accuracy and relevance of the record.

H. TERMINATION - ZERO HAP ASSISTANCE TENANCIES

The family may remain in the unit at $0 assistance for 180 days after the last HAP payment. Any new change of income, household composition, increase in rent, and or utility change that may restore eligibility for assistance must become effective before the expiration of the 180-days period and will be reviewed by staff to determine continued eligibility for assistance. ~~requests submitted during this 180-day period will be reviewed by staff to determine whether the family will continue to be eligible for assistance.~~

In order for a family to move to another unit during the 180 days of receiving zero HAP, the rent for the new unit must be high enough to necessitate a housing assistance payment and the new contract must be fully executed and activated before the expiration of the 180-day period.

I. TERMINATION – ASSET LIMIT FOR ELIGIBLY AND CONTINUED ASSISTANCE

~~Eligibility and continued assistance asset limit to participate in program assistance includes net family assets that exceed $100,000 (adjusted annually for inflation); and/or~~

~~Families are ineligible for assistance if they own real property suitable for occupancy.~~
~~The following exceptions apply:~~

- ~~A family that receives assistance for the property from the Housing Choice Voucher Program~~
  - ~~Manufactured home~~
  - ~~Homeownership Option~~
- ~~Property jointly owned with someone else, and occupied by the other owner who is not a member of the household receiving benefits~~
- ~~A victim of domestic violence, dating violence, sexual assault, or stalking~~
- ~~A family that is offering the property for sale~~
- ~~Unit not suitable for occupancy because it does not meet the disability-related needs for all members of the family~~
- ~~Not sufficient for the size of the family~~
- ~~Location is a hardship for the family~~
- ~~Is unsafe due to physical condition~~
- ~~Property is not zoned for residential occupancy per local or state laws~~

~~Enforcement of the asset limitations defined above shall be enforced through initiation of the termination process for current participants at annual or interim recertification.~~

The PHA will apply the net family asset limitation at the time of initial eligibility for admission to the Housing Choice Voucher (HCV) Program. Applicant families are not eligible for admission if the family's net assets exceed the asset limitation established by HUD (currently $100,000, as adjusted annually for inflation).

In addition, both applicant families and current participants are ineligible for assistance if any member of the family has a present ownership interest in real property that is suitable for occupancy by the family, unless one of the exceptions below applies.

The following exceptions to the real property ownership restriction apply:

- The family is receiving HCV assistance for the property, including:

  - A manufactured home space; or
  - A unit assisted under the Homeownership Option;
- The property is jointly owned with a person who is not a member of the assisted household and the co-owner resides in the property;
- The property is owned by a victim of domestic violence, dating violence, sexual assault, or stalking;
- The property is actively being offered for sale;
- The property is not suitable for occupancy because it does not meet the disability-related needs of one or more family members;
- The property is not of sufficient size for the family's needs;
- Occupancy of the property would create a hardship due to its location;
- The property is unsafe because of its physical condition; or
- The property cannot legally be occupied as a residence under applicable state or local law.

The PHA will verify compliance with the asset limitation requirements at the time of initial eligibility. The PHA will also determine whether a current participant owns real property suitable for occupancy during annual or interim reexaminations, as applicable.

Current participants determined to own real property suitable for occupancy that does not qualify for one of the exceptions listed above will be deemed ineligible for continued assistance and the PHA will initiate termination of assistance in accordance with program requirements.

J. OPTION NOT TO TERMINATE FOR MISREPRESENTATION

(24 CFR §§ 982.551, 982.552(c))

If the family has misrepresented any facts, the PHA will consider relevant circumstances surrounding any termination of assistance related to the allegedly misrepresented facts or statements.

K. TERMINATION - FRAUD

If the family intentionally, willingly, and knowingly commits fraud or is involved in any other corrupt or criminal act in connection with any Federal Housing Program, the PHA may deny or terminate assistance.

L. TERMINATION - MISSED APPOINTMENTS AND DEADLINES

(24 CFR §§ 982.551, 982.552(c))

It is a family obligation to supply PHA-requested information, documentation, and certification as needed for the PHA to administer the program. The PHA will schedule a Mandatory Tenant Conference (MTC) for participants/applicants and will set deadlines in order to obtain the required information.

A participant who fails to supply information when requested will be scheduled for an MTC appointment. A participant who fails to supply information as requested at the MTC appointment, who fails to attend an MTC appointment or misses scheduled HQS inspection appointments may be sent a Notice of Proposed Termination of eligibility unless “good cause” is provided by the participant to the PHA.

If a participant supplies requested information to the Agency after the deadline, the participant may be issued a Warning Notice.

If a participant has been issued a warning for the same program violation, he/she may be issued a Notice of Proposed Termination of eligibility after the MTC process.

Appointments will be scheduled, and time requirements will be imposed for the following events and circumstances:

- Certificate/Voucher Issuance and Briefings
- Verification Procedures
- Housing Quality Standards (HQS) Inspections
- Recertifications
- Mandatory Tenant Conferences
- Informal Reviews and Informal Hearings

"Good Cause," as defined in the Glossary, means **acceptable** reasons (e.g., medical emergency, etc.) for missing appointments or failing to provide information by deadlines.

Procedure when Information is Not Provided or Appointments Are Missed

A family who fails to provide information to the PHA or misses scheduled appointments will be issued a Notice of Proposed Termination of HCV Eligibility letter and an Informal Hearing Request form.

If a family is scheduled for an MTC by phone or through written notice and fails to attend the appointment, the PHA will issue a notice to propose termination of the family's assistance unless "good cause" is provided.

After termination is proposed, if the family offers to correct the breach within the time allowed for requesting an informal hearing the termination may be rescinded only after the family cures the breach. In this case, a formal warning will be issued notifying the family that future breaches, including the family obligation to respond to the PHA in a timely manner, may result in termination.

Chapter 16 OWNER DISAPPROVAL AND RESTRICTION

(24 CFR §§ 982.54, 982.306, 982.453)

INTRODUCTION

It is the policy of the PHA to recruit owners to participate in the Housing Choice Voucher (HCV) program. The PHA will provide owners with prompt and professional service in order to maintain an adequate supply of available housing within the PHA's jurisdiction. The HUD regulations define when the PHA must disallow an owner participation in the program. The regulations also outline situations in which the PHA has discretion to disapprove or otherwise restrict the participation of owners in certain categories. This chapter describes the criteria for owner disapproval and the various penalties for owner violations.

A. DISAPPROVAL OF OWNER

(24 CFR §§ 982.306, 982.54(d)(8))

The owner does not have the right" to participate in the HCV Program. For purposes of this section, "owner" includes a principal or other interested party (e.g. property manager or property management company).

The PHA will disapprove the owner for the following reasons:

- HUD, or other directly related agency, has informed the PHA that the owner has been debarred, suspended, or subject to a limited denial of participation under 2 CFR part 2424.
- HUD has informed the PHA that the Federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other Federal equal opportunity requirements and such action is pending.
- HUD has informed the PHA that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other Federal equal opportunity requirements.
- Unless their lease was effective prior to June 17, 1998, the owner must not be a spouse, parents (including step-parents), child (including a step-child) grandparents, grand-child, siblings (including step-brother or step-sister) of any family member. The PHA may waive this restriction as a reasonable accommodation for a family member who is a person with a disability if there is a nexus between the disability-related need and the provisions included in the rental property. This restriction against PHA approval of a unit only applies at the time a family initially receives tenant-based assistance for occupancy of a particular unit but does not apply to PHA approval of a new tenancy with continued tenant-based assistance in the same unit. 24 CFR §982.306(d)
- If the owner is residing in any portion of the assisted property (excluding shared housing, see Chapter 19).

The PHA may disapprove the owner for the following reasons:

- In cases where the owner and tenant have the same last name, the PHA may, at its discretion, require the family and or owner to certify whether they are related to each other in any way.
- The owner has violated the terms of the housing assistance payments (HAP) contract. This includes, but is not limited to: charging the tenant, or accepting from the tenant, payments in excess of the approved contract rent for rent of the contract unit (these types of payments are referred to as "side payments").
- The owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligations to maintain the unit to HQS, including any standards the PHA has adopted in this policy.

- The owner has committed fraud, bribery or any other corrupt act in connection with any Federal housing program.
- The owner has engaged in drug related criminal activity or violent criminal activity.
- The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program.
- The owner has a history or practice of renting units that fail to meet State or local housing codes.
- The owner has not paid State or local real estate taxes, fines or assessments.
- The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD.
- The owner has engaged in or threatened abusive or violent behavior toward PHA personnel. "Abusive or violent behavior" includes verbal as well as physical epithets or other language, written or oral, that is customarily used to intimidate, may be cause for termination or denial. "Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
- The PHA will not approve a HAP contract to any owner who is related to the tenant, except when needed as a reasonable accommodation for an individual with a disability.
- The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity engaged in by the tenant, any member of the household, a guest or another person under the control of any member of the household that:
    - Threatens the right to peaceful enjoyment of the premises by other residents;
    - Threatens the health or safety of other residents, of employees of the PHA, or of the owner's employees or other persons engaged in management of the property;
    - Threatens the health or safety of, or the right to peaceful enjoyment of their residences of persons residing in the immediate vicinity of the premises; or that has engaged in drug-related criminal activity or violent criminal activity

B. OWNER/AGENT RESTRICTIONS

(24 CFR §982.306)

Where it is determined that an owner or agent has violated the terms of the HAP contract, the PHA may do the following:

- Conduct an Owner or Agent conference to determine the nature and seriousness of the violation;
- Issue a warning against further program violations; and/or
- Recommend program debarment for a period of up to 5 years or permanent debarment.

If the PHA determines that there has been an overpayment of HAP to the owner, the PHA will issue an overpayment notice for any outstanding HAP; and the owner must repay the PHA all outstanding balances.

Chapter 17 OWNER OR FAMILY DEBTS TO THE PHA

(24 CFR §982.552)

INTRODUCTION

This chapter describes the PHA's policies for the recovery of monies that have been overpaid to families and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the PHA's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the PHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation in a clear format for review by the owner, the family or other interested parties.

When families or owners owe money to the PHA, the PHA will make every effort to collect it. The PHA may use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil suits
- Abatements
- Reductions in HAP to owner
- Collection agencies, including the Sacramento County Department of Revenue Recovery
- Credit bureaus
- Income tax refund intercept
- U.S. Department of Housing and Urban Development (HUD)

A. Repayment of Debts to the PHA

Family

When a family is determined to have incurred a debt to the PHA due to underreporting or the failure to report a change in income or household composition in a timely manner; the PHA will meet with the family to inform them about the debt and about the process used to identify and calculate the debt.
The family is required to reimburse the PHA for the difference between the tenant rent that should have been paid and the tenant rent that was calculated in accordance with HUD's rent formula. The difference is called retroactive rent. The family will be given the opportunity to make full repayment of the debt at that time or the family may enter into a repayment agreement with the PHA.
In the case of unapproved member(s) in the subsidized unit when the PHA is unable to accurately calculate the household income; the PHA will require repayment of 100% of the housing assistance payments and utility reimbursement payments for the timeframe of the residency of the unapproved household member(s).

Repayment Time Period

The period in which the retroactive rent balance will be repaid is based on the monthly payments and original retroactive balance.

A minimum monthly repayment of fifty dollars ($50) will be established for families whose repayment calculation equals less than the minimum repayment. This amount is necessary to recapture the

overpayments due to the undisclosed income and help to prevent the termination of the family's program participation.

If the family refuses to enter into a repayment agreement or fails to make payments on an existing or a new repayment agreement, the PHA must terminate the family's program participation. HUD does not authorize any PHA-sponsored debt forgiveness programs.

In this case if the amount owed exceeds $25,000, the PHA may demand full repayment of the debt, and refer the case to the Office of Inspector General (OIG) for investigation and possible prosecution.

If the debt resulted from the family's failure to report income and the failure to report income has occurred in at least one other instance, the PHA will seek repayment of the debt and may propose termination due to the repeated violation, regardless of the amount.

Any request to voluntarily move made by the family will not be processed until the repayment agreement is current or the debt is paid in full, unless approved by the Assistant Director or designee.

If the family meets all of their family obligations and it is determined that the debt resulted from a PHA error, then no adverse action will be taken against the family.

Owner

If an owner has an overpayment and has other HAP contracts, the overpayment amount will be automatically deducted from the next monthly payment. If an owner does not have any other active HAP contracts, an overpayment notice will be sent and the owner has fifteen (15) calendar days from the date of notification to issue a check, cashier's check or money order for the amount of the overpayment payable to the PHA.

The owner's debt will be submitted to collections if the overpayment has not been paid in full and may be subject to interest, penalties or fines.

B. PROGRAM FRAUD

(24 CFR §§ 982.163 and 982.552)

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

- Constitutes a false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and
- Results in payment of HCV program funds in violation of program requirements.

Repayment For Program Fraud – Families

The Housing Authority may:

- Seek repayment of money owed by families due to program fraud; and
- Review the case to determine future eligibility; and
- Refer the case to HUD Office of Inspector General (OIG) for collection or criminal prosecution, if appropriate.
- Pursue collections through a collection agency, such as Sacramento County Department of Revenue Recovery.

Repayment for Program Fraud - Owners

If the PHA determines that the owner has retained housing assistance or claim payments the owner is not entitled to, the PHA may reclaim the amounts from future housing assistance or claim payments owed by the owner for any units under contract.

If future housing assistance or claim payments are insufficient to reclaim the amounts owed, the PHA may:

- Require the owner to pay the amount in full within ten (10) days.
- Pursue collections through a collection agency, such as Sacramento County Department of Revenue Recovery.
- Restrict the owner from future participation in the HCV program.

C. WRITING OFF DEBTS

Debts will not be written off unless discharged by a bankruptcy court order.

Chapter 18 COMPLAINTS AND APPEALS

INTRODUCTION

The informal hearing requirements defined in the HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of the PHA. This chapter describes the policies, procedures and standards to be used when families disagree with a PHA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the PHA to ensure that all families have the benefit of all protections due to them under the local, state, and federal law.

A. COMPLAINTS TO THE PHA

The PHA will respond promptly to complaints from families, owners, and members of the public. Complaints will be referred to the appropriate staff. The PHA may request that complaints be submitted in writing. Complaints received relating to non-HCV matters will be routed to the appropriate staff (See Chapter 20 Program Integrity, Section E).

The PHA's informal hearing procedures will be distributed to families in their briefing packets.

B. INFORMAL REVIEW PROCEDURES FOR APPLICANTS

(24 CFR §§ 982.554 and 982.54(d)(12))

Informal Reviews are provided for applicants who are denied assistance before the effective date of the HAP contract. The exception is that when an applicant is denied assistance based on citizenship or eligible immigrant status, the applicant is entitled to an informal hearing.

When the PHA determines that an applicant is ineligible for the program, the family will be notified of their ineligibility in writing. The notice must contain:

- The reason(s) they are ineligible;
- The procedure for requesting a review if the applicant does not agree with the decision, and;
- The time limit for requesting a review.

Before the PHA takes any adverse action based on a criminal conviction record, the PHA will provide the subject of the record and the applicant with a copy of the criminal record upon written request and with a picture I.D. to ensure the security of the personal information of the subject of record is maintained. The PHA will not mail criminal records to any address as it is a security risk. The applicant will be provided an opportunity to dispute the accuracy and relevance of the record.

The PHA must provide applicants with the opportunity for an informal review of decisions denying:

- Issuance of a voucher
- Participation in the program
- Assistance under portability procedures
- Non-Citizen Eligibility

Informal reviews are not required for established policies and procedures and PHA determinations such as:

- Discretionary administrative determinations by the PHA,
- General policy issues or class grievances,
- A determination of the family unit size under the PHA subsidy standards,
- A PHA determination not to approve the extension of the voucher term,
- Voucher expiration,
- A PHA determination not to grant approval of the tenancy,
- A PHA determination that the rental unit is not in compliance with HQS, or
- A PHA determination that the rental unit is not in accordance with occupancy standards/HQS due to family size or composition.

Procedure for Informal Review

Any request for an informal review must be received in writing no later than calendar fifteen (15) days from the date of the PHA's notification letter of denial. The informal review will normally be scheduled within sixty (60) days from the date the request is received. Late requests may be considered if good cause is provided by the family.

The informal review may be conducted by any person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of that person. (24 CFR 982.554(b)(1).)

The applicant will be given the option of presenting oral or written objections to the decision. (24 CFR 982.554(b)(2).)

Both the PHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

The review may be conducted by mail and/or telephone if acceptable to both parties.

A notice of the review findings will be provided in writing to the applicant within fifteen days after the review. It will include the decision of the reviewer and a brief statement of the reasons for the final decision. In making his or her decision regarding whether to uphold or reverse the PHA's decision, the reviewer will consider all relevant evidence presented at the Informal Review, including live testimony and/or written statements or other documentary evidence presented by the applicant and his or her witnesses (if any).

The family may request that the Informal Review be audio-recorded when they submit their written request. The cost of transcribing the Informal Review is charged to the requestor. Staff will record the Informal Review (IR) if requested by the applicant (which is also stated on the IR form).

All requests for a review, supporting documentation and a copy of the final decision will be retained in the family's file.

C. INFORMAL HEARING PROCEDURES

(24 CFR §§ 982.555 and 982.54(d)(13))

When the PHA makes a decision regarding the eligibility and/or the amount of assistance, applicants and participants must be notified in writing. The PHA will give the family prompt notice of such determinations, which will include:

- The proposed action or decision of the PHA.
- The family's right to an explanation of the basis for the PHA's decision.
- The procedures for requesting an informal hearing (IH) if the family disputes the action or decision.
- The time limit for requesting the IH.
- The name of the staff member to whom the IH request should be directed.
- A copy of the PHA's hearing procedures.
- The family's option to submit a written request that the IH be audio recorded. The cost of transcribing the IH will be charged to the requestor.
- The family's right to a PHA provided translator to assist them during the IH.

The PHA will provide participants with the opportunity for an informal hearing for decisions related to any of the following PHA determinations (each an "adverse action"):

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment.
- Appropriate utility allowance for tenant-paid utilities from the PHA's schedule.
- Family unit size determination under PHA subsidy standards.
- To terminate assistance because of the family's action or failure to act (in accordance with 24 CFR § 982.552).
- To terminate a family's Family Self Sufficiency (FSS) contract, withhold supportive services, or propose forfeiture of the family's escrow account.
- To terminate assistance because the family has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules.
- Housing Assistance termination due to having been at zero HAP for 180 days.
- Denial of a reasonable accommodation.

The PHA must provide the opportunity for an informal hearing before termination of assistance.

Informal hearings are not required for established policies and procedures and PHA determinations such as:

- Discretionary administrative determinations by the PHA.
- General policy issues or class grievances.
- Establishment of the PHA schedule of utility allowances for families in the program.
- A PHA determination not to approve an extension or suspension of a voucher term.
- A PHA determination not to approve a unit or lease.
- A PHA determination that an assisted unit is not in compliance with HQS (PHA must provide hearing for family breaches of HQS because that is a family obligation determination).
- A PHA determination that the unit is not in accordance with HQS because of the family size.
- A PHA determination to exercise or not exercise any right or remedy against the owner under a HAP contract.
- Voucher expiration.

Procedure for Requesting an Informal Hearing for Participants

Any request for an appeal must be received in writing no later than 15 calendar days from the date of the PHA's notification letter of adverse action. The notice must:

- Contain a brief statement of reasons for the decision,
- State that if the family does not agree with the decision, the family may request an informal hearing on the decision, and

- State the deadline for the family to request an informal hearing.

Late requests may be considered if good cause (e.g. medical emergency [not routine or scheduled medical visits]) is provided by the family.

If the participant does not request an informal hearing within 15 days of the date of written notice, s/he waives his/her right to a hearing, and the PHA's proposed adverse action will become final.

This section in no way constitutes a waiver of the participant's right to contest the PHA's disposition in an appropriate judicial proceeding.

Notification of Informal Hearing

It is the PHA's objective to resolve disputes at the lowest possible level. The PHA will ensure that applicants and participants receive all of the protections and rights afforded by the law and the regulations.

When the PHA receives a request for an informal hearing, a hearing will normally be scheduled within 90 days from the date the request is received. The hearing notice will provide at least 30 day notice and will contain:

- The date and time of the hearing.
- The location where the hearing will be held.
- The family's right to bring evidence, witnesses, legal or other representation at the family's expense with notice to the PHA provided five full business days before the hearing). If they do not notify the PHA at least five (5) business days before the hearing, then PHA will postpone the hearing.
- The right to view any documents or evidence in the possession of the PHA upon which the PHA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. Requests for such documents or evidence must be received no later than 3 days before the hearing date.
- A notice to the family that the PHA will request a copy of any documents or evidence the family will use at the hearing. Requests for such documents or evidence must be received no later than three days before the hearing date.

The PHA's Hearing Process

After a hearing date is scheduled, the family may request to reschedule a hearing only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Families have the right to:

- Present written or oral objections to the PHA's determination;
- Upon request at least three full business days before the hearing, the family must be given the opportunity to examine the PHA hearing any PHA documents that are directly relevant to the hearing. The family must be allowed to copy any such document at the family's expense. If the PHA does not make the document available for examination on request of the family, the PHA may not rely on the document at the hearing.
- The PHA must be given the opportunity to examine at PHA offices at least three full business days before the hearing any family documents that are directly relevant to the hearing. The PHA must be allowed to copy any such document at the PHA's expense. If the family does not make the document available for examination on request of the PHA, the family may not rely on the document at the hearing. Such documents can be left in drop boxes and must clearly be marked as "Hearing Documents."

- The term “documents” includes records and regulations. Request that PHA staff involved with the case be available or present at the hearing to answer questions relevant to the case; and
- At its own expense, the family may be represented by a lawyer or other representative. The family must give the PHA notice at least three full business days before the hearing if the family’s lawyer will be present at the hearing.
- Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

In no case will the family or their representative, including legal counsel, be allowed to remove the original file from the PHA's office. In addition to other rights contained in this chapter, the PHA has a right to:

- Present evidence and any information pertinent to the issue of the hearing;
- Have its attorney present; and
- Have staff persons and other witnesses familiar with the case present.

The informal hearing shall be conducted by the Hearing Officer appointed by the PHA who is neither the person who made or approved the decision, nor a subordinate of that person. The PHA appoints only qualified hearing officer(s). The hearing shall concern only the issues for which the family has received the opportunity for hearing.

If evidence was available and was not provided prior to the hearing, it may not be introduced at the hearing. "Documents" includes, but is not limited to, records, photos, legal briefs and other documents submitted as evidence, audio and/or video recordings, etc.

Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
Evidence not presented at the time of the hearing will not be accepted after the hearing, unless such evidence was unavailable at the time of the hearing due to circumstances beyond either party’s control

The Hearing Officer(s) may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. The hearing may be conducted by mail and/or telephone if acceptable to both parties.

If the family misses an appointment or deadline or is more than 15 minutes late for an appointment, they will be required to show “good cause” for their missed or late appointment (as defined in the Glossary) or the action of the PHA shall take effect and another hearing will not be granted. If the family does not show “good cause” within 3 days of the missed appointment, the Hearing Officer’s decision will stand.

The Hearing Officer(s) will determine whether the action, inaction or decision of the PHA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony presented at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

The Hearing Officer shall provide a written decision based on the findings at the hearing to the PHA and the family within 14 days and shall include:

- A clear summary of the decision and reasons for the decision.
- Notice that the Code of Civil Procedure Section 1094.6 governs the time within which judicial review may be sought.
- The date the decision will go into effect.
- If the PHA’s decision is upheld as a termination by the Hearing Officer, a notice of termination of subsidy will be sent following at least 30 days’ notice.

The PHA is not bound by hearing decisions that:

- concern matters in which the PHA is not required to provide an opportunity for a hearing;
- conflict with or contradict HUD regulations or requirements;
- conflict with or contradict federal, state or local laws; or
- exceed the authority of the Hearing Officer.

The PHA shall send a letter to the participant if it determines the PHA is not bound by the Hearing Officer(s)'s determination within ten days of the PHA's receipt date of the decision. The letter shall include the PHA's reasons for the decision.

All requests for a hearing, supporting documentation and a copy of the final decision will be retained in the family's file.

Recordings

Either party may arrange, in advance and at the expense of the party making the arrangement, for a recording of the hearing.

Agreement

The parties may agree in writing to follow a different procedure in the resolution of a grievance.

D. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"

(24 CFR Part 5, Subpart E)

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the PHA hearing is pending, but assistance to an applicant may be delayed pending the PHA hearing.

Department of Homeland Security (DHS) Determination of Ineligibility

If an applicant, participant or any family member declares him or herself to be an eligible immigrant and the status is not verified by the DHS SAVE or manual verification search system, the PHA will notify the head of household. The notice will be in writing and will include:

- The name(s) of the person for whom the eligible immigration status was not verified.
- A statement that their housing assistance will be terminated if they are a current participant.
- A statement of the family's eligibility for proration of assistance if the application includes eligible and ineligible family members, which is considered a "mixed family."
- A statement of the eligibility for proration and temporary deferral of assistance, if eligible.
- The right to appeal to the DHS within thirty days of the PHA's decision and the right to request an informal hearing within ten days of written notice. The family's right to request an informal hearing with the PHA is in lieu of or subsequent to the DHS appeal.

If the family appeals to the DHS, they must give the PHA a copy of the appeal and proof of mailing or the PHA may proceed to deny or terminate assistance. The time period to request an appeal may be extended by the PHA for good cause.

After receipt of a request for an informal hearing, the hearing is conducted as described in this chapter for both applicants and participants. If the hearing officer(s) decides that the individual is not eligible, and there are no other eligible family members the PHA will:

- Deny the applicant family.
- Defer termination if the family is a participant and qualifies for deferral.
- Terminate the participant if the family does not qualify for deferral.

If there are eligible member(s) in the family, the PHA will offer to prorate assistance or give the family the option to remove the ineligible member(s).

All other complaints related to eligible citizen/immigrant status:

- If any family member fails to provide documentation or certification as required by HUD regulations, that member is treated as ineligible. If all family members fail to provide the required documentation, the family will be denied or terminated for failure to comply.
- Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.
- Participants whose assistance is prorated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on determinations of tenant rent and total tenant payment.
- Families denied or terminated for fraud in connection with the non-citizens rule are entitled to an informal review or hearing in the same way as terminations for any other type of alleged program fraud.
- The PHA will terminate assistance if it is determined a family has knowingly permitted an ineligible person to live in the assisted unit without authorization.

E. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES

(24 CFR §982.552(c))

When applicants are denied placement on the waiting list or the PHA is terminating assistance, the family will be informed that mitigating circumstances related to the disability of a household member may be considered during the informal review or informal hearing process. Disability status does not affect the Non-Citizenship statute.

Chapter 19 SPECIAL HOUSING TYPES

(24 CFR §982.601)

INTRODUCTION

The PHA will permit the use of the following special housing types in its Housing Choice Voucher Program:

- Single Room Occupancy Housing
- Group Homes
- Congregate Housing
- Shared Housing
- Cooperative Housing
- Manufactured Homes
- Homeownership
- ~~Mod Rehabilitation Program~~

A. SINGLE ROOM OCCUPANCY

(24 CFR §982.602)

HUD has determined that there is a demand for Single Room Occupancy (SRO) units in this area. Therefore, a single person may reside in an SRO housing unit.

The PHA will use a separate lease and housing assistance payment contract for each assisted person residing in an SRO unit. (24 CFR §982.603).

SRO Rent and Housing Assistance Payment (24 CFR §982.604)

The PHA's SRO payment standard is seventy-five percent (75%) of the zero-bedroom payment standard schedule. For a person residing in an exception area, the payment standard is seventy-five percent (75%) of the HUD-approved zero-bedroom exception payment standard amount. While an assisted person resides in SRO housing, the SRO payment standard must be used to calculate the housing assistance payment.

Utility Allowance

The utility allowance for an assisted person residing in SRO housing is 75 percent (75%) of the zero-bedroom utility allowance.

Housing Quality Standards

The PHA will ensure that all SRO units approved for the program are in compliance with all of the Housing Quality Standards for SROs as regulated in 24 CFR §982.605. However, since SRO units are not intended to house children, the lead-based paint standards do not apply to SRO housing.

B. CONGREGATE HOUSING

(24 CFR §982.606)

Eligible Congregate Housing Services Program (CHSP) services assist the elderly, non-elderly people with disabilities, and temporarily disabled individuals to live independently and prevent premature or

unnecessary institutionalization. Congregate Housing is a Project-Based rather than a Tenant-Based program.

The PHA may approve a family member or a live-in aide to reside with an elderly person or a person with disabilities.

The PHA may approve a live-in aide for an individual with disabilities if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Congregate Housing Lease and HAP Contract (24 CFR §982.607)

For congregate housing there will be a separate lease and HAP contract for each assisted family.
Unless there is a live-in aide, the payment standard for a family that resides in a congregate housing unit is the zero-bedroom payment standard on the PHA payment standard schedule.
However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the payment standard for a family residing in a congregate housing unit is the one-bedroom payment standard amount.

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

Housing Quality Standards

The PHA will ensure that all congregate housing units approved for the program are in compliance with all of the Housing Quality Standards for congregate housing as regulated in 24 CFR §982.609.

C. GROUP HOMES

(24 CFR §§ 982.610-982.614)

A group home must be licensed, certified, or otherwise approved in writing by the State, or the State's licensing department.

An elderly person or a person with disabilities may reside in a State-approved group home. If approved by the PHA, a live-in aide may reside in the unit with an elderly person or a person with disabilities as a reasonable accommodation if requested by individuals with disabilities.

The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. Except for a live-in aide, all residents of a group home must be elderly persons or persons with disabilities. The live-in aide must have the approval of the PHA prior to residing in the unit. The PHA's Reasonable Accommodation Committee will make the decision regarding whether to grant the request for a live-in aide as a reasonable accommodation.

The PHA will not approve assistance for a person to live in a group home if documentation in the individual's file indicates that the person is in need of continual medical or nursing care.

No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

Group Home Lease and HAP Contract (24 CFR §982.611)

There will be a separate HAP contract and lease for each assisted person living in a group home.

The number of persons in the assisted household equals one assisted person plus any PHA-approved live-in aide.

Group Home Rent and HAP Contract (24 CFR §982.613)

The rent to the owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.

Meaning of pro-rata portion: for a group home, the term "pro-rata portion" means the ratio derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any PHA-approved live-in-aide.

The payment standard used to calculate the HAP is the lower of the payment standard for the family unit size or the pro-rata share of the payment standard for the group home size. The prorated share is calculated by dividing the number of persons in the assisted household by the number of persons (assisted and unassisted) living in the group home.

The reasonable rent for a group home is determined in accordance with 24 CFR §982.503. In determining reasonable rent the PHA will consider whether sanitary facilities and facilities for food preparation and service, are common or private.

Maximum Subsidy

Unless there is a live-in aide, the family voucher size is one bedroom. If there is a live-in aide, the live-in aide will be counted in determining the family voucher size.

The payment standard for a person who resides in a group home is the lower of the payment standard for the family voucher size or the pro-rata portion of the payment standard amount on the PHA payment standard schedule for the group home size.

Utility Allowance

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size or the authorized voucher size, whichever is less.

Housing Quality Standards

The PHA will ensure that all group home units approved for the program are in compliance with all of the Housing Quality Standards for group homes as regulated in 24 CFR §982.614.

D. SHARED HOUSING

(24 CFR §982.615)

Shared housing is a single housing unit occupied by an assisted family and another resident or residents. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family. An assisted family may share a unit with other persons assisted under the HCV program or with other unassisted persons.

Occupancy

In shared housing, the unit may be a house or an apartment. A zero or one-bedroom unit may not be used for shared housing.

The PHA may also approve a live-in aide to reside with a family in order to provide care for a person with a disability. The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. The live-in aide must have the approval of the PHA prior to moving into in the unit. The live-in aide may not have any ownership interest in the assisted unit except with a Reasonable Accommodation approval.

The owner of a shared housing unit may reside in the unit as long as the owner is not related to the tenant. The PHA will not approve shared-housing for a person or family who is related by blood, marriage or adoption to a resident owner, even as a reasonable accommodation.

A resident owner may enter into a HAP contract with the PHA for the tenant to reside in the shared-housing unit. However, the owner's occupancy in the shared-housing unit will not be subsidized.

There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared-housing unit.

Rent and HAP Contract

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five-bedroom unit, the ratio would be 3/5.

The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set forth in the "Owner Rents, Rent Reasonableness, and Payment Standards" in Chapter 11 of this Administrative Plan.

Maximum Subsidy

For a family residing in a shared housing unit the payment standard is the lower of:

- the payment standard for the voucher size for which the family is eligible, or
- the pro-rata payment standard for the unit size the family has selected.

If the PHA approves a live-in aide as a reasonable accommodation for a participant with disabilities, the live-in aide will be counted in determining the family unit size.

Utility Allowance (24 CFR §982.617(d))

The utility allowance for an assisted family residing in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

Housing Quality Standards

The PHA will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards for shared housing as regulated in 24 CFR §982.618.

E. COOPERATIVE HOUSING

(24 CFR §982.619)

The PHA will approve a family living in cooperative housing if it determines that assistance under the program will help maintain affordability of the cooperative unit for low-income families. The PHA will not approve assistance for a family in cooperative housing until the PHA has also determined that the cooperative housing has adopted requirements to maintain continued affordability for low-income families after transfer of a cooperative member's interest in a cooperative unit (such as a sale of the resident's share in a cooperative corporation).

The reasonable rent in cooperative housing is determined in accordance with "Owner Rents, Rent Reasonableness, and Payment Standards" in Chapter 11 of this Administrative Plan. For cooperative housing, the rent to the owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.

The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. It includes the member's share of the cooperatives debt service, operating expenses, and necessary payments to cooperative reserve funds. However, the carrying charge does not include down payments or other payments to purchase the cooperative unit, or to amortize a loan to the family for this purpose. Gross rent is the carrying charge plus any utility.

For a cooperative, rent adjustments are applied to the carrying charge as determined in "Owner Rents, Rent Reasonableness, and Payment Standards" in Chapter 11 of this Administrative Plan.

The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to Housing Choice Voucher Program limitations on rent to the owner. The housing assistance payment will be determined in accordance with the guidelines in "Owner Rents, Rent Reasonableness, and Payment Standards" in Chapter 11 of this Administrative Plan.

The PHA may approve a live-in aide to reside with the family as a reasonable accommodation to provide care for a person with disabilities. The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. If the PHA approves a live-in aide, the live-in aide will be counted when determining the family unit size.

The live-in aide must have the approval of the PHA before moving into the unit.

Housing Quality Standards

The PHA will ensure that all cooperative housing units approved for the program are in compliance with all of the Housing Quality Standards outlined in "Housing Quality Standards and Inspections" in Chapter 10 of this Administrative Plan and set forth in 24 CFR §982.401.

F. MANUFACTURED HOMES

(24 CFR §982.620)

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

For a manufactured homeowner who is renting the manufactured home space, the monthly housing assistance payment is calculated as the lower of:
(a) The PHA payment standard minus the total tenant payment; or
(b) The rent of the manufactured home space (including other eligible housing expenses) minus the total tenant payment.

The payment standard for the family is the lower of the payment standard amount for the family unit size or the payment standard amount for the size (number of bedrooms) of the manufactured home. (The separate fair market rent (FMR) for a manufactured home space is no longer applicable to establishing the payment standard for a manufactured homeowner who is renting the manufactured home space since the payment is assisting the homeowner with other housing expenses.) The PHA payment standard will be based on the applicable HUD published FMR for the area in which the manufactured home space is located.

The PHA may approve a live-in aide if requested as a reasonable accommodation so that the program is accessible to and usable by persons with disabilities. If the PHA approves a live-in aide, the live-in aide must be counted when determining the family unit size.

The rent of the manufactured home space (including other eligible housing expenses) is the total of:

(a) the rent charged for the manufactured home space;
(b) the owner, maintenance and management charges for the space;
(c) the monthly payments made by the family to amortize the cost of purchasing the manufactured home, including any required insurance and property taxes; and
(d) the applicable allowances for tenant paid utilities.

The PHA must not approve a lease for a manufactured home space until the PHA determines that the initial rent to owner for the space is reasonable rent, and the rent to owner for the space is a reasonable rent, and the rent to owner for the space must not exceed a reasonable rent during the assisted tenancy. In addition, the PHA must re-determine that the current rent to owner is a reasonable rent at least annually during the assisted tenancy. (See 24 CFR §982.622(b)(2))

Debt service for setup charges incurred by a family may be included in the monthly amortization payments made by the family but not increased debt service due to refinancing. Set-up charges incurred before the family became an assisted family may be included in the amortization cost if monthly payments are still being made to amortize the charges.

If the amount of the monthly assistance payment for a family exceeds the monthly rent for the manufactured home space (including the owner's monthly management and maintenance charges), the PHA may pay the remainder to the family, lender or utility company.

Housing Quality Standards (24 CFR §982.621)

A manufactured home must meet all the HQS requirements outlined in the "Housing Quality Standards and Inspections" in Chapter 10 of this Administrative Plan, and as set forth in 24 CFR §982.401. In addition, the manufactured home also must meet the following requirements:

- A manufactured home must be placed on the site in a stable manner and must be free from hazards such as sliding or wind damage.
- A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

Utility Allowance Schedule for Manufactured Home Space Rental (24 CFR §982.624)
The utility allowances are the applicable utility allowances from the PHA utility allowance schedule under 24 CFR §§982.517 and 982.624.

G. HOMEOWNERSHIP

(24 CFR §§982.625-982.643)

Overview

The PHA is not accepting new applicants for the home ownership program at this time. The Housing Choice Voucher (HCV) Program permits previously determined eligible participants, including participants with portable vouchers, the option of purchasing a home with their voucher assistance rather than renting.

Previously determined eligible families will be current HCV program participants. Public Housing residents are also eligible as long as applicable transfer requirements between the Public Housing program and Housing Choice Voucher program are met and vouchers are available. The Housing Choice Voucher Homeownership Program can only be offered to those eligible for the voucher program.

In addition, families may not owe any outstanding debts to the PHA or other Public Housing Authority, and must have successfully completed a certified homebuyer training program provided by a recognized HUD homeowner-counseling agency.

Types of Assistance:

The PHA may provide only one of two forms of homeownership assistance, either:

- Monthly homeownership assistance payments; or
- A single down payment assistance grant.

The PHA provides monthly homeownership assistance payments

A family may receive only one of two forms of homeownership assistance from the PHA. A family that includes a person who was an adult member of the family that previously received either of the two forms of homeownership assistance may not receive the other form of assistance from any PHA.

Limitation

The homeownership program is limited to 5% of the total Housing Choice Voucher program administered by the PHA in any fiscal year, provided that elderly or disabled families shall not be subject to the five percent annual limitation. In addition, no more than 20% of the total number of voucher units funded shall be allocated to the homeownership program at any one time. Elderly or disabled families shall not be included in the calculation of the 20% maximum.

Eligible Types of Homes

The family approved for homeownership assistance may purchase any of the following types of homes anywhere within Sacramento County:

- A new or existing single-family or condominium home, including a home in a planned use development;
- Cooperative;
- Loft or live/work unit; or
- Manufactured home to be situated on a privately owned lot or on a leased pad in a mobile home park.

The home must already exist or be under construction at the time the family commits to purchasing the unit.

Portability (24 CFR §982.636)

The PHA will allow portability of homeownership assistance to another jurisdiction, provided that the receiving jurisdiction is administering a voucher homeownership program and is accepting new families. Public Housing residents may also be eligible as long as applicable transfer requirements between the Public Housing program and the Housing Choice Voucher program are met and vouchers are available. A family's participation in the Housing Choice Voucher program will be subject to the Housing Choice Voucher Homeownership program and policies of the receiving jurisdiction.

The PHA will verify the form of homeownership assistance a family was receiving from the initial PHA. If the family includes an adult household member who previously benefited from a homeownership down-payment assistance grant, the family will not be eligible to receive homeownership assistance from this PHA.

Family Eligibility Requirements (24 CFR §982.627)

Participation in the Housing Choice Voucher Homeownership Program is voluntary. Each homeownership participant must meet the general requirement for admission to the Housing Choice Voucher Program as set forth in the Housing Choice Voucher Program Administrative Plan.

The Housing Choice Voucher Program family must also be eligible to participate in the PHA Homeownership Program, as follows:

- Be a first-time home buyer;
- Meet minimum income and employment duration requirements;
- Have fully repaid any outstanding debt owed to the PHA;
- Not defaulted on a mortgage securing debt to purchase a home under the homeownership option; and
- Not have any member who has a present ownership interest in a residence at the commencement of homeownership assistance.

First-Time Homeowner

Each Housing Choice Voucher Family must be a first-time homeowner, meaning that no member of the household has had an ownership interest in any residence during the three years preceding commencement of homeownership.

A single parent or displaced homemaker who, while married, owned a home with a spouse/partner (or resided in a home owned by a spouse/partner) is considered a "first-time homeowner" for the purpose of the Housing Choice Voucher Homeownership Program. A member of a cooperative who has an existing right to purchase through the lease-purchase agreement also qualifies as a first-time homeowner.

A current participant of the homeownership program who exercises the portability option and purchases another with homeownership assistance is not required to meet the definition of a first- time homeowner.

Minimum Income Requirement

At the time the family begins receiving homeownership assistance, the head of household, spouse/partner, and/or other adult household members who will own the home, must have gross annual income of at least equal to the federal minimum hourly wage multiplied by 2,000 hours (e.g. if the federal minimum wage is $8 per hour, then the family's gross income must be at least $16,000.00 per year).

For the purposes of the Housing Choice Voucher Homeownership Program only, the PHA will disregard any "welfare assistance" income in determining whether the family meets the minimum income requirement. Welfare assistance includes Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), food stamps, General Assistance, or other welfare assistance specified by HUD. The disregard of welfare assistance income under this section affects the determination of minimum monthly income in determining initial qualification for the homeownership program.

In the case of an elderly person or person with a disability, the PHA will include welfare assistance for the adult family member who will own the home in determining whether the family meets the minimum income requirement.

The determining income-eligibility for admission to the HCV program, calculation of the family's total tenant payment (TTP), or calculation of the amount of homeownership assistance payments is not affected by this income disregard.

Employment History

Each family must demonstrate that one or more adult members of the family who will own the home at commencement of homeownership assistance is employed full-time at an average of 30 hours per week and has been continuously employed for one year prior to execution of the sales agreement. One thirty-day break in service during the twelve-month period shall be allowed. The employment history requirement does not apply to elderly participants or participants with disabilities (where the head, spouse/partner, or sole member is elderly/disabled).

Repayment of Any PHA Debts

Participants in the HCV Program shall be ineligible for participation in the Housing Choice Voucher Homeownership Program in the event any debt or portion of any debt remains owed to the PHA or any other Public Housing Authority.

Prior Mortgage Defaults

If the head of household, spouse/partner or other adult household member who will execute the contract of sale, mortgage, or other loan documents has previously defaulted on a mortgage obtained through the Housing Choice Voucher Homeownership Program, the family will be ineligible to participate in the homeownership program. Default shall be declared when an adult household member does not fulfill his/her mortgage obligations(s) in a timely manner or vacates the premises without making suitable arrangements with the lender(s) and the PHA.

Family Participation Requirements

Once a family is determined to be eligible to participate in the program, they must comply with the following additional requirements:

- Complete a homeownership counseling program approved by the PHA prior to issuance of a homeownership voucher;
- Locate the home the family proposes to purchase within a specified time frame;
- Submit a sales agreement containing specific components to the PHA for approval;
- Allow the PHA to inspect the proposed homeownership dwelling to assure that it meets Housing Quality Standards (HQS);

- Obtain an independent inspection whereby the inspector is licensed and certified to evaluate major building systems and components;
- Obtain PHA approval of the proposed mortgage;
- Enter into a written agreement with the PHA to comply with all of its obligations under the Housing Choice Voucher Program, including the Homeownership Option; and
- Use a real estate professional.

Homeownership Counseling Program

A family's participation in the homeownership program is conditioned on the family attending and successfully completing a homeownership and housing counseling program approved by the PHA prior to commencement of homeownership assistance.

The homeownership and counseling program will cover home maintenance, budgeting and money management, credit counseling, negotiating purchase price, securing mortgage financing while avoiding predatory lenders, finding a home, fair housing issues, and the advantages of purchasing and locating homes in areas that do not have a high concentration of low-income families.

The PHA may require families to participate in a PHA-approved homeownership counseling program on an ongoing basis.

Locating and Purchasing a Home

A Homeownership Program Voucher will be issued when the family has met all eligibility requirements, including completing the approved homeownership counseling program and pre-approval of a mortgage loan from a lender. From the time the homeownership voucher is issued, the family will have six months to locate a home to purchase. A home shall be considered if the family submits a proposed sales agreement with the requisite components to the PHA. If a suitable home to purchase is not located within six months, the voucher shall expire. If the family had entered into a contract to purchase but the renovation or construction is not complete within the six-month period, the voucher will be extended by the length of time necessary to compensate for any such construction delay beyond the control of the participant.

The family may convert their Homeownership voucher to a rental voucher at any time during the original six-month period provided the family had a rental voucher previously. If the family resided in Public Housing, the family will not receive a rental voucher but may choose to remain a resident of Public Housing.

Homeownership Voucher holders and Public Housing residents whose assistance expires must wait one year before reapplying to the Homeownership program.

Lease-Purchase

Families may enter into lease-purchase agreements while receiving Housing Choice Voucher assistance. All requirements of the Housing Choice Voucher Program apply to lease-purchase agreements, except that families are permitted to pay an extra amount out-of-pocket to the owner for purchase-related expenses – a homeownership premium. Any homeownership premium, defined as an increment of value attributable to the value of the lease-purchase right or agreement, is excluded from PHA rent reasonableness and subsidy calculation, and must be absorbed by the family. When a lease-purchase participant family is ready to exercise their option, they must apply for the homeownership option. If determined eligible for homeownership assistance, the family may be admitted to the homeownership program and must meet all

the requirements. Such families may be allowed to expedite their counseling requirement in light of their more abbreviated home search.

Sales Agreement

Prior to execution of the offer to purchase or sales agreement, the family must provide the financing terms to the PHA for approval. The sales agreement must provide for inspection by the PHA and the required independent inspection, and that the purchaser is not obligated to purchase unless such inspections are satisfactory to the PHA. The contract must provide for at least a one-year home warranty. The contract must also provide that the purchaser is not obligated to pay for any necessary repairs without approval of the PHA and that the purchaser is not obligated to purchase if the mortgage finance terms are not approved by the PHA. It must also contain a seller certification that the seller is not debarred, suspended, or subject to a limited denial of participation under 2 CFR Part 2424.

Required Inspections

To assure that the home complies with the housing quality standards of the Housing Choice Voucher Program, homeownership assistance payments may not commence until the PHA first inspects the home. The PHA inspection shall be the initial response to receipt of a sales agreement.

An independent inspection of existing homes covering major building systems also must be completed by a professional selected by the family and approved by the PHA. The independent inspection report must be provided to the PHA. The PHA may disapprove the unit due to information contained in the report or for failure to meet Housing Quality Standards.

Financing Requirements

The proposed financing terms must be submitted to and approved by the PHA prior to close of escrow. Balloon payments and loans that demonstrate predatory practices will not be approved.

Requests to obtain financing for a Home Equity loan will not be approved by the PHA.

The PHA will only approve a request to refinance for the following reasons:

- To allow the homeowner to take advantage of a lower interest rate.
- To allow the homeowner to make necessary major repairs. The amount of cash out to make the repair shall not exceed 2% of the initial loan amount.

All financing changes must be pre-approved by the PHA. Violations may result in termination of the Homeownership voucher.

Compliance with Family Obligations

A family must agree in writing to comply with all family obligations under the Housing Choice Voucher program and PHA homeownership policies. The obligations include (but are not limited to) the following:

- Any information the family supplies must be true and correct.
- The family must disclose and verify social security numbers and employer identification numbers, sign and submit consent forms for obtaining information and supply any other information that the PHA or HUD determines to be necessary
- Submit PHA-required reports on the family's progress in finding and purchasing a home.

- Attend and satisfactorily complete any PHA-required homeownership and housing counseling.
- Select and pay for a pre-purchase inspection by an independent professional inspector.
- Enter into a contract of sale with the seller of the unit and promptly provide a copy of the contract of sale to the PHA.
- Obtain and maintain flood insurance for homes in special flood hazard areas.
- Comply with the terms of any mortgage securing debt incurred to purchase the home.
- Promptly notify the PHA in writing when: the family moves away from the home for an extended period of time in accordance with PHA policies; or before the family moves out.
- Allow only PHA-approved family members, live-in aides or foster child(ren) to live in the home.
- Promptly notify the PHA in writing of the birth, adoption, or court-awarded custody of a child, and request the PHA's written approval to add any other family member as an occupant of the home. Promptly notify the PHA in writing if any family member no longer lives in the home.
- Supply any information required by the PHA or HUD concerning any:
- mortgage or other debt and information on any satisfaction or payment of the mortgage debt; any sale or other transfer of any interest in the home; or the family's homeownership expenses.
- Promptly notify the PHA in writing if the family defaults on a mortgage securing any debt incurred to purchase the home.
- Refrain from committing fraud, bribery or any other corrupt or criminal acts in connection with any Federal housing program
- Refrain from engaging in drug-related criminal activity or violent criminal activity.
- Refrain from leasing, subletting/subleasing, transferring or conveying the home except to grant a mortgage on the home for debt incurred to finance the purchase of the home.
- Refrain from receiving homeownership assistance while receiving any other housing subsidy for the same home or a different unit under any federal, state or local housing assistance program.
- Comply with any additional PHA requirements for family search and purchase of a home and continuation of homeownership assistance for the family.

Amount of Assistance

The amount of the monthly housing assistance payment (HAP) will be based on three factors:

- The voucher payment standard for which the family is eligible;
- The monthly homeownership expense; and
- The family's household income

The PHA will pay the lower of either the payment standard minus the total tenant payment (TTP) or the family's monthly homeownership expenses minus the TTP. The HCV family will pay the difference.

Determining the Payment Standard

The payment standard used at the annual reexaminations is the higher of the current payment standard that would otherwise apply to the family or the payment standard amount used for the family at the commencement of its homeownership assistance.

The PHA establishes the payment standard at the commencement of the assistance by using the lower of the payment standard of the family unit size or the payment standard for the size of the home. The payment

standard amount may increase for the family in the particular unit, but the payment standard will never decrease below the initial amount applicable to the family when the homeownership commenced.

Determining Monthly Home Ownership Expense

Monthly homeownership expense includes all of the following:

- Principal and interest on the initial mortgage and any Mortgage Insurance Premium (MIP) incurred to finance the purchase and any refinancing of such debt;
- Real estate taxes and public assessments;
- Homeowner's insurance;
- Maintenance expenses per PHA allowance;
- Costs of major repairs and replacements per PHA allowance (replacement reserves);
- Utility allowance per PHA's schedule of utility allowances;
- Principal and interest on mortgage debt incurred to finance major repairs;
- Replacements or improvements for the home, including changes needed to make the home accessible; and
- Homeowner association (HOA) dues, fees or regular charges assessed, if any.

Homeownership expenses for a cooperative member may only include PHA approved amounts for the cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home, principal and interest on initial debt incurred to finance purchases of cooperative membership shares and refinancing of such debt, home insurance, allowances for maintenance expenses, major repairs and replacements and utilities, and principal and interest on debt incurred to finance major repairs, replacements, or improvements, including changes needed to make the home accessible.

Determining the Family Contribution

The Total Family Contribution (TFC) is that portion of the homeownership expense that the family must pay. TFC is generally 30% of the family's adjusted income, plus any gap between the payment standard and the actual housing cost. All family income (including public assistance) will be counted to determine the family's adjusted monthly income for purposes of determining the amount of assistance for which the family is eligible.

At year 11 of the homeownership participation, the PHA will consider the value of the home as an asset in determining the family's annual income and the household's contribution.

Payment to the Family or Lender

The PHA will make the housing assistance payment directly to the family. The family is responsible for paying their monthly mortgage payments on-time to the lender. The family may be required to submit a mortgage statement at least twice per year for compliance purposes.

Buying Another Home with Housing Choice Voucher Homeownership Assistance

The family can move to another unit under the Housing Choice Voucher Homeownership program after five years, provided there are no mortgage defaults, no late payments and no violations of the homeownership obligations during the previous year.

The PHA may deny permission to move to a new unit with continued assistance if it is determined that it does not have sufficient funding to provide additional assistance.

The PHA will not commence housing assistance payments for occupancy of the new unit so long as any family member owns any title or other interest in the previous unit.

All initial requirements for the Housing Choice Voucher Homeownership program must be met with the exception of the requirement that the family must be a first-time homeowner.

The PHA may require that the family complete additional counseling before and after moving to a new unit under the homeownership program.

Time limits for participation in the homeownership program applies to the cumulative time the family may receive homeownership assistance.

Maximum Term of homeownership assistance/ Time Limits CFR §982.634

The maximum terms during which a family can receive homeownership assistance are:

- 15 years if the initial mortgage has a term of 20 years or longer.
- 10 years in all other cases.

Time limit applies from the initial purchase, regardless of whether the family moves to a new unit.

Time limits do not apply to elderly and disabled families. The family must be considered an elderly family at the start of homeownership assistance. In the case of a disabled family, the exception applies at any time during receipt of homeownership assistance the family qualifies as a disabled family.

Grounds for Termination of Homeownership Assistance

A family's homeownership assistance may be terminated if the family fails to comply with its obligations under the Housing Choice Voucher Program, PHA homeownership policies, or if the family defaults on the mortgage. Additional grounds for termination are met when the family fails to:

- Attend and complete ongoing homeownership and housing counseling classes.
- Comply with the terms of any mortgage incurred to purchase and/or refinance the home.
- Provide the PHA with a 30-day written notice of: any sale or transfer of any interest in the home (including a short sale or foreclosure), any plan to move out of the home prior to the move, the family's household income and homeownership expenses on an annual basis, any notice of mortgage default received by the family, any loan modification or refinancing contracts, and any other notices that may be required pursuant to the PHA homeownership policies. Except as otherwise provided in this section, the family may not convey or transfer the home to any entity or person other than a member of the assisted family while receiving homeownership assistance.

Homeownership assistance will only be provided while the family resides in the home. If the family moves out of the home, the PHA will terminate homeownership assistance beginning the month after the family moves out. Neither the family nor the lender is obligated to reimburse the PHA for homeownership assistance paid for the month the family moves out.

A participant in the Housing Choice Voucher Homeownership Program shall be entitled to the same termination notice and informal hearing procedures as set forth in the Administrative Plan of the Housing Choice Voucher Program.

Recapture of Assistance

The PHA will not impose or enforce any requirement for recapture of voucher homeownership assistance on the sale or refinancing of a home purchased with assistance under the homeownership program.

Default and Continued Participation in the Housing Choice Voucher Program

The PHA is required to terminate homeownership voucher assistance for a family that defaults on a mortgage loan and is dispossessed from the home under a judgment or order of foreclosure.

If the mortgage loan is not insured by the FHA, the PHA will not allow the family to move to a new unit with rental assistance.

If the family defaults on a mortgage insured by FHA, the PHA may not approve rental assistance for the family unless the family has both:

- Conveyed title to the home, as required by HUD, to HUD or HUD's designee; and
- Moved from the home within the period established or approved by HUD.

The PHA may not allow the family to purchase another unit with homeownership assistance if the family defaults on any mortgage loan (FHA or non-FHA) and is dispossessed of the home under a judgment of foreclosure.

Administrative Fee

For each month that homeownership assistance is paid by the PHA on behalf of the family, the PHA shall be paid the ongoing administrative fee described in 24 CFR §982.152(b).

Program Changes

The Assistant Director shall have the discretion to waive or modify any provision of the Housing Choice Voucher Homeownership Program or policies not governed by statute or regulation for good cause or to comply with changes in HUD regulations or directives.

Mortgage Defaults: the PHA may permit the family to move with continued homeownership assistance if the default is due to catastrophic medical reasons or to the impact of a federally declared disaster.

~~H. MODERATE REHABILITATION PROGRAM~~

~~(24 CFR Part 882 Subpart D and E)~~

~~The Moderate Rehabilitation (Mod Rehab) Program was established through the Housing and Community Development Amendment of 1978 to bridge the gap between Section 8 Substantial Rehabilitation and Section 8 Rental Assistance and was intended to upgrade marginally deteriorated existing buildings for use as assisted rental housing. The program was repealed in 1991 and no new projects are authorized for development.~~

~~Family Outreach~~

~~The PHA may use a dedicated waiting list or accept referral based on the specifications in the Mod Rehab Housing contract.~~

~~Tenant Selection~~

~~All vacant units under the HAP contract must be rented to eligible families referred by the PHA. The owner must be willing to accept applicants from the waiting list to fill vacant units when they meet the owner's selection criteria in order for the unit to continue to be eligible under the HAP contract. Owners may reject referrals from the PHA for reasons related to suitability. The owner must provide the PHA the reason for rejection of the referrals made to Mod Rehab units in writing.~~

~~The PHA is responsible for obtaining income, asset and allowance information, conducting verifications and determining tenant eligibility and rent. Applicants taken off the waiting list will be requested to complete a full application to determine final eligibility. Families whose Total Tenant Payment, computed in accordance with federal regulations, exceed the current Gross Rent for the Mod Rehab for the Mod-Rehab unit will not be admitted.~~

~~If the PHA is unable to refer a sufficient number of interested applicants from the waiting list within 30 days of the owner's notification of the vacancy, the owner may advertise or solicit applicants and refer the families to the PHA for application, verifications, and eligibility determination.~~

~~Determining Unit Size~~

~~The size of the families referred to the Mod-Rehab unit is based on the number of bedrooms available in the unit pursuant to the Subsidy Standard schedule in this plan.~~

~~When a change in family composition requires a change in bedroom size, the PHA will determine whether the unit is overcrowded or under-occupied, in which case the owner must offer the family a suitable alternative unit should one be available, and the family will be required to move.~~

~~If the owner does not have a suitable available unit, the PHA must assist the family in locating other standard housing in the locality within the family's ability to pay and require the family to move to such a unit as soon as possible. In no case will a family be forced to move nor will housing assistance payments under the contract be terminated unless the family rejects, without good reason, the offer of a unit the PHA deems acceptable.~~

~~Statement of Family Responsibilities, and Briefing~~

~~After the family has been determined eligible, the family will receive a Statement of Family Responsibility for participation in the Mod-Rehab Program at a briefing. Families who fail to attend two scheduled briefings without prior notification and approval from the PHA may be denied admission based on failure to complete the certification process.~~

~~The PHA will conduct the briefing in group or individual sessions and will provide a full explanation of the following:~~

- ~~The family obligations as set forth in the Statement of Family Responsibility and the program regulations;~~
- ~~The fact that the subsidy is tied to the unit and the family must occupy a unit rehabilitated under the program;~~
- ~~The family's options under the program should the family be required to move due to an increase or decrease in family size;~~
- ~~Information as to the Family Rent; and~~

- ~~The schedule of Allowances for Utilities.~~

~~Lease Agreement~~

~~The owner and tenant must execute a lease agreement and provide an executed copy to the PHA.~~

~~Housing Quality Standards and Inspections~~

~~In addition to the inspections identified in this plan, the PHA will conduct a move-out or vacate inspection at the owner's request only if the owner intends to file a claim for damages and vacancy loss (see Vacancy Loss in the Glossary).~~

~~If the owner fails to comply with Housing Quality Standards (HQS) and other obligations under the contract, the PHA will abate the housing assistance payment for that unit until the owner is in compliance. If the owner fails to meet the compliance requirements within the timeframe specified under the abatement, the assistance for that unit will be terminated.~~

~~The termination of any affected unit does not automatically terminate the entire contract. However, the contract will be amended to reduce the number of eligible units to exclude units the owner failed to bring into compliance with the HQS contract.~~

~~Upon amendment or termination of a contract, the family may elect to stay in the unit and pay market rent; however, their rental assistance will terminate since the units does not meet HQS and was removed as an assisted unit under the contract.~~

~~If an owner evicts an assisted family in violation of the contract or otherwise breaches the contract, and the contract for the unit is terminated, and if the family was not at fault and is eligible for continued assistance, the family may continue to receive housing assistance through the conversion of the Moderate Rehabilitation assistance to tenant-based assistance under the Section 8 certificate or voucher program. The Family must then be issued a certificate or voucher, and treated as any participant in the tenant-based program.~~

~~The family will be issued a voucher, which must be used in a non-Mod-Rehab project. The unit will continue to count as a Mod-Rehab unit and will remain part of the Mod-Rehab Annual Contributions Contract (ACC), which provides for such a conversion of unit(s). No amendment to the ACC is necessary to convert to a voucher.~~

~~Contract Rent Adjustments~~

~~Contract rent adjustments are based on the published Annual Adjustment Factor (AAF). The AAF is applied to the original base rent in place at the time of the HAP contract execution. Rent changes will be applied annually at the anniversary date of the HAP contract.~~

~~Family Moves~~

~~The Mod-Rehab Program provides a project-based type of assistance, which is tied to the unit under contract. Therefore, if a family vacates the unit, no additional assistance will be available to the family unless the family transfers to another Mod-Rehab unit with the approval of the PHA and the property owner.~~

~~Any for-cause termination of lease agreements must be carried out through the judicial process under state and local law. The owner cannot terminate or refuse to renew the lease except upon the following grounds:~~

- ~~Serious or repeated violation of the terms and conditions of the lease;~~
- ~~Violation of applicable federal, state or local law; or~~
- ~~Other good cause.~~

~~The owner must serve a written termination of tenancy notice on the family stating the date the tenancy will terminate.~~

~~Vacancy Loss~~

~~Vacancies after initial occupancy:~~

~~1) If an eligible family vacates a unit (other than as a result of action by the owner in violation of the lease or the contract or any applicable law), the owner may receive the housing assistance payments due under the contract for so much of the month in which the family vacates the unit as the unit remains vacant. Should the unit remain vacant, the owner may receive from the PHA a housing assistance payment in the amount of 80% of the contract rent for a vacancy period not exceeding one additional month. However, if the owner collects any of the family's share of the rent for this period, the payment must be reduced to an amount which, when added to the family's payment, does not exceed 80% of the contract rent. The owner must reimburse the PHA for any such excess rents. The owner will not be entitled to any payment under 24 CFR Part 882.411(b)(1) unless the owner:~~

- ~~immediately upon learning of the vacancy, notifies the PHA of the vacancy or prospective vacancy; and~~
- ~~has taken and continues to take all feasible actions specified in paragraphs 24 CFR Part 882.411(a)(2) and (3).~~

~~2) If the owner evicts an eligible family, the owner will not be entitled to any payment under paragraph 24 CFR §882.411 (b)(1) unless the PHA determines that the owner complied with all requirements of the Contract.~~

~~Prohibition of double compensation for vacancies: The owner will not be entitled to housing assistance payments with respect to vacant units under this section if the owner is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocated pursuant to Title I of the HCD Act of 1974 or payments for unpaid rent under 24 CFR Part 882.414 (see 24 CFR §882.411(c)).~~

~~Denial or Termination of Assistance~~

~~In accordance with 24 CFR §882.413 the PHA may terminate assistance to Mod-Rehab participants for the following reasons:~~

- ~~Failure to comply with all provisions of the lease agreement;~~
- ~~Failure to maintain tenant-responsible utilities; and~~
- ~~Failure to fulfill all obligations under the Statement of Family Responsibility, which include the following:~~
  - ~~Providing such family income information and records as may be required in the administration of the program;~~
  - ~~Permitting inspection of its dwelling unit at reasonable times after reasonable written notice;~~
  - ~~Giving at least 30 days' notice in writing to the PHA of the family's intent to vacate the unit;~~
  - ~~Cooperating with the PHA in finding another unit when the family is no longer eligible for the contract unit it occupies because of a change in family size;~~
  - ~~Not assigning the lease or subleasing the premises;~~

- ~~Not providing accommodations for boarders or lodgers; and~~
- ~~Not engaging in drug-related criminal activity or violent criminal activity, including criminal activity by any family member.~~

~~Please refer to chapter 18 of this Administrative Plan for the complaints and appeals process for all Special Housing Types.~~

I. RENTAL ASSISTANCE DEMONSTRATION (RAD) HOUSING

The PHA received approval to implement a RAD program and plans to convert other public housing units to RAD in the future. As families transition from public housing to other forms of rental assistance, the PHA is committed to assisting the families to transition smoothly and to preserving their rights and protections. The PHA is committed to complying with all Notices, regulations and applicable rules issued by HUD.

a. **Termination Notification.** HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert assistance under RAD and to non-RAD PBV units located at the Covered Project. In addition to the regulations at 24 CFR § 983.257 related to Project Owner termination of tenancy and eviction (which MTW agencies may not alter), the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall be:

i. A reasonable period of time, but not to exceed 30 days:
1. If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
2. In the event of any drug-related or violent criminal activity or any felony conviction;

ii. Not less than 14 days in the case of nonpayment of rent; and

iii. Not less than 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.

b. **Grievance Process.** Pursuant to requirements in the RAD Statute, HUD is establishing additional resident procedural rights to comply with section 6 of the Act.

For the termination of assistance and several other PHA determinations, PBV program rules require the PHA to provide an opportunity for an informal hearing, as outlined in 24 CFR § 982.555. RAD will specify alternative requirements for 24 CFR § 982.555(b) in part, which outlines when informal hearings are not required, to require that:

i. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(v),40 an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Project Owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.
1. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(v), the contract administrator will perform the hearing, as is the current standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e)(4)(i).

2. For any additional hearings required under RAD, the Project Owner will perform the hearing.

ii. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or Contract Administrator.

iii. The Project Owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).

iv. The Project Owner provides an opportunity for an informal hearing before an eviction.

c. Eligibility upon Conversion (Notice H-2019-09 PIH-2019- 23 (HA))
At conversion, current households cannot be excluded from occupancy at the Covered Project based on any rescreening, income eligibility, or income targeting. With respect to occupancy in the Covered Project, current households in the Converting Project will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. Post-conversion, the tenure of all residents of the Covered Project is protected pursuant to PBV requirements regarding continued occupancy unless explicitly modified by HUD.

d. Under-Occupied Unit.
If a family is in an under-occupied unit under 24 CFR § 983.260 at the time of conversion, the family may remain in this unit until an appropriate-sized unit becomes available in the Covered Project. When an appropriate sized unit becomes available in the Covered Project, the family living in the under-occupied unit must move to the appropriate sized unit within 30-days. In order to allow the family to remain in the under-occupied unit until an appropriate-sized unit becomes available in the Covered Project, 24 CFR § 983.260 is waived for current residents remaining or returning to the Covered Project.

J. ENHANCED VOUCHERS

Enhanced Vouchers are a form of "Tenant Protection Vouchers" that are provided to tenants living in properties with private, project-based assistance when an "eligibility event," as defined in Section 8(t)(2) of the Housing Act of 1937, takes place.

Enhanced Voucher Payment Standard and Minimum Rent

A higher "enhanced" payment standard is used to determine the amount of the housing assistance payment when the gross rent of the unit exceeds the normally applicable PHA payment standard. Second, the family must continue to contribute towards rent an amount that is at least the amount the family was paying for rent at the time of the eligibility event. This minimum rent contribution is known as the enhanced voucher minimum rent.

If the enhanced voucher family's rent suffers a significant decrease in income (a decrease of at least 15 percent from the family income on the date of the eligibility event Section 8(t) further provides that the enhanced voucher minimum rent changes from the dollar amount the family was paying for rent to the percentage of income the family was paying for rent at the time of the eligibility event. Specifically, for

families who were previously unassisted on the eligibility event, the family's revised enhanced voucher minimum rent is the greater of (A) the percentage of the monthly adjusted income the family paid for gross rent on the effective date of the eligibility event, or (B) 30 percent of the family's current adjusted monthly income. For families who were previously assisted under a project-based or tenant based contract on the eligibility event, the family's revised enhanced voucher minimum rent is the greater of

(A) the percentage of adjusted monthly income the family Total Tenant Payment (TTP) or the voucher family share on the effective date of the eligibility event, or

(B) 30 percent of the family's current adjusted monthly income.

If the family's income subsequently increases to an amount where the dollar value of the family's enhanced voucher minimum rent established by the percentage of income calculation is more than the original enhanced voucher minimum rent, the family's enhanced voucher minimum rent reverts to the original enhanced voucher minimum rent. The original enhanced voucher minimum rent is the maximum enhanced voucher minimum rent that is applied to the family.

Over-Housed Family

Once the PHA determines the family is over-housed, the PHA must inform the family. If the family indicates they wish to remain at the project with enhanced voucher assistance, the PHA must inform the owner of the project that the family is in an over-sized unit. The PHA and the owner will work together to identify an available appropriate size unit according to PHA subsidy standards at the project.

The over-housed family must move to an appropriate size unit in the project if one is available in order to receive enhanced voucher assistance. The enhanced voucher housing assistance payment calculation is based on the gross rent of the appropriate size unit.

If an over-housed enhanced voucher family refuses to move to the appropriate size unit, and one exists and is available for occupancy, the PHA will calculate the family's housing assistance payment for the over-sized unit based on the normally applicable voucher subsidy formula using the applicable payment standard established by the PHA for its voucher program (see 24 CFR §982.402(c) and (d)). The family will be responsible for any amount of the gross rent not covered by the housing assistance payment.

Chapter 20 PROGRAM INTEGRITY

INTRODUCTION

This chapter covers HUD and PHA policies designed to detect, investigate, resolve, and prevent instances of program abuse or fraud. It also describes the actions that will be taken in the case of unintentional errors and omissions.

The PHA is committed to assuring that the proper level of benefits is paid to all participating families, and that housing resources reach only income-eligible families so that program integrity can be maintained. The PHA will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

Under no circumstances will the PHA undertake an inquiry or an audit of a participating family arbitrarily. The PHA's expectation is that participating families will comply with all rules and requirements of the program. The PHA staff will make every effort to educate all families in order to avoid unintentional program violations. The PHA has a responsibility to HUD, to the community, and to eligible families in need of housing assistance, to monitor participants and owners for compliance and to investigate reports of possible abuse.

The PHA will initiate an investigation and any subsequent follow-up of a participating family only in the event that one or more of the following circumstances occur:

- Referrals, complaints, or tips from other agencies, companies or persons that are received by mail, by telephone, through SHRA's website, or through e-mail alleging that a family is in non-compliance with, or otherwise violating the family obligations or any other program rules. If available, a copy of the allegation will be retained in the family's file.
- Internal file review reveals information, documents, reports or facts that conflict with file data, the PHA's knowledge about the family, or statements made by the family.
- The PHA receives independent verification or documentation that conflicts with representations in the family's file

B. EXAMPLES OF FRAUD AND PROGRAM ABUSE

An applicant, participant, or owner in the HCV program must not knowingly:

- Make a false statement to the PHA;
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- Pay or accept rent amounts over the amount authorized by the PHA.
- Offer bribes or illegal gratuities to the PHA Board of Commissioners, City Council, Board of Supervisors, employees, contractors, owners, third parties, or other PHA representatives;
- Offer payments or other incentives to any third party as an inducement to make false or misleading statements to the PHA on the family's behalf;
- Use a false name;
- Use falsified, forged or altered documents;
- Misreport family information or circumstances (e.g. income, family composition); or,

- Omit facts that were known by a family member (e.g., failing to report employment income).

C. STEPS THE PHA WILL TAKE TO MAINTAIN PROGRAM INTEGRITY

The PHA management and staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants, participating families, and owners. The PHA staff will maintain a high level of awareness to indicators of possible abuse and fraud by program participants. In determining fraud, the PHA will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.
This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by program participants.

The PHA will:

Educate Program Applicants and Participants

- Provide applicants and participants with information that explains the types of actions a family must take to avoid committing fraud and the penalties for program abuse;
- Conduct mandatory briefing sessions for all prospective program participants, either prior to or upon issuance of a voucher;
- Include a warning statement about the penalties for fraud on key PHA forms and form letters that request information from a family or owner; and
- Post informative signage in a common area (e.g. lobby) to reinforce compliance with program rules and to warn about penalties for fraud and abuse.

Perform Quality Control File Reviews

HCV management / authorized staff will review caseworker files to ensure that:

- Verifications of all income have been submitted in accordance with guidelines. (Refer to Admin Plan, Chapter 7, Section A, Methods of Verification and Time Allowed).
- All allowable deductions are documented (Refer to Admin Plan, Chapter 7, Section H, Verifications of Allowable Deductions from Income).
- Adjusted income is calculated correctly.
- File documents are authentic.
- All forms are correctly dated and signed.

Utilize Enterprise Income Verification

The Enterprise Income Verification (EIV) HUD system will be used by authorized staff to validate tenant-reported income and to supplement tenant-provided documents.

Observation of File Data Integrity

The PHA management and staff will maintain awareness of circumstances that may indicate program abuse or fraud. The PHA will provide continuous training to staff regarding program rules and regulations.

Sacramento County Sheriff's Department and Court Screening

The Agency may screen daily court records of current program participants for drug/ alcohol related criminal activity, violent criminal activity, or criminal activity that disturbs the peaceful enjoyment of

residents in the vicinity of the family's subsidized unit. The results of this public information screening may be kept in the client's file.

Fraud Hotline

The PHA will maintain a public fraud hotline.

Confidentiality of Criminal History Background Records

The PHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

All criminal records will be housed in a secured location with access restricted to individuals responsible for such screening while needed by staff for screening for criminal behavior. Misuse of the above information by any employee may be grounds for termination of employment.

If the family is determined eligible for initial or continued assistance, the PHA's copy of the criminal record will be shredded as soon as the information is no longer needed for eligibility or continued assistance determination.

If the family's assistance is denied or terminated, the criminal record information will be shredded immediately upon completion of the informal review or informal hearing, issuance of the final decision, and expiration of any appeal deadline.

The PHA will document in the family's file that the family was denied admission or the tenancy was terminated due to findings in the criminal history record.

D. HOW THE PHA WILL INVESTIGATE ALLEGATIONS OF FRAUD AND PROGRAM ABUSE

If the PHA determines that an allegation or referral warrants follow-up, either the staff person who is responsible for the file, or a person designated by the Executive Director to monitor program compliance will conduct the investigation. As appropriate, the PHA will secure the written authorization from the program participant for the release of information. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the following:

- Determine whether there is financial activity that conflicts with the reported income of the family via credit bureau inquiries (with proper authorization by the participant or applicant);
- Contact employers or ex-employers to verify wages that may have been previously undisclosed or misreported;
- Interview neighbors and/or other witnesses who are believed to have knowledge of facts pertaining to the PHA's review. In such instances, the client's privacy will be protected by the PHA;
- Contact investigators, caseworkers or representatives of other benefit agencies;
- Review public records kept in any jurisdictional courthouse such as real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records;
- Investigate allegations against a participant/applicant or owner. This review will consist of an internal review of the file or information received to determine the nature of the allegation(s). A determination will be made whether or not the information reported has been previously disclosed

to the PHA. The PHA will make a determination as to which is the most appropriate authority to perform any follow-up investigation;

- Conduct a Mandatory Tenant Conference (MTC) to exchange information regarding the allegation(s) with the head of household and / or adult member(s) of the family.; and/or
- Contact current and /or previous landlords or housing providers.

Mandatory Tenant Conference for Allegations of Violations and Misrepresentations

When the PHA suspects that misrepresentation(s) may have occurred, a mandatory tenant conference may be scheduled with the family representative and a PHA staff person who is knowledgeable about the circumstances of the case.

This Mandatory Tenant Conference will take place prior to any proposed action by the PHA. The purpose of this fact-finding interview is to:

- Review the information obtained by the PHA with the participant;
- Provide the participant an opportunity to explain any documents or other findings that conflict with representations made by the family;
- Consider any new information, documents or relevant or mitigating circumstances presented by the family; and
- Assist the PHA in determining the course of action most appropriate for the case.

E. EVALUATION OF THE FINDINGS

If it is determined that a program violation has occurred, the PHA will review the facts to determine:

- The type of violation (procedural, non-compliance, fraud);
- The seriousness of the offense;
- Whether the violation was intentional or unintentional;
- What amount of money (if any) is owed by the family or owner;
- Whether the family and/or owner are eligible for continued program participation.

Procedures For Documented Violations

Once a program violation has been documented, the PHA will propose the most appropriate remedy based upon the type and severity of the violation.

A warning notice may be mailed to the family if the family is found to be in violation of PHA procedure, policy and/or family obligation. This notice will include the following:

- A description of the alleged abuse or fraudulent activity;
- The corrective action to be taken by the family or PHA to remedy the situation;
- The date by which the violation must be corrected or the procedure complied with;
- The action, the PHA will take if the procedure or obligation is not complied with by the date specified by the PHA; and
- The consequences of repeated (similar) violations.

F. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY PHA

Documents and other evidence obtained by the PHA during the course of an investigation will be considered "work product" and will either be kept in the participant's file, or in a separate "work file." In either case,

the participant's file or work file shall be kept in a secured area. Such cases under review will not be discussed among PHA staff unless they are involved in the process, or have information which may assist in the investigation. Any notes or documents taken or made by the staff person investigating the case will remain internal work product. Any and all communications, documents, notes, recordings, etc. between the PHA's legal counsel and the staff person investigating the case are attorney-client privileged, confidential, and not subject to disclosure.

G. CONCLUSION OF THE PHA'S INVESTIGATIVE REVIEW

At the conclusion of the investigative review, the reviewer will report the findings to appropriate management staff. It will then be determined what action, if any, is appropriate.

Penalties For Program Abuse

In the case of program abuse caused by a family, the PHA may impose any of the following remedies:

- Require the family to repay excess subsidy amounts paid by the PHA within 60 days;
- Require, as a condition of continuing assistance, that a culpable family member not reside in the unit;
- Deny or terminate the family's assistance; and/or
- Refer the family for state or federal criminal prosecution.

Family Reimbursement to PHA

In the case of the family-caused errors or program abuse, the family will be required to repay any excess subsidy received and/or be terminated. See Administrative Plan, Chapter 17, Debts to the PHA.

Notification to Participant of Proposed Action

The PHA will provide written notification to the family of the proposed action no later than thirty (30) days after the Mandatory Tenant Conference.

At the conclusion of the investigative review, the reviewer will report the findings to appropriate management staff. It will then be determined what action, if any, is appropriate.

Prohibited Activities

Any of the following will be considered evidence of program abuse by PHA staff:

- Violating any HCV program requirements for the purpose of personal gain;
- Violating any HCV program requirement because of a conflict of interest relationship with any applicant, participant, or owner;
- Seeking or accepting anything of material value from applicants, participating families, vendors, owners, contractors, or other persons who provide services or materials to the PHA;
- Disclosure confidential information to outside parties;
- Profiting as a result of insider knowledge of PHA activities, policies, or practices;
- Misusing HCV funds;
- Destroying, concealing, removing, or inappropriately using any records related to the HCV program;
- Embezzling and falsifying accounts as defined in the California Penal Code; or
- Committing any other corrupt or criminal act in connection with any federal housing program.

The Consequences of Rule Violations

Any violation of prohibited activities shall be addressed as specified in the PHA's personnel policies on Discipline, Dismissal, and Review.

H. FRAUD AND/OR MISREPRESENTATION COMMITTED BY A PERSON OR GROUP.

The PHA may refuse to conduct business in any capacity with the individual or group that has engaged in activities including, but not limited to, misrepresentation, duplicitous activity, fraud, or is complicit in any such activity related to business with SHRA.

I. ELECTRONIC SIGNATURES

(CA Civil Code Section 1633.1 – 1633.17)

The PHA may use electronic signature in lieu of manual signature for documents and contracts. The PHA may use various electronic systems for electronic signatures including but not limited to DocuSign and SHRA Resident Portal. The use is at the option of the parties to the transaction. When using electronic signature, it is under the sole control of the person using it. Electronic signature shall have the same force and effect as a manual signature.

Chapter 21 PROJECT-BASED VOUCHER PROGRAM

A. OVERVIEW OF PROJECT-BASED VOUCHER PROGRAM

INTRODUCTION

The PHA will allocate project base vouchers to serve homeless families and individuals, and/or to preserve and/or to supplement affordable housing units, by issuing Requests for Proposals as deemed necessary.

The PHA will not be required to reduce the number of PBV units under contract if the Budget Authority is subsequently reduced but will look first to reducing the number of tenant-based vouchers. No additional funding is provided for this program for either Housing Assistance Payments (HAP) or Administrative costs.

Regulations governing tenant-based vouchers found at 24 CFR Part 982 also govern project-based vouchers, except where the differences are spelled out in the final rule as defined above, and in 24 CFR Part 983 and the PHA's Administrative Plan and any subsequent legislation. The Administrative Plan seeks to clarify areas where the PHA has discretion but will not repeat all of the regulatory language contained in these documents.

SHRA is a joint powers authority, answering to the SHRA's Commission, the City Council and the County Board of Supervisors to oversee the City and County Redevelopment Agency Successor Agencies and the City and County Housing Authorities. Only the Sacramento County PHA manages the Housing Choice Voucher Program which includes the administration of project-based vouchers.

The PHA will make units project based in new construction projects, rehabilitation projects, and or existing projects, as defined in a Request for Proposal (RFP). The PHA will not project-base more than 25 units or 25%, whichever is greater, of the units in a building unless the project meets the following exceptions, and the exceptions were allowed under the specific RFP at the time of consideration. The exceptions to the 25% unit limitation are:

- Units in single family homes (four units or less)
- Units in a multifamily building that are made available to qualifying families. Qualifying families means:
  (a) elderly families and or disabled families and/or
  (b) families receiving qualifying supportive services. (see Supportive Services for Homeless Families) are described in (6) in this chapter.

The PHA is committed to providing project-based vouchers with supportive services to families in order to encourage independence and self-sufficiency. This may include families with multiple challenges (such as family members who are disabled and include minor children), or elderly or disabled families.

New Construction

New construction is defined as housing units that do not exist on the proposal selection date, and are developed after the date of selection pursuant to an Agreement between the PHA and owner for use under the PBV program. New construction projects must be completed within a two-year period after approval of the proposal unless an extension is approved by the PHA.

Rehabilitation

Rehabilitation is defined as housing units that exist on the proposal selection date, but do not substantially comply with Housing Quality Standards (HQS) on that date, and are developed, pursuant to an Agreement between the PHA and owner, for use under the PBV program and will cost in excess of $5,000 per unit to make minimal improvement so that they can pass HQS.

Existing Housing

Housing units that already exist on the proposal selection date and that generally will be considered to substantially comply with the HQS if those units can be made to pass inspection after an infusion of less than $5,000 per unit. (The units must fully comply with HQS before execution of the HAP contract.)

B. PROPOSAL SELECTION PROCEDURES

The PHA will select project-based rental units based on a competitive process.

Competitive Process

At any time, the PHA may choose to make PBV available in the community (from the HCV tenant-based voucher allocation) by initiating a competitive process. A Request for Proposals (RFP) will be published in a newspaper of general circulation and on the SHRA website in order to provide broad public notice of the opportunity to apply for project-based vouchers. The RFP will list the submission deadline and the date and time for a bidder conference. It will include guidelines for the proposal and the evaluation criteria to be used. This RFP is established pursuant to Title 24 of the Code of Federal Regulations, part 983, Subpart B (Selection of PBV Owner Proposals). Procurement will be consistent with PHA's procurement policy and all relevant regulations.

The PHA may also choose to make PBVs available from the VASH tenant-based vouchers or competitively apply for additional HUD VASH PBVs when such funding is made available by HUD. The vouchers would be made available to owners and developers through a competitive local process.

Non-Competitive Process

A PHA may provide PBV assistance to improve, develop, or replace a public housing property or property that it controls or has an ownership interest in without using a competitive process (H.R. 3700 Housing Opportunities Through Modernization Act of 2016, Section 106).

The PHA may also add units to a PBV HAP Contract without engaging in a competitive process in order to preserve funding or provide additional resources to serve homeless families. As of April 18, 2017, any existing PBV HAP contract, including a contract entered by April 18, 2017, may be amended to add units by mutual agreement of the PHA and owner without competitive process.

Proposal Requirements

The goal of project-basing vouchers is to ensure long-term viability of affordable housing across a broad continuum of housing types within the County of Sacramento. The RFP will outline the type of project (i.e., existing, or new construction or rehabilitation) to be funded. The Housing Authority is committed to

preserving affordable housing and building new housing with priorities to serve the homeless and extremely low-income families.

The selected project must focus on de-concentrating poverty and expanding housing and economic opportunities that meets the following goals of the Agency:

- revitalize areas through physical rehabilitation of housing and enrich the quality of life in rental housing by investing in resident services;
- provide housing resident self-sufficiency programs;
- develop the work force;
- create jobs;
- revitalize commercial areas;
- encourage business activities in low income areas; and
- provide public amenities.

The proposal must be submitted by the property owner and will be evaluated based on its merit.
The proposal shall include:

1) Description of How the Applicant Meets the Need for Affordable Housing as defined in the Consolidated Plan:

   Affordable housing is needed especially to serve the following groups:
   (a) Low-income families who are living in substandard housing,
   (b) Low-income families who are paying more than 50% of their income for housing,
   (c) Disabled families,
   (d) Homeless families,
   (e) Veteran families,
   (f) Elderly families.

2) Description of How the Proposed Housing De-concentrates Poverty and Expands Housing and Economic Opportunities:

   In order to de-concentrate poverty, the housing development must be located in a low poverty census tract, defined as where less than 14.1% of the population has income less than the poverty level as measured by the 2010 Census. The average poverty rate for the County of Sacramento was 18.2% as of the 2014 Census American Community Fact Finder.

   If the census tract where the project-based vouchers are proposed is not in a low poverty census tract, a narrative must be provided showing that:
   a) The project site is in a census tract that is a HUD-designated Enterprise Zone, Economic Community, or Renewal Community, or
   b) The project site is in a census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition, or
   c) The project site is in a census tract which the proposed PBV development will be located is undergoing significant revitalization, or
   d) State, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement of de-concentrating poverty and expanding housing and economic opportunities, or
   e) New market rate units are being developed in the same census tract as the proposed project and it is likely that the market rate units will reduce the poverty rate for the census tract, or

f) The project site is in a census tract with greater than 20%poverty but in the last five years there has been an overall decline in the poverty rate; and/or
g) The project site is in a census tract with meaningful opportunities for education and economic development.

This criterion is met if one of the above is met.

3) The State of Housing to Be Funded

The state of housing:

- New construction, defined as housing units that do not exist at the time of proposal selection
- Housing to be rehabilitated, defined as existing housing units that do not comply with HQS on the date of proposal selection and will require more than $5,000 per unit to pass HQS inspection
- Existing housing, defined as housing units which already exist and substantially comply with HQS, or where it will cost less than $5,000 per unit to repair so that they will pass HQS inspection, at the time of proposal selection.

4) The Type of Housing to Be Funded

Single or multi-family units may be considered. "Tiny homes" can be considered if it will pass HQS standards at the time of occupancy. For a complete listing of all ineligible units refer to 24 CFR Parts 983.53 and 983.54.

7) Number of Units to Be Funded

The PHA may issue an RFP for housing at any time in order to create affordable housing stock that remains available to families independent of market conditions. As required, the PHA will continue to notify HUD before an RFP is published. The PHA will ensure that the number of project-based units does not exceed the maximum allowed.

6) Supportive Services

The Proposal must contain a Memorandum of Agreement, or a letter of commitment, showing a relationship between the housing provider and the service providers (if they are different entities). This Agreement must list:

a) What supportive services are to be provided on and/or offsite. The proposal must describe at least three services the owner will provide, directly or indirectly, to help the family move to economic self-sufficiency;
b) Where the supportive services are to be provided. It is not necessary for the services to be provided at the project site or near the project;
c) Steps the owner will take when a family is not participating in services; and
d) Timeframe within which the owner will identify a replacement service provider.

7) Housing First Model: The PHA will also encourage the use of the Housing First model (see California Senate Bill 1380) to serve the families at the PBV developments.

Evaluation Criteria

The RFP will describe the process used to rank applications, which may include but is not limited to:

- The location of the housing, whether it is in a redevelopment area or an area targeted for blight elimination;

- The size and configuration of the units to serve the unmet needs of targeted populations (i.e., whether serving elderly or disabled large family sizes);
- Long-term viability of the project;
- The proximity of the site to amenities;
- The size and existence of a community center on site;
- The existence of supportive services;
- Management experience;
- The number of accessible units for persons with disabilities;
- Other sources of funding; and
- Willingness to accept long-term contract.

Proposal Review Process

A PBV Selection Panel appointed by the PHA will review, evaluate, rank, and select the proposals.

If one of the respondents presents an Identity of Interest with SHRA, the proposal in question will be ranked by the panel and, if chosen to receive PBV, will be forwarded to the HUD field office or HUD-approved independent entity for review. The HUD field office, or designee, will review the proposal to determine if the PHA-owned units were appropriately selected, based on the selection procedure specified in the Administrative Plan.

The Selection Panel will review all proposals before selecting units, they will determine whether proposals are responsive to and in compliance with the information provided in the RFP.

The Panel will assure that the project meets PBV goals, civil rights requirements, and HQS site standards. The project must be consistent with the goal of de-concentrating poverty and expanding housing and economic opportunities, and the site and neighborhood standards.

All units (whether existing, rehabilitated or newly constructed) are inspected for HQS before the family moves in. For existing housing, the PHA must inspect all the units before the proposal selection date to determine whether the units substantially comply with HQS. The PHA may not execute the HAP contract until the units fully comply with HQS.

Proposals that meet the requirements will be evaluated and ranked by the Selection Panel. A Ranking List will be prepared according to points awarded to each proposal. Ranking scores become public information. The PHA may, at its discretion, select one or more of the proposals submitted, or none of the proposals submitted.

The PHA will provide written notice to the owner whose proposal is selected within 45 days of the decision.

The PHA will give prompt public notice once a proposal(s) has been selected. Public notice is publication of public notice in a local newspaper of general circulation and the SHRA website. The notice will include information about how the public can inspect documentation regarding the basis for the selection of the proposal. The PHA will also provide this information directly to owners whose proposals were not selected.

C. SITE AND NEIGHBORHOOD REVIEW

Site Selection Criteria

The PHA is working to ensure long-term viability of affordable housing across a broad continuum of housing types within the County of Sacramento. The PHA is targeting projects located in areas that are affordable, have received long-term affordable housing financing, and are close to amenities including high frequency public transportation and shopping. Proposals providing units specifically to elderly or disabled households or households receiving supportive services, and providing on-site supportive services will be given preference over projects that do not have these characteristics.

In order for the site to be selected for participation in this program, the PHA must:

- determine that the site is consistent with the goal of de-concentrating poverty and expanding housing and economic opportunities;
- determine that the site is eligible to receive project-based vouchers, as defined by 24 CFR Part 983 published on October 13, 2005 and any other regulations and Notices issued;
- complete a site inspection if the proposal covers existing or rehabilitated housing to ensure that it meets HQS for the site;
- determine that the site is suitable from the standpoint of facilitating and furthering full compliance with the Fair Housing Laws;
- determine that the site has adequate utilities and streets available to service the site;
- determine that the site meets neighborhood standards.

Environmental Review

In the case of existing housing under part 983, the entity responsible for Environmental Review under 24 CFR part 58 must determine whether or not a project selected for PBV assistance is categorically excluded from review under the National Environmental Policy Act and whether or not the assistance is subject to review. The PHA may not enter into an Agreement or HAP contract and may not commit or expend program or local funds for PBV activities until such determination is made.

PHA-Owned Units

If housing is selected for PBV where SHRA has an identity of interest, an independent entity approved by HUD must:

- Determine initial rent to owner based on an appraisal by a third party;
- Determine reasonable rent based on a comparability analysis for other than initial rents;
- Furnish a copy of the rent determination for SHRA-owned units to SHRA and to the HUD field office; and
- Complete all HQS inspections and provide a copy of the HQS inspections to the Housing Authority and to the HUD field office.

The Housing Authority may only compensate the independent entity from ongoing administrative fee income, not other program receipts. The PHA may not charge the family any fee for the appraisal or for other services provided by the independent entity.

D. HAP AMENDMENTS, CONTRACT, AND CONTRACT TERMINATION

The PHA may not enter into an Agreement for A Housing Assistance Payment (AHAP) contract (for new construction and rehabilitation) until HUD has completed any required subsidy layering review.

A unit that is occupied on the date of selection by an ineligible family or a family who is uninterested in PBV assistance cannot be selected for PBV assistance. For families who will reside in excepted units, the family must be an *eligible* family

The HAP contract must specify:

- The total number of contract units by number of bedrooms;
- Information needed to identify the site and the building or buildings where the contract units are located. The information must include the project's name, street address, city or county, state and zip code, block and lot number (if known), and any other information necessary to clearly identify the site and the building;
- Information needed to identity the specific contract units in each building. The information must include the number of contract units in the building, the location of each contract unit, the number of bedrooms and bathrooms in each contract unit, and any accessibility-related features of the unit. A map to identify the location of accessible units should also be included;
- Services, maintenance, and equipment to be supplied by the owner without charges in addition to the rent to the owner;
- Utilities available to the contract units, including a specifications of utility services to be paid by the owner (without charges in addition to rent) and utility services to be paid by the tenant;
- Features provided to comply with program accessibility requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8;
- The HAP contract term;
- The number of units in any building that will exceed the 25 percent per building cap (as described in 24 CFR Part 983.56) which will be set-aside for occupancy by qualifying families (elderly families and families receiving supportive services); and
- The initial rent to the owner (for the first 12 months of the HAP contract term).

The Housing Authority will not execute a HAP contract until all the units fully comply with HQS.

Vacancy Loss (24 CFR Part 983.352)

If an assisted family moves out of the unit without notice or is deceased, the owner may keep the Housing Assistance Payment (HAP) payable for the calendar month ("move-out month"). However, the owner may not keep the payment if the PHA determines that the vacancy is the owner's fault. The PHA shall not pay for an overlapping HAP.

When a family vacates its unit, the owner is eligible for a vacancy loss payment if:

- The owner gives the PHA prompt written notice certifying that the family has vacated the unit and containing the date when the family moved out (to the best of the owner's knowledge and belief)
- The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed
- The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy

- The owner provides any additional information required and requested by the PHA to verify that the owner is entitled to the vacancy payment
- The owner must submit a request for vacancy payment in the form and manner required by the PHA and must provide any information or substantiation required by the PHA to determine the amount of any vacancy payment.
- The owner makes the request in writing for the vacancy loss within 90 days of the unit rent-ready date.

Vacancy loss begins the later of:

- the unit is rent ready
- the day after the lease end date for the Housing Assistance Payment (HAP) was paid to the owner

Vacancy loss is calculated either 80% or 100% of the Contract Rent based on funding availability:

- Any rental payment received by the owner from the tenant (including amounts available from the tenant's security deposit) will be deducted from Vacancy Loss amount
- Vacancy loss extends from the beginning of the first calendar month after the move-out month for a period not exceeding two full months following the move-out month.
- Vacancy loss calculation will be based on actual calendar days per month

Vacancy payments may cover only the period the unit remains vacant and is in rent-ready condition.

The Housing Authority will compare when the unit was rent ready, date unit passed inspection and date family review was forwarded to complex to verify the vacancy loss amount.

The PHA will not pay a vacancy loss for a unit that remains vacant when the waiting list for that complex does not have any applicants of that bedroom size for the PHA to select from. This shows that the owner has not taken every reasonable action to minimize the length of unit vacancy.

Accessible Units

Distribution of accessible dwelling units shall, to the maximum extent feasible and subject to reasonable health and safety requirements, be distributed throughout projects and sites and shall be available in a sufficient range of sizes and amenities so that persons with disabilities have choices of living arrangements comparable to that of other families eligible for assistance under the same program. At a minimum, projects must meet 24 CFR Part 8, subpart C.

Utility Allowances

The Contract will be automatically amended as the utility allowances (UA) are updated so that project-based vouchers and tenant-based vouchers utilize the same utility allowances at the tenant's recertification following the implementation of the new UA. If the new UA plus the contract rent causes the gross rent to exceed the payment standards for tenant-based vouchers, the contract rent must be lowered. Gross rent cannot exceed the payment standard (24 §983.301(f)).

Occupancy of Wrong Size or Accessible Units

When a family is occupying a wrong-size unit or a unit that has accessibility features not required by the family, the family will be offered a right size units based on PHA subsidy standards and

will have 30 days to move to the new unit from the date of the referral otherwise housing assistance on the unit will be terminated.

Rents Limits

1) The initial rent for units is established at the beginning of the HAP term. The rents determined at AHAP are only an estimate.

2) Except for certain tax credit units and units with other subsidies, the rent must not exceed the lower of:
   a) 110% of the Fair Market Rent (FMR) or a HUD approved exception rent;
   b) The rent requested by the owner; or
   c) Reasonable rent;
      1. Factors are the same as the tenant based program
      2. Three comparables must be used, including when unassisted units in the project/premises are used
      3. Comparability analysis may be done by PHA staff, or other qualified person or entity as long as there is no direct or indirect interest in the property

3) The PHA may apply Small Area FMRs to current PBV or new projects if this is mutually agreeable to both the PHA and the owner. Once the change is made to small area FMRs, the property cannot revert back to the metropolitan-wide FMR.

4) For PHA owned units or units where the PHA has an identity of interest, HUD must approve an independent agency that will perform the comparability analysis. The independent agency must have a State Certified Appraiser perform the comparability analysis for the initial rents. The independent agency must provide HUD with a copy of all the determinations of the reasonable rent.

5) Projects that receive subsidies from other specified programs (not including tax credits) are subject to the rent limits of those programs (see 24 CFR §983.304 for additional guidance). Tax credit units in qualified census tracts may receive the tax credit rents even if they are higher than 110 percent of the FMR or HUD approved exception rent, as long as the tax credit rent is rent reasonable.

6) All projects receiving tax credits or any other governmental housing assistance from Federal, State, or local agencies must have a subsidy layering review performed by HUD, Office or Public Housing or designee.

7) Rent to the owner must be re-determined at owner's request (on HAP anniversary date), or when there is a 10% decrease in the published FMR. There are no "special adjustments" to rent.

8) In addition to 7) above, reasonable rent must be determined whenever the HAP is amended to substitute a different contract unit in the same building, when there is a change in the allocation of responsibility for utilities between the owner and the tenant, or when there is any other change that may impact reasonable rent.

9) If the rent is reduced to a rate below the initial rent at the time of HAP execution, the owner may terminate the HAP. Should this occur, the families residing in the PBV units will be given tenant-based vouchers.

10) The determination of initial rent shall be based on the most recent FMR and utility allowance. However, the PHA may use the amounts in effect up to 30 days prior to HAP execution.

11) The rent to the owner may be subject to rent control or other limits under local, State, or Federal law.

12) Under the HAP contract, the monthly Housing Assistance Payment by the PHA to the owner is the rent to the owner minus the tenant rent (Total Tenant Payment minus any applicable utility allowance).

13) If the PHA determines that it has insufficient funding with which to continue to assist families served by the program, it may consider immediately decreasing the Payment Standard upon authorization from HUD. The reduced payment standard would apply to project-based units as well as tenant-based. The PHA will consider the impact of lowering the Payment Standard on families. The PHA will consider and implement other cost-saving measures wherever feasible, including those listed in PIH 2011-28, before considering lowering the Payment Standard in consideration of the impact lowering the Payment Standard may have on families.

Term of HAP Contract

The PHA has the discretion to enter into a HAP contract with an owner for an initial term of up to 20 years, and may approve extensions not to exceed an additional 20 years, for a maximum total of 40 years. The term of all PBV HAP contracts and extensions will be negotiated with the owner on a case-by-case basis; the PHA has the discretion to approve or not approve extensions.

The PHA may extend the term of the contract if the PHA determines an extension is appropriate to continue providing affordable housing for low-income families. When determining whether or not to extend an expiring PBV contract, the PHA may consider factors including but not limited to:

1) the cost of extending the contract and the amount of available budget authority;
2) the condition of the contract units;
3) the owner's record of compliance with obligations under the HAP contract and lease(s); and
4) whether the location of the units continues to support the goals of de-concentrating poverty and expanding housing opportunities.

The HAP contract must provide that the term of the PHA's contractual commitment is subject to the availability of sufficient appropriated funding (budget authority) as determined by HUD or by the PHA in accordance with HUD instructions. For purposes of this section, "sufficient funding" means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract.

If there is not sufficient funding for the Housing Authority to meet all of its contractual obligations, the Housing Authority will seek to decrease its commitment to tenant-based vouchers through attrition first. The cost of project-based vouchers must not exceed 15% of the total funding level.

The owner may terminate the HAP contract, upon 60 days written notice to the PHA, if the amount of the rent to the owner for any contract unit, as adjusted in accordance with 24 CFR Part 983.302 is reduced below the amount of the initial rent to the owner (rent to the owner at the beginning of the HAP contract term). In this case, the assisted families residing in the contract units will be offered tenant-based voucher assistance.

Rent Increase

The owner may request a rent increase to be effective at any anniversary date of the HAP contract after submitting a 120-day written notice to the PHA and the tenant. The PHA shall determine reasonable rent in accordance with 24 CFR Part 983.303. The rent increase will apply to all units included in the HAP contract. If the PHA determines in the course of processing a rent increase that the current contract rent amount is not reasonable given current market conditions, the PHA will process a rent decrease to the "reasonable" amount. (Please refer to Chapter 11, Section C, Rent Reasonable Determination). This applies to Project-Based vouchers as well as tenant-based vouchers.

The PHA has elected within the HAP contract to not reduce rents below the initial rent to owner, the rent to owner shall not be reduced below the initial rent to owner for dwelling units under the initial HAP contract.

HAP Contract Amendments (Add or Substitute Contract Units)

Prior to such a change, the PHA must inspect the newly added unit and must determine that the rent does not exceed the rents charged for units under the original contract or for comparable unassisted units in the project. (PIH Notice 2017-21)

The HAP contract may be amended to add additional PBV contract units in the same project subject to 25% unit limitation per project or whatever limit was included within the scope of the RFP. Before this amendment is completed, HUD must be notified of the total number of units that have PBV to ensure that the total number does not exceed the maximum cap and any exceptions. An amendment to the HAP contract is subject to all PBV requirements (e.g., rents are reasonable), except that a new PBV RFP is not required. The anniversary and expiration dates of the HAP contract for the additional units must be the same as the anniversary and expiration dates of the HAP contract term for the PBV units originally placed under HAP contract. In all cases, only families who were residing in the units at the time of the initial selection of the project will have a right to an absolute preference on the waiting list and the family must be eligible to live in an assisted unit.

Initial HQS Inspections

If the effective date of a Project Based initial inspection is more than ~~90~~ 120 days from the effective date of the lease and tenancy addendum, another inspection is not necessary as long as ~~the property certifies in writing that:~~

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

Inspection Reinspection Fees

If an initial inspection, turn-over inspection or annual inspection does not pass within the first two scheduled inspections, the third scheduled inspection and every inspection approved thereafter may be charged a $35 inspection fee payable to SHRA.

Utility Reimbursement Payment

When the Total Tenant Payment (TTP) is less than the utility allowance, the PHA will issue a Utility Reimbursement Payment (URP) to the tenant.

Contract Terminations

Chapter 14 "Contract Terminations" of the Administration Plan applies to project-based vouchers. The following exceptions apply:

- If contract requires a service provider and owner fails to provide one, contract will be terminated
- Contract remains in effect regardless of the tenancy.
- If the PHA has determined it has insufficient funding to continue assisting families on the HCV program, tenant-based families may be terminated, but project-based families will not be terminated, and the PHA will continue to fill vacant project-based units as they become vacant.

E. ELIGIBILITY FOR ADMISSION

All regulations regarding Eligibility for Admission (Chapter 2 of the Administration Plan) are the same for the tenant-based voucher program and the project-based voucher program, except:

- Families must be a qualified family for excepted units
- The income targeting requirements apply to the HCV program as a whole including PBV. However, the PHA does not need to apply the ratio exactly for tenant-based and project- based programs

Definitions

ELDERLY: Aged 62 years of age and older.

NEAR ELDERLY: Aged 50-61 years of age.

TENANT-BASED VOUCHER PROGRAM: Tenant-based assistance is attached to the family allowing the participant to relocate from one unit or one Housing Authority to another.

PROJECT-BASED VOUCHER PROGRAM; Project-based assistance is attached to the unit.

F. APPLYING FOR ADMISSION

Opening/Closing Of The Waiting List

A separate waiting list may be created and maintained for each site or a group of sites within the PBV program. Opening and closing the waiting list will be consistent with policies governing tenant-based vouchers (Chapter 3 of the Housing Choice Voucher Program Administrative Plan). If a new waiting list is created, all families on the tenant-based waiting list will be notified

Final Determination And Notification Of Eligibility

As soon as the PHA is notified of an available unit, it selects families from the waiting list for the specific site by bedroom size and then by preference; then by date and time of application or via approved referring agency.

If the family was selected via a waiting list, the PHA provides the complex with a list of families that have met initial HCV preferences.

Once a family is selected from the Project-Based waiting list and is denied by the complex, the PHA will withdraw the family from the waiting list that they were selected based on "Denial by Complex" and the family does not get hearing rights with the PHA. They do have hearing rights with the complex, based on the policies of that complex.

The site determines the family's suitability, and the PHA determines the eligibility. The owner will select families based on the owner's screening process. The owner must provide written notice to all families referred by the PHA within fourteen (14) calendar days, listing the reason the family was not selected. The owner must send a copy of the notice to the Housing Authority. The PHA will not screen for behavior or suitability. In the project-based voucher program, hard copies of vouchers are **not** issued. Families are briefed when they are determined to be eligible to participate in the program and are then referred to the site to move in.

Informal Review Procedures for Applicants; Please see Chapter 18, Part C of the Admin Plan**.**
(Informal Reviews are not provided when family is returned to waiting list due to not meeting preference(s) or bedroom size selected.)

G. ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST/TENANT SELECTION

Types Of Waiting lists

The PHA will establish separate waiting lists for:

1) Tenant-Based Vouchers

Tenant-based assistance is attached to the family allowing the participant to relocate from one unit or PHA to another. Preferences are found in Chapter 4 of the Administration Plan.

2) Project-Based Vouchers

The owner must promptly notify the PHA of any vacancy or expected vacancy in a contract unit. After receiving the owner notice, the PHA will make every reasonable effort to promptly refer a sufficient number of families to the owner in order to fill such vacancies. Vacant units will be filled by families on the current Project-Based waiting list, in order of preference, and then by date and time the pre-application was received where preferences are the same or via approved referring agency.

The PHA may choose to use an existing list to serve another site using the same preferences or it may choose to create a new site-based wait as the need arises. The PHA may also receive referrals from homeless service providers whether the waiting list is open or closed, in order to house homeless families.

Waiting lists may be site-based or the waiting lists for different sites may be consolidated if the preferences and/or eligible population are the same. Information about which waiting lists serve which sites, and how to access different sites with project-based vouchers, will be posted at-www.sacwaitlist.com.

Applicants who will occupy PBV units must be selected by the PHA from a waiting list that is maintained by the PHA. They may either apply when the waiting list is open or they will be referred to the waiting list by an agency serving homeless families.

When a site-based PBV waiting list has been exhausted, the PHA will fill vacant units with families referred to the waiting list by the site's owner/manager.

Funding-Based Preferences

The following funding-based preferences will apply to all sites with project-based vouchers, unless there are other restrictions in place that affect who can live at the site. Additionally, each site has local preferences that apply ~~to~~ specifically to that site.

1) 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 Program waiting list even if the waiting list is closed and will be given 30 preference points. Displaced 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 waiting 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 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 displaced due to insufficient funding. (30 points)

2) Canceled voucher preference for applicant families whose vouchers were recalled due to insufficient funding. These families will be returned to the waiting list and will be awarded preference points based on their status. 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 the effective date of their original voucher. 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. (29 points)

Sites with Public Waiting Lists

Applicants must meet the SHRA preferences they were selected for and must also meet the property leasing criteria.

1) Units for Elderly Families (where either the head or the spouse is 62 years of age or older)

   The PHA currently maintains one waiting list for project-based vouchers that serves multiple properties for elderly families. This waiting list will be subject to the following weighted preferences (See "Definition of Preferences" for more detail.):

   Local Preferences
   - Residency (5 points)
   - Veteran (3 points);
   - Displaced by Government Action (3 points)
   - Rent burden or homeless (1 point)

All the units available for elderly only housing are studio or one-bedroom units that will accommodate up to two persons. The waiting list will only accommodate families up to two persons, including a live in aide.

2) Phoenix Park
   The Housing Authority may maintain one waiting list for project-based vouchers where supportive services are not provided or the PHA may choose to maintain separate waiting lists for different sites. Currently, this waiting list serves this site only, but the Housing Authority may choose to use this list

for other sites using the same preferences or choose to create a new site-based waiting list as necessary. This waiting list will be subject to the following local preferences (See "Definition of Preferences" for more detail.):

Local Preferences
- Residency (5 points)
- Veteran (3 points)
- Displaced by Government Action (3 points)
- Disability (2 points)
- Rent burden or homeless (1 point)

3) Saybrook Apartments / Serna Village
The Housing Authority may maintain one waiting list for project-based vouchers where supportive services are provided or the PHA may choose to maintain separate waiting lists for different sites. Currently, this waiting list serves Saybrook Apartments and Serna Village. However, the PHA may choose to use this list for additional sites using the same preferences or choose to separate this list to create new separate site-based waiting lists to serve a specific site. This waiting list will continue to exist until all the families are pulled.
NOTE: Saybrook will also receive referrals from the Continuum of Care as described in a later section.

The waiting list will be organized based on the following local preferences:

Local Preferences
- Homeless (10 points)
- Have a disabled family member (10 points)
- Residency (5 points)
- Veteran (3 points)
- Displaced by Government Action (3 points)

4) Project Based County
The Housing Authority may maintain one waiting list for project-based vouchers or the PHA may choose to maintain separate waiting lists for different sites. Currently, this waiting list serves this site only, but the Housing Authority may choose to use this list for other sites using the same preferences or choose to create a new site-based waiting list as necessary. This waiting list will be subject to the following local preferences:

Local Preferences
- Residency (5 points)
- Veteran (1 point)

5) Project Based City
The Housing Authority may maintain one waiting list for project-based vouchers or the PHA may choose to maintain separate waiting lists for different sites. Currently, this waiting list serves this site only, but the Housing Authority may choose to use this list for other sites using the same preferences or choose to create a new site-based waiting list as necessary. This waiting list will be subject to the following local preferences:

Local Preferences
- Homelessness (5 points)

- Residency (3 points)
- Veteran (1 point)

6) Mirasol Village

The Housing Authority may maintain one waiting list for project-based vouchers or the PHA may choose to maintain separate waiting lists for different sites. Currently, this waiting list serves this site only, but the Housing Authority may choose to use this list for other sites using the same preferences or choose to create a new site-based waiting list as necessary. This waiting list will be subject to the following local preferences:

Local Preferences

- Residency (5 points)
- Veteran (3 points)
- Displaced by Government Action (3 points)
- Disability (2 points)
- Rent burden or homeless (1 point)

Sites with Waiting lists Filled Via Referrals

The PHA has issued and expects to periodically issue Requests for Proposals (RFPs) for project-based vouchers to serve homeless families where supportive services are provided at/in close proximity to the site to support the families in their efforts to become stably housed. Because homeless families/individuals are not easily served with a waiting list open to the public, the site awarded PBV for this purpose can request that families filling vacant units come via referral from a partnering service agency. Waiting lists for these properties are not open to the public but are open to receiving referrals from partnering service agencies, as shown at www.sacwaitlist.com.

When considering the utilization of this methodology to fill vacant units, the PBV Site Owner/Developer will submit to the PHA:

A. A letter on letterhead
   1. requesting to fill vacant units via referrals from the service provider to the waiting list;
   2. committing to notify the PHA when/if there is a new service provider;
B. A copy of the contract between the service provider and the site owner/developer;
C. A certification from the service provider that they will not deny services to member of any federally protected class under fair housing laws, i.e., race, color, religion, national origin, sex, disability, or familial status.
D. Signed copy of SHRA's Personally Identifiable Information (PII) document.

The waiting list will be open for these sites to receive referrals of homeless individuals/families from the service providers to the project-based voucher referral waiting lists only.

Local Preferences:

- Homeless individuals/families Referred by Service Provider (100 points)

For families with the same preferences, families will be pulled from the waiting list based on date and time of the pre-application.

Sites Serving Homeless Families in Partnership with the Continuum of Care (Saybrook)

Coordinated entry, managed by Sacramento Steps Forward, will annually refer families to fill up to 15 vacancies at Saybrook Apartments. (PIH 2013-15) The remainder of the vacant units will be filled from the site-based waiting list managed by the PHA.

Local Preferences:

- Referred by Coordinated Entry (100 points)

Supportive Services for Homeless Families

Supportive services will be provided by the owner/manager or by their contractor. Services will be available either on site or in close proximity to the site so that services are accessible to families lacking transportation. Waiting lists or referrals will be utilized to fill vacancies in a property where supportive services are provided for families transitioning from homelessness. Supportive services may include, but not be limited to,

- How to be a good neighbor;
- Bill paying / financial counseling;
- Household maintenance;
- Cooking economically;
- Establishing income;
- Substance abuse counseling;
- Parenting;
- Credit counseling;
- Behavioral health interventions;
- Job training and education; and
- Developing an Individualized Annual Service Plan.

(See "Definition of Preferences" for more detail.)

<u>Definition of Preferences</u>

1. Residency preference is given to applicants who live, work, or have been hired to work in Sacramento County, or any political subdivision thereof. For homeless individuals and families, a residence includes shelters and other dwelling places where homeless people are sleeping such as a place not designed for sleeping including a car, park, abandoned building, bus or train station, airport or camping ground or the family is living in a shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing and hotels and motels paid for by charitable organizations or by the federal, state or local government) or individuals exiting an institution

2. Rent Burden preference is given to applicants who pay more than 50% of their gross income for rent and utilities. The applicant family must provide copies of receipts, lease, their income and utility bills. 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:

   a. 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;
   b. Accept the amount listed on the Housing Need Declaration with supporting payment documentation, including cancelled checks and money order receipts, or cashiers' check stubs.

3. Homeless preference is given to applicants that are homeless as defined in the Glossary.

4. Disability preference is given to applicants who have a disabled household member. A person with a disability is defined as "Any person who has a physical or mental impairment that limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment."

5. Veteran preference is given to a household with a veteran as described in the Glossary.

6. Displaced family preference is given to a displaced family as described in the Glossary.

Multiple Waiting lists

If an applicant is placed on a waiting list, they shall be given the option to apply for all other PHA-administered housing programs that also have an open waiting list. Applicants on the tenant-based waiting list will be queried for interest on any newly established waiting list.

If a family refuses the PHA's offer from one waiting list (e.g., PBV assistance), such refusal does not affect the family's position on another PHA waiting list for another type of assistance (e.g. tenant-based assistance).

The PHA may not take any of the following actions against an applicant who has applied for, received, or refused an offer of PBV assistance:

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

If an applicant is pulled from two waiting lists at the same time, they can choose which option to pursue. Applications will be marked by program name to ensure families are directed to the appropriate program.

Centralized Waiting lists

The PHA may establish centralized wait that may be used to fill vacancies at more than one site. In this case, when a family is pulled from one waiting list, they must be given a maximum of two unit offers ~~at~~ they can be removed from that waiting list.

Screening

The PHA will not screen for behavior (except for criminal background checks). Screening for behavior will be the responsibility of the owner. If a PBV owner rejects a family for admission to the owner's PBV units, such rejection by the owner does not affect the family's position on other waiting lists. The owner must apply screening criteria in compliance with fair housing regulations.

If a family does not meet the property owner's admission criteria, they are not eligible for an informal review with the PHA. They must appeal the decision to the property owner.

Accessible Units

In selecting families to occupy PBV units with special accessibility features for persons with disabilities, the PHA must first refer families who require such accessibility features to the owner. The pre-application

will allow families to state whether they need a unit with accessible features so that they can be matched with an appropriate unit.

Filling an accessible unit with a non-disabled person

When an accessible unit becomes vacant, the PHA will offer the unit to a current occupant with disabilities living in a Project-Based unit in the same development that requires the accessibility features of the vacant accessible unit and occupying a unit not having those accessibility features. Next, offer the unit to a family living in a Project-Based unit in other developments that requires the accessibility features of the vacant accessible unit and occupying a unit not having those accessibility features. If there is no current resident who requires the accessibility features of the vacant, accessible unit, the PHA will offer the vacant, accessible unit to an eligible, qualified applicant with disabilities who can benefit from the accessible features of the available, accessible unit.

If there is not an eligible qualified resident or eligible applicant with disabilities who wishes to reside in the available, accessible unit, then the PHA should offer the available accessible unit to an eligible applicant who does not need the accessible features of the unit. However, the PHA will require the applicant to execute a lease that requires the resident to relocate to a non-accessible unit within thirty (30) days of notice by the PHA that there is an eligible applicant or existing resident with disabilities who requires the accessibility features of the unit.

The PHA may not prohibit an eligible disabled family from accepting a non-accessible unit for which the family is eligible that may become available before an accessible unit. The owner is required to modify such a non-accessible unit as needed, unless the modification would result in an undue financial and administrative burden.

H. MOVING BEFORE THE FIRST YEAR (CFR 983.261. (d))

If the family terminates the assisted lease before the end of one year, the family relinquishes the opportunity for continued tenant-based assistance.

Chapter 22 Veterans Affairs Supportive Housing

(24 CFR Part 982)

INTRODUCTION

The HUD-VASH program combines HUD HCV rental assistance for homeless veterans with case management and clinical services provided by the Department of Veterans Affairs (VA) at its medical centers and in the community. Ongoing VA case management, health, and other supportive services will be made available to homeless veterans.

HUD-Veterans Affairs Supportive Housing (HUD-VASH) program will be administered in accordance with regular HCV program requirements (24 CFR Part 982), except as described below.

A. FAMILY ELIGIBILITY AND SELECTION

The PHA will instead receive referrals from the Department of Veterans Affairs (VA) instead of pulling families from a waiting list. Written documentation of these referrals must be maintained in the tenant file at the PHA.

B. INCOME ELIGIBILITY

The PHA must determine income eligibility for HUD-VASH families in accordance with 24 CFR §982.201 or 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.

C. INITIAL TERM OF THE VOUCHER

HUD-VASH vouchers are issued with an initial search term of 120 days. Extensions, suspensions, and progress reports will remain under the policies in the PHA's Administrative Plan, but will apply after the minimum 120-day initial search term.

D. INITIAL LEASE TERM

Under the HCV program, voucher participants must enter into an initial lease with the owner for one year, unless a shorter term would improve housing opportunities for the tenant and the shorter term is a prevailing market practice.

E. PORTABILITY OF HUD-VASH VOUCHERS

An eligible HUD-VASH voucher holder wishing to exercise portability to another jurisdiction must choose a location where there is a Veteran Affairs Medical Center (VAMC) to provide case management services with an available VASH voucher or portability is not allowed.

(1) Portability Moves Where Case Management is provided by the Initial PHA's Partnering VAMC.

If the family moves under portability, and the initial PHA's partnering VAMC will still be able to provide the necessary case management services due to its proximity to the partnering VAMC, the receiving PHA must process the move in accordance with the portability procedures of 24 CFR §982.355. If the receiving PHA has VASH vouchers available, they may absorb or administer the voucher. Both the VAMC and the PHA must be in support of the family's relocation before approving the family to port.

(2) Portability Moves Where Case Management is provided by the Receiving PHA's Partnering VAMC.

If a family wants to move to another jurisdiction where it will not be possible for the initial PHA's partnering VAMC to provide case management services, the VAMC must first approve the family's relocation and then determine that the HUD-VASH family could be served by another VAMC that is participating in VASH and the receiving PHA must have a HUD-VASH voucher available for this family. In these cases, the families must be absorbed by the receiving PHA either as a new admission (if the family did not participate in the initial PHA's VASH program) or as a portability move-in (after an initial leasing in the initial PHA's jurisdiction). When the VASH voucher is absorbed by the receiving PHA, the initial PHA's HUD-VASH voucher will become available to lease to a new HUD-VASH eligible family, as determined by the partnering VAMC, and the absorbed family will count toward the number of HUD-VASH slots awarded to the receiving PHA.

If VASH case management services are no longer needed for the veteran and if an HCV tenant-based voucher is available the family may be offered a tenant-based voucher, provided the family meets all HCV eligibility criteria

F. DENIAL OF ASSISTANCE

At initial intake, the VASH family can only be determined ineligible due to:

- Income limitations or
- Having any member of the household subject to a lifetime registration requirement under a state sex offender registration program.
  A PHA cannot deny assistance to a Veteran that previously participated in a Public Housing program (Housing Choice Voucher or Conventional) and still owes money.
  In any case where the PHA decides to deny assistance to the family, the PHA must give the family written notice which states:
- The reason(s) for the denial of assistance.
- The family's right to request an informal review to be held before denial of assistance.
- The date by which a request for an informal review must be received by the PHA.
  Once the applicant becomes a resident, the resident must follow all of the PHA rules including the family obligations. (See the section in Chapter 15 entitled "Family Obligations").

As a condition of HCV rental assistance, a HUD-VASH eligible family must receive the case management services from the VAMC. Therefore, a HUD-VASH family's HCV assistance must be terminated for failure to participate, without good cause, in case management as verified by the VAMC. However, a VAMC determination that the participant family no longer requires case management is not grounds for termination of assistance.

If VASH case management services are no longer required for the veteran and the family wants to port to another jurisdiction, the family may be offered a tenant based HCV voucher if it is available.

G. VASH VOUCHER ISSUANCE

Since VASH vouchers are for homeless Veterans, VASH vouchers must always remain with the Veterans. In the case of divorce or separation, the voucher remains with the Veteran.

If the Veteran dies, the VASH voucher could remain with the remaining members of the tenant family. The family may continue to utilize the HUD-VASH voucher. If VASH case management services are no longer needed, and if a tenant-based voucher is available, the remaining family member(s) may be offered a tenant-based voucher, provided the family meets all HCV eligibility criteria.

This would allow the VASH voucher to again be utilized for another Veteran who needs case management services.

The Housing Authority may convert tenant based VASH vouchers to PBV's or apply directly to HUD for set-aside PBV vouchers which may be through a competitive process. The PHA will utilize a Housing First Model to house the VASH PBV families. Project-Based VASH Vouchers approved by HUD and the Veterans Administration will be administered in accordance with PIH 2009-011 dated March 16, 2009, PIH 2010-23 dated June 25, 2010, and PIH 2011-50 dated September 15, 2011, PIH 2016-11 dated July 1, 2016, and other subsequent notices that are released by HUD and 24 CFR part 983.

Chapter 23 REASONABLE ACCOMMODATION POLICY AND PROCEDURES

A. 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, sexual orientation, or gender identity.

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 become 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, 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 & Application Division is accessible to persons with disabilities. Accessibility for the hearing impaired is provided via 711, a free relay service.

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

B. REASONABLE ACCOMMODATION 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, during residency and when the PHA schedules or reschedules appointments.

An applicant or a participant with a disability must first request an accommodation before the PHA will deviate from standard practice. Most requests will be reviewed by a 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 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 Notices PIH 2010-26(HA) and PIH 2006-13 (HA) [Non-Discrimination and 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].

The term "individual with disabilities" is referenced in 24 CFR §9.103(2).

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

Individuals with disabilities who request reasonable accommodations may submit requests either orally or in writing. They are not required to use a specific form in order to make such requests. However, the PHA has a standard Reasonable Accommodation Request form available in order to help expedite these requests.

A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability must provide written verification that the specific accommodation requested 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. The PHA will engage in an interactive process before denial. When the request for accommodation is denied, the denial letter will indicate that the applicant or participant may contact staff to discuss alternative modifications. Additionally, the applicant or participant 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 (which serves as a grievance hearing) to appeal the PHA's decision (please see Chapter 18 of the PHA Administration Plan).

A reasonable accommodation will be made for persons with a disability who requires an advocate. 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 to be available in an accessible format.

Undue Hardship

A request for a reasonable accommodation for a person with a disability will be granted upon verification. The Reasonable Accommodation Committee will review the request to ensure that the request will meet a need and does not create an undue financial or administrative burden on the PHA. The PHA may deny the request and/or present an alternate accommodation that will still meet the need of the person. Prior to the decision, the RACC or the Receiver should interact with the requester.

An undue administrative burden is one that would require a fundamental alteration of the essential functions of the PHA or 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; 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.

C. PROCEDURE FOR PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION OF DISABILITIES

This procedure establishes a framework for the receipt, processing, and final disposition of informal and formal client reasonable accommodation requests. While individual requests may require special handling, these guidelines are to be followed whenever possible. Proper documentation and tracking for each step in the process is essential.

A brochure has been developed explaining the process for requesting a reasonable accommodation which is distributed to families at initial intake and at annual re-certifications.

Informal Reasonable Accommodation Requests

When a client requests an accommodation which appears, on its face, to be reasonable in relation to the client's visible disability, staff should handle the request informally. "Informally," means that the request can be granted with only supervisory review and approval, without first submitting it to the Reasonable Accommodation Compliance Committee (RACC) for review (RACC review will take place after the fact).

Informal reasonable accommodation requests may be granted expeditiously.

Annual approvals for informal requests for reasonable accommodations will not be required during subsequent re-certifications. However, the PHA retains the right to re-evaluate the need for the RA at any time. The case worker will then require third party verification in order to verify the need for the RA.

Some examples of disabilities that may fit the informal approval procedure include:

- A person with quadriplegia requesting a front door ramp, wider doorways, grab bars, and reduced-height and cut-out kitchen cabinetry, or an additional bedroom for an existing live-in aide. The client's self-certification and the caseworker's observations are sufficient to informally grant the reasonable accommodation request when there is a nexus between the observed disability and the requested reasonable accommodation.
- A visible disability or impairment which would require an accommodation wherein business will be conducted over the telephone, by home visits, or by other means not involving trips to the office.

The processing of Informal Reasonable Accommodation requests should be done promptly to reduce the time the client must wait to obtain their reasonable accommodation. When possible, housing staff should immediately begin the process of securing the requested reasonable accommodation.

Informal handling of Reasonable Accommodation requests should not be used as a "shortcut" to third party verification. If the disability is not visible, then it should be put through the formal process.

Formal Reasonable Accommodation Requests

Formal processing of reasonable accommodation requests is required when:

- the disability and/or the need for a specific accommodation is not visible; or
- it is not clear how the requested accommodation is related to the disability, or
- the reasonable accommodation is unreasonable, cost prohibitive, or approval at the informal level is uncertain.

In these cases, a formal Reasonable Accommodation request must be submitted for the review of the RACC.

A person with disabilities may request a RA in any format (verbally, in writing, or in person). They are not required to use a specific form in order to make such requests, however, the PHA has a standard Reasonable Accommodation Request form available in order to help expedite these requests.

The RACC reviews all completed reasonable accommodation requests regularly. The members are senior management from the Housing Choice Voucher and Public Housing Programs.

At least three (3) members are necessary to make a decision.

RACC members shall meet to review and evaluate the requested accommodations in light of the provider's verification of disability-related need and recommendations as to the needs for reasonable accommodations.

When reviewing the information submitted, the RACC is looking for a nexus between the requested accommodation and the disability-related need. The purpose of granting the accommodation is to either allow a disabled person access to the program or to allow a disabled person to obtain all of the same benefits of program participation as a non-disabled person.

If the information submitted by the health provider is incomplete, the RACC may follow up to request additional information or clarification.

The RACC shall determine whether the reasonable accommodation request is:

- Approved; or
- Denied

The RACC may also work interactively with the family to obtain additional information or to look at other alternatives through an interactive process before making a decision.

The Chair of the RACC is also the HUD Section 504 Coordinator for the PHA.

In the event that the qualified provider specified in the ARP is non-responsive a notification letter shall be issued saying that no response has been received from the specified provider. The notification letter shall specify that any additional information will be considered.

Interactive Process

In those cases, where an evaluation of the qualified provider's recommendation indicates an alternate accommodation may be similarly effective, and based on the RACC's recommendation, the Reasonable Accommodation Receiver, or designated staff, may engage in an interactive process with the client. This negotiation attempts to reach agreement between the original request and an alternate accommodation that

would effectively address the disability-related need as stated by the provider. Note that the client must voluntarily agree to an alternate accommodation.

When requests are made for an additional bedroom for medical equipment, photos may be requested or a home visit may be scheduled to evaluate the size and quantity of the equipment to be accommodated.

No Subsequent Third Party Verification for Formal Requests

No further annual approvals for reasonable accommodations will be needed during subsequent re-certifications as long as the client's health care provider has previously certified that the condition is not expected to improve over the long term.

However, the PHA retains the right to re-evaluate the need for the RA at any time. Staff will then require third party verification in order to verify the need for the RA.

If it is believed the reasonable accommodation was granted under false pretenses, an interim examination and re-evaluation may be initiated with supervisory approval.

Confirmation at Inspection

When the RACC approves an additional bedroom for any purpose, the Agency will verify that the bedroom is continuing to be used for its approved purpose at the time of next HQS inspection. If the purpose of the bedroom has been changed from what was approved, the approval for the RA will be re-evaluated.

Grievance or Appeal Process

The family's right to appeal the RACC's determination to a third party, acting as a hearing officer, provided that the written request for an informal hearing is received within (30) days of the date of their determination letter. During the Informal Hearing the family may present their reasons for requesting the reasonable accommodation and any supporting documentation.

(For HCV, please refer to Chapter 18 for *Grievances and Appeals*).

Chapter 24 INSUFFICIENT FUNDING

INTRODUCTION

The regulation at 24 CFR §982.454 provides that the PHA may terminate HAP contracts, in accordance with HUD requirements, if the PHA determines that funding under the Annual Contributions Contract is insufficient to support continued assistance for families in the program. Before terminating HAP contracts on the basis of insufficient funding, the PHA will ensure that it has carefully considered all cost-savings measures and the impact such terminations will likely have on program participants. The PHA may implement the following cost savings measures prior to terminating HAP contracts:

- Stop absorbing new portable families
- Stop issuing vouchers to new applicants
- Pulling back outstanding vouchers for applicants searching for housing that have not resulted in an executed HAP contract
- Consider termination or repayment agreements for families that misrepresent income and other anti-fraud efforts.
- This is not an exhaustive list; we will evaluate and consider other measures.

A. CURRENTLY ASSISTED FAMILIES

When the Housing Authority determines that it does not have sufficient funding to support continued assistance for families in the program, it will terminate the Housing Assistance Payments (HAP) contract for families that have most recently been admitted to the HCV program. Contracts will be terminated for the families with the newest admission dates until funding is sufficient to support continued assistance for the remaining families (using the last in, first out methodology). The PHA will give both the families and owners 30 days advance notice of this action. Families whose contracts have been terminated due to lack of funding will be eligible for assistance again as funds become available based on their admission date. Families with the oldest admission dates will be assisted first.

Families will be terminated from the program 180 days after contract termination (see Chapter 15). The PHA will issue such families a written 30-day notice of the program termination. These families will receive priority to be readmitted to the program before project-based families may move with tenant-based assistance and before new applicants are selected from the HCV waiting list. At the time a family is terminated as a result of insufficient funding, PHA staff shall add them to the HCV waiting list even if the waiting list is closed. These families will be given 30 preference points. Families must submit address changes in writing to ensure they receive notices from the PHA. Families will be selected to be readmitted to the HCV program in order based on their original admission date. Families with the earliest admission dates will be the first to be readmitted. 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 these families.

Project-based tenants are not subject to contract termination resulting from insufficient funding.

Should the PHA have to terminate families from its HCV program due to a funding shortfall, NED, VASH and FUP/FYI families that comprise the required number of families served (maximum allotted vouchers to the PHA) must be last to be terminated. (per PIH 2013-19).

Contracts will not be terminated in cases where families were residing in housing subject to disposition, pre-payment or opt-out and the families chose to receive a tenant based voucher and were admitted to the HCV program <u>within</u> the past 12 months. If these families were admitted to the HCV program <u>more than</u>

12 months prior to consideration of termination, their contract may be terminated as a result of insufficient funds. The PHA will make all reasonable efforts to prevent disruption of assistance, such as consideration of inter-program transfers (see Chapter 13).

Moves With Continued Assistance (PIH 2011-28, 2012-42, PIH 2011-3)

If the PHA has insufficient funding to support continued assistance for participating families, it may deny family requests to voluntarily move. The PHA will inform families submitting requests to move that voluntary moves are prohibited unless the family can show that the PHA will pay the same or lesser amount in subsidy than the current subsidy being paid. Voluntary moves outside of the PHA's jurisdiction will not be prohibited if the receiving PHA is absorbing. Requests to take the voucher to a higher cost area will be denied. Please see Glossary for definitions of higher cost area and higher cost unit. When funding is available and the PHA is allowing voluntary moves to higher cost areas, the PHA will provide such information on its website at www.shra.org.

Families who are involuntary movers will be permitted to move as described in Chapter 13. Families requesting to move in accordance with VAWA or as a Reasonable Accommodation shall not be denied a move; however, these requests will be reviewed and approved at the discretion of the PHA in accordance with PIH 2011-28, 2012-42, and 24 CFR §982.314(e)(1).

B. APPLICANTS ISSUED VOUCHERS

The PHA may over-issue vouchers only to the extent necessary to meet leasing goals. If the PHA finds it is over leased or has insufficient funding, it may stop issuing vouchers and/or cancel vouchers that have already been issued. In such cases, families with canceled vouchers would be returned to the waiting list and will be given preference points as described in Chapter 4. When funding becomes available and the PHA is able to select families from the waiting list again, 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 these families.

Families with PBV will be allowed to receive a tenant-based voucher to move before applicant families who had their vouchers canceled.

Families who had their voucher canceled will be pulled from the waiting list in the order of their original voucher effective date.

C. RESTORATION OF FUNDING

When funding is available, vouchers will be issued in the following order to assist:

1. Participant families whose housing contracts were terminated due to insufficient funds in order of oldest admission dates first;
2. Families who were terminated from the program due to insufficient funds following the termination of contracts for 180 days;
3. PBV families who gave notice and chose to move without assistance during the insufficient funding period when the PHA did not have tenant based vouchers available;
4. PBV families who choose to move with a tenant based voucher;
5. Families eligible for special purpose vouchers as determined by HUD;
6. Applicant families whose vouchers were canceled due to insufficient funds;
7. Other applicant families on the HCV waiting list.

Chapter 25 MARIJUANA POLICY

The possession of medical marijuana is no longer a crime under California Law; however, its possession is illegal under federal law. When a state law is in conflict with a federal law, the federal law prevails. Thus, under federal law, possession of marijuana for medical and/or non-medical purposes constitutes a crime.

Marijuana use or possession includes the growing cultivating, selling, bartering, exchanging or other activity that furthers the proliferation and/or use of marijuana on the property. ~~or near your subsidized unit.~~

Admission

All forms of marijuana possession, including the use of "medical marijuana" is illegal under federal law even if it is permitted under state law. HCV will deny admission to any household where there is, at the time of application or processing for admission, reasonable cause to believe they may have illegally used a controlled substance, as that term is defined by the Controlled Substances Act (CSA).

HCV will also deny participation to applicants where the PHA has reasonable cause to believe that any family member has illegally used or possessed marijuana or engaged in any drug-related or other criminal activity within the past three years.

Reasonable Accommodation

A person who possesses marijuana for medicinal use is an illegal drug user under federal law. HCV will not approve any reasonable accommodation requests for the use of medical marijuana.

Medical Expense Deduction

When calculating a participant's adjusted income, HCV must deduct from annual income the "unreimbursed medical expenses of any elderly or disabled family" that exceed ten percent (10%) of annual income. However, the IRS specifically states that an elderly or disabled person "cannot include in medical expenses amounts (paid) for controlled substances (such as marijuana, laetrile, etc.), in violation of federal law."

The PHA will not include medical expenses used to pay for marijuana or its paraphernalia in the calculation of medical expense deductions.

Ending Program Participation

If HCV has reasonable cause to believe a participant is using marijuana in, or in the immediate vicinity of, their subsidized unit they may have their participation proposed for termination.

Chapter 26 CITY AND COUNTY OF SACRAMENTO LANGUAGE ACCESS PLAN

Executive Order 14224 formally rescinded Executive Order 13166, which had required federal agencies and recipients of federal funding to provide services tailored to individuals with limited English proficiency. Executive Order 14224 establishes English as the unified language for government operations; the order explicitly allows agencies the flexibility to continue providing necessary documents and services in other languages based on their specific mission requirements. HUD will no longer provide non-English translation services, and all correspondence, publications, and digital content will be produced exclusively in English. Printed or digital materials referencing translation services—or presented in languages other than English—will be removed from HUD offices and HUD-websites and replaced with English-only versions.

Prepared by Root Policy Research

SHRA takes reasonable steps to ensure that Limited English Proficiency (LEP) persons areprovided equal access to participation in its programs at the same level as native Englishspeakers. This Language Access Plan serves as the policy document for language access provision for SHRA.

This policy is in accordance with Title VI of the Civil Rights Act of 1964, which protects individuals from discrimination on the basis of national origin and Executive Order (EO) 13166,which directs all federal agencies including the U.S. Department of Housing and Urban Development (HUD) to ensure all programs receiving federal assistance provide meaningful access to LEP persons. In addition, this Plan is in accordance with HUD's Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, dated January 22, 2007.

SHRA's Language Access Plan (LAP) is primarily program-based; however, certain administrative functions may also need to serve LEP individuals, families, vendors, and the public. All SHRA departments and administrative functions will follow the standards set forth in SHRA's LanguageAccess Plan.

A. Meaningful Access: The Four Factor Analyses.

Recipients of federal funds are required to take reasonable steps to ensure meaningful access to LEP persons to receive critical services while not imposing an undue financial burden on local government. SHRA's assessment of services provided in accordance with regulations and guidelines are assessed using a Four Factor Analysis established by HUD.1 The Four Factor Analysis considers:

1. The number or proportion of LEP Persons served or encountered in the eligible servicepopulation;
2. The frequency with which LEP persons come into contact with the programs;
3. The nature and importance of the program, activity, or service provided by the Agency;
4. The resources available and cost.

[1] U.S. Department of Housing and Urban Development., "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited EnglishProficient Persons" 72 F.R. 2732 (Jan. 22, 2007

FACTOR 1. The number or proportion of LEP persons served or encountered in the eligible service population in the City and County of Sacramento.

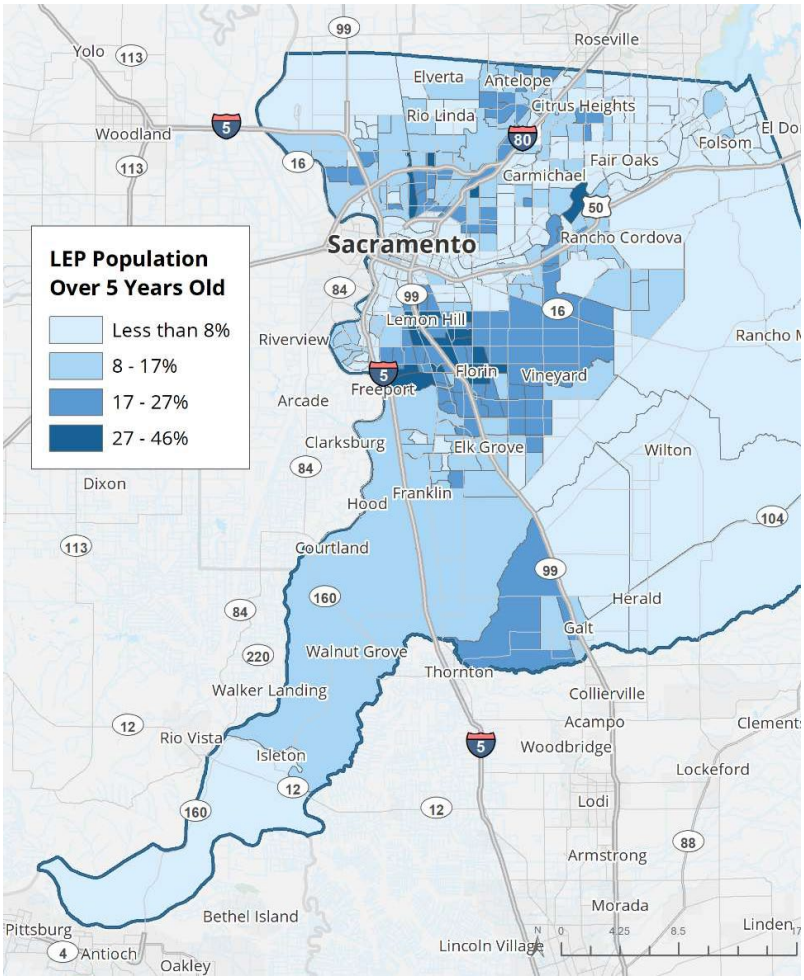
Persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English are generally considered LEP, and may need and be entitled to language assistance with respect to a particular type of service, benefit or encounter.SHRA seeks to communicate effectively with LEP persons who may be seeking information about SHRA's programs, as well as program applicants/potential clients, current program participants/tenants, family members of applicants and participants, and property owners/landlords, and contractors.

Distribution of Total LEP population. The Census' 2022 5-year American Community Survey update estimates that there are 74,000 people in the City of Sacramento and 206,000 people in Sacramento County over 5 years of age who speak English "less than very well." This is equivalent to 14% of the city's population and 13% of the county's population. This compares to17% LEP residents in the State of California overall. The percentage of LEP persons receiving assistance from SHRA programs is slightly less than LEP data countywide. Combined program participants in 2024 totaled 13,978 with 12% or 1,685 individuals identified as LEP persons.

Figure 1 shows the distribution of LEP individuals in Sacramento County.

Figure 1.

LEP Distribution



Source: American Community Survey5 year estimates, 2022

Source: 2022 American Community Survey.A

City of Sacramento LEP Languages. Within the LEP groups, the languages with the highest population of residents who do not speak English well in the city of Sacramento are Spanish, other Asian languages, Chinese, and other Indo-European languages. Proportionately, Chineseand Vietnamese are the highest LEP, followed by other Asian languages and Russian.

Figure 2.
City of Sacramento LEP Languages

Source: American Community Survey 5 year estimates, 2022

Note: Data from the American Community Survey relies on self-reporting and does not specify various dialects spoken within a language (e.g. for Chinese-speaking individuals, Mandarin, Cantonese, etc.).

City of Sacramento	% LEP	
Spanish	37%	33,057
Other Asian languages	42%	10,661
Chinese	62%	9,805
Other IndoEuropean languages	32%	8,323
Vietnamese	65%	5,882
Tagalog	38%	3,180
Russian	41%	2,391
Arabic	19%	1,352
Korean	21%	184

County of Sacramento LEP Languages. Consistent with the city of Sacramento, within LEP groups, the languages with the highest population of residents who do not speak English well inthe county of Sacramento are also Spanish, other Asian languages, Chinese, and other IndoEuropean languages. Likewise, Chines and Vietnamese are the highest LEP proportionately in the county followed by other Asian languages and Russian.

Figure 3.
County of Sacramento LEP Languages

Source: American Community Survey 5 year estimates, 2022

Note: Data from the American Community
22,625 Survey relies on self-reporting and does not specify various dialects spoken within a language (e.g. for Chinese-speaking individuals, Mandarin, Cantonese, etc.).

County of Sacramento	% LEP	
Spanish	34%	71,814
Other IndoEuropean languages	41%	30,879
Russian	54%	25,974
Chinese	57%	
Other Asian languages	39%	21,246
Vietnamese	63%	17,840
Tagalog	35%	9,954
Arabic	21%	3,403
Korean	48%	2,153

4

SHRA LEP Distribution. Most of the federally funded services and programs at SHRA are targeted to low- and extremely low-income households; however, the U.S. Census LEP data isnot cross-tabbed with household income to evaluate the potential income eligibility of LEP persons for HUD programs. As such, it must be assumed that the data above represent low income populations, as well as populations overall.

The Public Housing and the Housing Choice Voucher programs compared with the communitypercentage of each language yields the following. The top five languages served at SHRA are

shown in Table 1. However, SHRA strives to close the gap of services provided to Spanish-speaking LEP persons participating in, applying to, or requesting information about its programs.

From the data for both the larger applicant pool and the lottery pool, we can see that similar ethnic groups of families with limited English capabilities were selected. In 2024, there were a combined total of 110,861 families on all SHRA wait lists. When these families are added to thenumber of families participating in HCV and those residing in Public Housing, the total numberis 124,839, which yields the following percentages:

TABLE 1 SHRA LEP Persons on Waitlists and Existing Families

Top Five Languages	# of Families on Waitlist	% of Families on Waitlist
1. Persian	124	0.24%
2. Spanish	123	0.24%
3. Russian	108	0.21%
4. American Sign Language	79	0.15%
5. Pashto	75	0.15%

*Total HCV and Public Housing waitlist applicant records is ~~81,047~~ 42,773.

TABLE 2: Comparison of SHRA LEP Participants with Sacramento County LEP Individuals

Housing Authority Top 6 Languages	# Housing Authority Families*	% of Housing Authority Families*	Sacramento County Ranking	Sacramento County %
Russian	453	2.91%	3	<1%
Vietnamese	384	2.47%	6	1%
Hmong	296	1.90%	NA	<1%
Spanish	190	1.22%	1	4.5%
Chinese	148	0.95%	4	1.4%
Persian	84	0.54%	N/A	N/A

*Total HCV and Public Housing LEP Participants.

Based on 2024 participant data, approximately 10% of 12,025 participating families receivingHCV assistance identified as LEP persons (see Appendix A). Outreach to Asian-language

speakers has been more successful and SHRA continues to improve outreach to Spanish speaking individuals and families to ensure that it is meeting the local housing needs of theCounty's largest identified LEP population.

In 2024, 2,881 participant families received public housing assistance, with approximately 8.5%identified as LEP persons (see Appendix A).. However, this reporting has significantly improvedover the last year due to training provisions to ensure accurate information is collected as partof the recertification/intake process in order to capture all LEP families living in Public Housingor participating in the HCV program.

TABLE 3: Percentage of LEP Served by Program

SHRA Program	Percentage of Top 5 Languages Served
Housing Choice Voucher (HCV)	
Russian	3.17%
Vietnamese	2.36%
Hmong	2.17%
Spanish	0.97%
Chinese	0.75%
Public Housing	
Vietnamese	3.27%
Spanish	3.01%
Chinese	2.39%
Russian	1.09%
Romanian	0.57%

FACTOR 2. The frequency with which LEP persons come into contact with the programs. On average, a family may come in contact with Housing Authority staff at least three times a year for various reasons. Initial applications for Public Housing and Housing Choice Vouchers are accepted online. Once selected for housing, the lease-up process may take two or three visits orinteraction with SHRA staff. After that, there is the annual recertification process, the annual inspection process, as well as any required updates to family income or composition.

FACTOR 3. The nature and importance of the program, activity, or service provided by the Agency. The provision of affordable housing and housing assistance meets a critical need in anycommunity. In Sacramento County, there are 2,881 public housing residents and 13,630 voucher holders.

Housing Choice Voucher. To successfully participate in the HCV program, applicants and tenantsmust be able to participate in compulsory activities, such as the voucher briefing, the annual re-

examination and inspection/re-inspection process, and attendance at informal reviews or hearings when a family is denied assistance or termination from the program is proposed. Beingable to understand SHRA's information is vital to obtaining a voucher, finding and moving into housing, remaining in the home, and remaining in the program through compliance with program requirements and regulations.

Public Housing. To participate successfully in SHRA's public housing program, applicants and tenants must be able to complete the application, understand the occupancy policies and leasesor rental agreements along with house rules so that they can enjoy residing in their homes whileabiding by those rules. Additionally, it is crucial that residents of public housing understand written notices about the program and their continued participation in the program.

FACTOR 4. The resources available and cost. The Housing Authority is committed to spending the resources needed, within reason, to ensure that LEP families are accommodated. With approximately 1,685 documented LEP families (or 10% of combined program participants) coming into contact with Housing Authority staff approximately three times per year, more than5,000 annual LEP contacts occur, mostly during inspections and annual recertifications.

SHRA has a contract with AMN translation that provides interpretation and translationservices in more than 180 languages. During the past year, SHRA provided telephonic interpretation services for LEP participants in 15 different languages.

The Housing Authority is committed to translating vital documents when it is necessary for the family to have equal access to housing services; however, the current cost to provide translated documents in all of the languages spoken by LEP persons in populations exceeding 1,000 is disproportionate to the frequency of the contact between these populations and SHRA and theirparticipation in its programs. Using vital documents translated by HUD is the most cost- effective option. However, there are still instances when documents must be customized to contain specific information detailing the participant's particular case. Protocol is in place to ensure these participants are aware of access to free language assistance.

Both the Housing Authorities of the City and County of Sacramento have approved the Agency'sbudget resolutions, which include annual funding to cover costs for on-call and translation services. In addition, SHRA has identified several bilingual staff members who are available to assist with translation and interpretation services in Spanish, Chinese (Cantonese and Mandarin),and Hmong.

Additionally, SHRA maintains positive relationships with social service agencies and communitybased organizations that can assist with informal translations in a variety of languages.

It is a priority to use limited funding to maximize access to as many vital documents as possible.An analysis of vital documents for translation in Appendix C identifies those documents that have already been translated by HUD or others, those documents for which the most vital

information can be provided in a summary, rather than a translation of the entire document, andthose documents where interpretation of the document will be available in multiple languages.

The Language Access Plan (LAP)

SHRA has prepared this LAP to address the identified needs of the LEP populations served or potentially served by its programs. In compliance with federal guidelines, SHRA will make reasonable efforts to provide free language assistance for LEP clients in all of its programs so asto ensure that these individuals have meaningful access to programs.

SHRA is committed to effectively serving LEP persons through this Administrative Plan, and willutilize bilingual staff, on-call telephone interpretations services, downloadable documents fromwebsites, and other resources as necessary to meet the public's LEP needs. Implementation of the LAP will continue to evolve over time in response to data such as the 2022 American Community Survey and new technology resources.

B. How LEP Persons Are Identified

An LEP person is an individual who does not speak English as his/her primary language and whohas a limited ability to speak, read, write, or understand English at a level that permits him/her to communicate effectively in the course of applying for, or receiving, agency services or benefits.[2]

LEP residents are typically identified by staff when they first interact with SHRA—e.g., when an application is requested, though a phone call, etc.

Points and Type of Contact with LEP Persons

C. Wait Lists

Housing Choice Voucher. The Housing Choice Voucher Program operates using a computerizedand randomized lottery system. Wait list times vary and, because the demand for vouchers far outweighs the supply, the wait list is open only periodically.

Public Housing. The Public Housing program has site-based wait lists. Various lists open and close at different times as the need for more applicants to occupy rental housing units arises.

Online Wait list Information. When the wait lists are open for Public Housing or Housing Choice Vouchers, applications are accepted electronically in several languages via a web portal at www.sacwaitlist.com. This website is google translate enabled and has information in multiple languages indicating that assistance is available and how to contact the Agency.

When letters are mailed to families selected from the waitlist, they contain information urgingthose with language needs to contact the Agency for professional, reliable, and confidential language assistance.

Public Housing and the Housing Choice Voucher program disseminate information on waitlist opening and closing on the Sacramento Housing and Redevelopment Agency website at www.shra.org. This site is also google translate enabled with multiple languages available. SHRAalso has a contract with Stratus Translation Services used by Housing Choice Voucher staff.

Intake Appointments. SHRA has combined Intake staff to process applications for Public Housing and Housing Choice Voucher programs. Intake staff have procedures to follow to helpnew LEP applicants. Intake staff members show the LEP applicant the Language Identification Flashcard so they may point to their preferred language of communication.

Once a client selects a language on the flashcard, Intake staff will contact the Housing Authority's professional, contracted language vendor to request telephonic interpretation in theclient's preferred language.

[2]U.S. Department of Housing and Urban Development., "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited EnglishProficient Persons" 72 F.R. 2732 (Jan. 22, 2007).

A conference call can be facilitated by Intake staff so that the interpretation-assisted call can take place at the client's home or at SHRA's office. Intake staff facilitates calls with the professional interpreter, the resident or participant, and SHRA staff. This takes a high degree of coordination; however, the benefit is that it helps to make language interpretation available at atime and place that is convenient for the family.

Generally, to fill out a full application and sign other necessary paperwork, the telephonic interpreter will interact with the staff interviewer who will explain to the interpreter what is beingasked, and the interpreter will communicate that to the LEP family in their preferred language during a three-way call facilitated by Intake staff. When the LEP family responds in their preferred language, the interpreter then communicates the information to the Intake staff, who can transcribe information from the interpreter onto the English data form. The English data form is the official form.

Intake staff will, with the family's permission, have the family's language input into the housingsoftware system, which has a searchable field for "language." This helps the Housing Authoritydetermine how many families or individuals speak specific languages and better prepares for future communication with the family in their preferred language.

Briefing Appointments. Any family that wishes to be provided with interpretation services for abriefing appointment will be asked to provide the Housing Authority with 48 hours' notice so that contracted and qualified interpreters who speak the family's language can be scheduled. Sometimes, in-house staff interpreters are available to provide immediate assistance to the families. LEP families can be at home and ask questions of the staff person in real time over thephone or through a virtual meeting format with the help of the interpreter.

Recertification Appointments. Annual Recertification packets are mailed to each participant inthe HCV program ~~and are provided at Public Housing site offices~~.

However, if LEP families need help completing the packet they can phone the Agency's call center or, for public housing, the property's office. Staff from either the call center or property site office can call the Agency's contract interpreter and they will place the family on a three-wayphone call to explain the questions to LEP families in their native language. HCV call center staffor Public Housing property office staff can take the answers from the interpreter in English and complete the forms.

Often, families use English-speaking third party contacts to complete their paperwork. All tenants or participants who indicate that they would like their third party contact to receive written correspondence from SHRA will receive notice that it is time to recertify for continuedeligibility. This enables the third party to work with the family to complete the paperwork accurately and it is more likely to be on time.

D. Outreach and Language Assistance

Notice of Right to Language Assistance. It is important for SHRA to let LEP persons know that language access services are available and that they are free of charge. Notices will be providedin the LEP individual's preferred language.

SHRA will inform LEP persons of language access services by:

- Posting signs in common areas, offices, and on the premises where applications are completed in person. These signs are posted in multiple languages and state that languageservices are free upon request;
- Stating in outreach materials that free language access services are available;
- Working with community organizations to inform LEP persons of the availability oflanguage services;
- Updating the current phone system to include more language options for the languagesmost frequently requested;
- Informing LEP individuals online through the SHRA website that language-access assistanceis available, posting identified documents in multiple languages.

Additional Outreach for Housing Choice Voucher. SHRA will provide notices in non-English printand online social media about available language assistance services and how to access them.

Publicizing the opening of the HCV wait list is conducted through news items in ~~the following~~English and non-English media outlets prior to and during the opening of public housing andthe Housing Choice Voucher Program wait lists.

E. Staff Capacity and Training

Staff Capacity. The Agency has designated a staff member for the Housing Choice Voucher andthe Public Housing Programs to be Language Access Plan (LAP) Coordinator for these program duties. LAP Coordinator(s) are responsible for monitoring LEP activities in the HCV and Public Housing programs. Staff, residents, participants, and public suggestions to improve or revise efforts to accommodate LEP families' needs are directed to these LAP Coordinator(s). The two LAP Coordinators report directly to the Assistant Director for each program. The Assistant Directors have overall responsibility for ensuring that resources are available for program compliance and for coordination and cooperation between the programs. In addition to the contracted vendor, which can provide interpretation services in more than 180 languages, certain staff members have been identified for language interpretation to provide oral and/or written translation assistance.

Staff Training. Staff members who interact with clients receive training on using the "Language Identification Flashcards" and the Agency's translation services vendor. This training is documented so that new staff members are exposed to it as part of the orientation process in their departments. Existing staff members are also provided periodic refresher trainings on these procedures.

Staff training topics include:

- Discussion of the Language Access Plan and obligation to provide language assistance
- How to respond to LEP callers
- How to respond to written/email communications from LEP clients
- How to respond to in-person LEP clients
- How to use "Language Identification Flashcards"
- How to operate the on-call telephone interpretation services
- Becoming familiar with staff and outside vendors available for interpretation at appointments
- Becoming familiar with the location of translated documents
- How to correctly document language preference in SHRA's database

In accordance with 24 CFR §§982.54(d)(6) and 982.304, SHRA will educate Housing Choice Voucher Program staff of their obligation to assist families claiming that discrimination has prevented them from leasing a suitable unit by providing them information on how to completeand file a housing discrimination complaint.

F. Language Access Measures and Services Provided

Language Access Measures. Language access includes interpretation and/or translation. SHRA identifies interpretation to be spoken language assistance, while translation refers to providingwritten information in the identified language that assistance is needed. However, there will betimes when language assistance may include oral interpretation of a written document.

SHRA will determine when interpretation and/or translation are needed and reasonable. Staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients whohave difficulty communicating in English. If a client asks for language assistance, and SHRA determines that the client is an LEP person, SHRA will make reasonable efforts to provide freelanguage assistance. SHRA has the discretion to determine the type of language assistance necessary to provide meaningful access to its programs.

Written Translation

Vital Documents. HUD has defined "vital documents" as those forms or documents that are critical for ensuring meaningful access, or awareness of rights or services, or federally funded services or benefits. SHRA staff have reviewed forms and policy documents and identified those which would be classified "vital" for both HCV and public housing programs in Appendix C. HUDGuidance notes that "vital" information may include, for instance, the provision of information inappropriate languages other than English regarding where an LEP person might obtain an interpretation or translation of a document.

The list of vital documents may be revised to meet the needs of LEP families. Requests may come from staff, residents, participants, managers or executives and will be routed through the LEP Coordinators for each program. Documents in specific languages will be placed in a designated language folder in the appropriate Agency electronic library so that both programs may utilize documents originated by the other, as appropriate. Documents specific to each program may be kept in electronic folders in those department drives, filed by form or function.

SHRA will begin to phase in translated documents to be in compliance with the federal standardas required to translate those documents into at least several of the more frequently encountered languages and will set benchmarks for continued translations into the remaining languages over time. A phased strategic approach to translation is suggested within fiscal constraints by incorporating those forms or brochures that have been translated by HUD, and identifying those where a summary rather than the entire document may be sufficient. In the meantime, a cover sheet will be included with written materials for LEP participants that indicates that language access is available and how to obtain these services free of charge. As vital documents are phased into circulation, a cover sheet will be used to provide summary information of documents for participants. See Appendix C for a full list of vital documents.

A reasonable alternative to preparing written translation of all SHRA documents is providing oral interpretation of the document. In the Analysis of Vital Documents in Appendix C, staff has evaluated whether to translate the document in its entirety, translate a summary or highlights, use a translation available from other resources, or attach a cover sheet to the form offering oraltranslation. Based on analysis of Factors 1 and 2, the document cover sheet with a statement that oral translation is available should be available in Spanish, Russian, Chinese, Vietnamese, Persian and Hmong.

SHRA is committed to providing translation of vital documents to LEP persons. According to the2022 5-year American Community Survey, only LEP Spanish speakers approach the 5% threshold(4.8% in the county and 6.6% in the city). However, this does not minimize the importance of ensuring that resources are available for LEP persons when a population threshold of 1,000 is met.

TABLE 4: Safe Harbor Guidelines

Size of Language Group	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries and more than 50 in number	Translated vital documents

More than 5% of the eligible population or beneficiaries and 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

Interpretation Services

Oral Language. Oral interpretation can be provided by formal (e.g. contracted professional vendors) or informal interpreters (e.g. family member, friend or other individual fluent in Englishand the necessary language). SHRA is committed to accuracy in interpretation services providedto LEP persons.

When services are provided by SHRA, these services will be provided in a timely manner ("provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or servicesto the LEP person.") [2007 HUD LEP Federal Guidance, VI A 1]

Formal Interpreters Preference. While many applicants, public housing residents, and HousingChoice Voucher participants prefer to bring relatives and friends to interpret English for them in their native language, SHRA employees are advised to use the SHRA's professional language assistance contractor to ensure accurate translations are provided to the families on technical program issues and to avoid sensitive information being shared with relatives/children/friends.

Staff must advise LEP persons about the availability of free language services. Even if the applicant, resident, or participant is accompanied by a friend, relative, or caseworker fluent in hisor her preferred language, SHRA reserves the right to have a housing authority-contracted professional interpreter assist in the process to ensure that the companion's interpretation is accurate. The interpreter will not disclose non-public data without written authorization from the client.

Informal Interpreters. An LEP person may use an informal interpreter of his or her own choosing and at his or her own expense, either in place of, or as a supplement to, the free language assistance offered by SHRA. If possible, SHRA will accommodate an LEP client's request to use an informal interpreter in place of a formal interpreter. There are some situations where family members or friends are not suitable translators (e.g. family members under 18 years of age who may not have the ability to translate technical terms or perpetrators of domestic violence, or elder abuse, or suspected perpetrators of program fraud who should not be allowed in the sameroom with the applicant, resident, or participant during the interpretation). There may also be issues of confidentiality, competency, or conflict of interest.

If an LEP client prefers an informal interpreter to interpret after SHRA has offered free interpretation services, the informal interpreter may interpret. In these cases, the client and interpreter may sign a waiver of free interpretation services or other documentation of the offerof formal interpreter services, the refusal, and SHRA's accommodation of the client's wishes.
SHRA staff must be sensitive to the feelings of the LEP person, but personal safety must be apriority.

G. Monitoring and Updating the Language Access Plan (LAP)

SHRA will monitor the impact of its LAP by seeking the feedback of those who use LAP services.The LAP and demographics and the need for LEP services is reviewed as part of the 5-year Consolidated Plan. . Changes in procedures will be incorporated on an ongoing basis ensure that SHRA maintains consistency with the LAP Plan and that daily service efforts adequately serve LEP clients.

SHRA will review the LAP periodically, but no less than every three years, to evaluate its overall effectiveness and any changes in the LEP populations or their needs. Modifications to the Planmay be based on:

- Frequency of contact analysis of LEP clients and callers by staff
- Analysis of requests for interpreters and translation, as well as literacy skills of clientsrequesting language assistance: number of requests, languages requested, costs, etc.
- Reports from SHRA's database system on the numbers of program participants who are LEPand listing the languages used by LEP clients
- Based on the above data, assessment of whether existing language assistance services aremeeting the needs of clients who are LEP
- Assessment of whether staff members understand the LAP and procedures
- Review of vital documents and appropriateness of translations available
- Nature and importance of activities and information to LEP clients
- Availability of resources
- Whether identified sources for assistance are still available
- U.S. Census data/American Community Survey

SHRA employees, program applicants, HCV program participants, or public housing residentswho receive a report, or become aware, that a LEP person believes he/she has not been provided with language assistance services in accordance with this LAP should report that information to the LAP Coordinator(s). Incidents will be documented for response and will indicate if any immediate action is needed to update the LAP.

APPENDIX A: 2024 SHRA HCV and Public Housing LEP Participants

Language	# Participants	Program
Afrikaans	2	hcv
American Sign Language	14	hcv
Arabic	8	hcv
Armenian	6	hcv
Azerbaijani	1	hcv
Bosnian	2	hcv
Cambodian	1	cnv
Chinese (Cantonese)	102	hcv
Chinese (Cantonese)	26	cnv
Chinese (Mandarin)	17	hcv
French	1	hcv
German	2	hcv
Hindi	1	hcv
Hmong	296	hcv
Hmong	2	cnv
Khmer	2	hcv
Korean	7	hcv
Korean	1	cnv
Lao	5	hcv
Lao	4	cnv

Mien	20	hcv
Mien	2	cnv
Pashto	11	hcv
Persian	84	hcv
Persian	4	cnv
Polish	1	hcv
Punjabi	1	hcv
Romanian	15	hcv
Romanian	6	cnv
Russian	432	hcv
Russian	11	cnv
Samoan	1	hcv
Spanish	132	hcv
Spanish	32	cnv
Tagalog	3	hcv
Tagalog	1	cnv
Ukrainian	72	hcv
Uzbek	1	hcv
Vietnamese	321	hcv
Vietnamese	35	cnv

APPENDIX B: 2024 SHRA HCV and Public Housing Ranking of LEP Participantand Waitlist

HCV Program Languages		
Total Number of Participants: 13,630		
Top Six Languages	**# of HCV Families**	**Percent**
1. Russian	432	3.17%
2. Vietnamese	321	2.36%
3. Hmong	296	2.17%
4. Spanish	132	0.97%
5. Chinese	102	0.75%
6 . Persian	84	0.62%

Public Housing Program Languages		
Total Number of Participants: 2,881		
Top Five Languages	**# of HCV Families**	**Percent**
1 Spanish	62	2.62%
2 Chinese	55	2.33%
3 Vietnamese	52	2.20%
4 Russian	19	0.80%
5 Hmong	12	0.51%

Top 5 Program Languages for Combined Programs with Waitlists		
Total Participants: 81,322		
Top Five Languages	**# of Applicants**	**Percent**
1. Persian	124	0.15%
2. Spanish	123	0.15%
3. Russian	108	0.13%
4. American Sign Language	79	0.10%
5. Pashto	75	0.90%

APPENDIX C: Analysis of Vital Documents

Keeping in the spirit of HUD's *"Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited EnglishProficient Persons",* this is an expansive list of identified vital documents. However, this list is subject to change throughout a given year due to federal changes and guidelines.

HCV Intake Forms, Letters and Notices	Translation of Full Document	Translation of Summary	Cover Sheet Offering Oral Translation	Translations Available	HUD Form Number
Anticipated Withdrawal	X			CH, HMG, RUS, SP, VTN	
Informal Review (IR) request	X			CH, HMG, RUS, SP, VTN	
IR appointment		X		CH, HMG, RUS, SP, VTN	
IR rescission		X		CH, HMG, RUS, SP, VTN	
IR decision		X		CH, HMG, RUS, SP, VTN	
Prop term rescission		X		CH, HMG, RUS, SP, VTN	
Termination of Assistance	X			CH, HMG, RUS, SP, VTN	
Interview Invite		X		CH, HMG, RUS, SP, VTN	

Final Int. Invite (for Part B app)		X		CH, HMG, RUS, SP, VTN	
Interview attended letter		X		CH, HMG, RUS, SP, VTN	
Briefing Appt.	X			CH, HMG, RUS, SP, VTN	
RA forms	X			CH, HMG, RUS, SP, VTN	
Port Denial	X			CH, HMG, RUS, SP, VTN	
Return to waiting list		X		CH, HMG, RUS, SP, VTN	
Remove from waiting list	X			CH, HMG, RUS, SP, VTN	
Voucher change		X		CH, HMG, RUS, SP, VTN	
Voucher extension		X		CH, HMG, RUS, SP, VTN	
2nd Voucher extension		X		CH, HMG, RUS, SP, VTN	
Voucher Expired	X			CH, HMG, RUS, SP, VTN	
Self-Termination		X		CH, HMG, RUS, SP, VTN	
Suspension of Process	X			CH, HMG, RUS, SP, VTN	
Zero Income Checklist		X		CH, HMG, RUS, SP, VTN	
Pre App update	X			CH, HMG, RUS, SP, VTN	

Pre App update confirmation letter		X		CH, HMG, RUS, SP, VTN	
Add on Request		X		CH, HMG, RUS, SP, VTN	
Denial from complex		X		CH, HMG, RUS, SP, VTN	
Additional Info Requested	X			CH, HMG, RUS, SP, VTN	

PBV Initial Interview Briefing	X			CH, HMG, RUS, SP, VTN	
PP - Second Interview Appointment	X			CH, HMG, RUS, SP, VTN	
Eligibility Denial Notice	X			CH, HMG, RUS, SP, VTN	
Notice Advising of Free Language Assistance	X			CH, HMG, RUS, SP, VTN	
~~Authorization for the Release of Information/Privacy Act Notice~~				~~AM, AR, CAMB, CH, CREOLE, FR, HMG, KOR, RUS, SP, TG, VTN~~	~~9886~~

HCV Only					
Application		X	X	CH, HMG, RUS, SP, VTN	
Voucher	X			AR, CAMB, CH, CREOLE, FR, HMG, KOR, RUS, SP, VTN	52646

Statement of Homeowner Obligations				AR, CAMB, CH, CREOLE, FR, HMG, KOR, RUS, SP, VTN	52649
Family Self-Sufficiency Program Contract (Instructions and Attachment)				AR, CAMB, CH, CREOLE, FR, HMG, KOR, RUS, SP, VTN	52650
Family Self Sufficiency Program Escrow Account				AR, CAMB, CH, CREOLE, FR, HMG, KOR, RUS, SP, VTN	52652
Housing Assistance Payments Contract Section 8 Tenant-Based Assistance				AR, CAMB, CH, CREOLE, FR, HMG, KOR, RUS, SP, VTN	52641
Tenancy Addendum Section 8 Tenant-Based Assistance HCV Program				AM, AR, CAMB, CH, CREOLE, FR, HMG, KOR, RUS, SP, VTN	52641-A
Supplement to Application for Federally Assisted Housing: Supplemental and Optional Contact Information				AM, AR, CAMB, CH, CREOLE, FR, HMG, KOR, RUS, SP, VTN	92006

Request for Tenancy Approval – HCV				AM, AR, CAMB, CH, CREOLE, FR, HMG, KOR, RUS, SP, TG, VTN	52517
HUD Allowances for Tenant-Furnished Utilities and Other Services				AR, CAMB, CH, CREOLE, FR, HMG, KOR, RUS, SP, VTN	52667
Contract Termination Notice			X	CH, HMG, RUS, SP, VTN	

Disposition Notice			X	CH, HMG, RUS, SP, VTN	
Exclusion of In-Home Supportive Services (IHSS) Income	X			CH, HMG, RUS, SP, VTN	
Family Obligations	X			CH, HMG, RUS, SP, VTN	
Informal Hearing Request	X			CH, HMG, RUS, SP, VTN	
Live-In Aide Yearly Certification Notice	X			CH, HMG, RUS, SP, VTN	
Mandatory Tenant Conference Disposition Notice (with WARNING for recertifications ONLY)			X	CH, HMG, RUS, SP, VTN	
Notice of Mandatory Tenant Conference			X	CH, HMG, RUS, SP, VTN	
Notice of Proposed Termination of HCV Eligibility			X	CH, HMG, RUS, SP, VTN	
Notice of Termination of Assistance			X	CH, HMG, RUS, SP, VTN	
Recertification Notice			X	CH, HMG, RUS, SP, VTN	
Subsidy Adjustment Notice Homeownership Program			X	CH, HMG, RUS, SP, VTN	

Subsidy Adjustment Notice Housing Choice Vouchers (HCV)			X	CH, HMG, RUS, SP, VTN	
Voucher Expiration Notice	X			CH, HMG, RUS, SP, VTN	
Warning Notice			X	CH, HMG, RUS, SP, VTN	
Rescission of Notice of Proposed			X	CH, HMG, RUS, SP, VTN	
Termination of HCV Eligibility			X	CH, HMG, RUS, SP, VTN	
Notice of Termination of Assistance after 180 Days with Zero Housing Assistance Payment (HAP)			X	CH, HMG, RUS, SP, VTN	
Notice of Mandatory Tenant Conference			X	CH, HMG, RUS, SP, VTN	
(recertifications only)					
Mover Request Denial			X	CH, HMG, RUS, SP, VTN	
Mover Request Confirmation			X	CH, HMG, RUS, SP, VTN	
RFTA		X		CH, RUS, SP, VTN, HMG	
Affordability Worksheet		X		CH, RUS, SP, VTN, HMG	
Abatement Letter		X		CH, RUS, SP, VTN, HMG	

RFTA Void	X			CH, RUS, SP, VTN, HMG	

The following documents are not PHA Created.					
Debts Owed to Public Housing Agencies and Terminations s					HUD-52675
Utility Allowance Schedule					HUD-52667
Family Report					50058
Authorization for the Release of Information/Privacy Act Notice					HUD-9886-A
A Good Place to Live (Housing Quality Standards)					HUD-593-PIH
Certification of Domestic Violence, Dating Violence, orStalking					HUD-5382
Fair Housing EqualOpportunity for All					HUD-1686-1 FHEO
Are You A Victim of Housing Discrimination?					HUD-903.1
Is Fraud Worth It?					HUD-1141

Key: AM= Amharic, AR=Arabic, CAM= Cambodian, CREOLE=Creole, CH=Chinese, FR=French, HMG=Hmong, HND=Hindi, KOR=Korean, RUS=Russian, SOM=Somali, SP=Spanish, TG=Tagalog, VTN=Vietnamese

Legal considerations of translated leases and documents. HUD recommends that when leases are translated into languages other than English, Public Housing Authorities (PHAs) should only ask the tenant to sign the English lease as the only binding document. “The translated document would be provided to the tenant, but marked “ForInformation only.” HUD was asked whether leases, rental agreements and other housingdocuments of a legal nature are enforceable in U.S. courts when they are in languages other than English and responded generally that the English-language document prevails. The HUD translated documents may carry the disclaimer: "This document is a translation of a HUD-issued legal document. HUD provides this translation to you merely as a convenience to assist in your understanding of your rights and obligations.The English language version of this document is the official, legal, controlling document. This translated document is not an official document."[3]

[3] HUD: Limited English Proficiency (LEP) Frequently Asked Questions (http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq)

Chapter 27 VIOLENCE AGAINST WOMEN ACT

INTRODUCTION

Title VI of the Violence Against Women Act (VAWA) adds a new housing provision that establishes several categories of protected individuals. Under the law victims of domestic violence, dating violence, stalking, and victims of sexual assault are granted protections, and cannot be denied or terminated from housing or housing assistance because of activity that is directly related to domestic violence.

A. PURPOSE

The purpose of this policy is to reduce domestic violence, dating violence, sexual assault, and stalking and to prevent homelessness by:

- protecting the safety of victims;
- creating long-term housing solutions for victims;
- building collaborations among victim service providers; and
- assisting the PHA to respond appropriately to the violence while maintaining a safe environment for the PHA, employees, tenants, applicants, Housing Choice Voucher participants, and others.

The policy will assist the Sacramento County Housing Authority and Sacramento City Housing Authority (PHA) in providing rights under the Violence Against Women Act to its applicants, public housing residents, Housing Choice Voucher participants and other program participants.

This policy is incorporated into the PHA's "Admission and Continuing Occupancy Policy", and "Housing Choice Voucher Program Administrative Plan" and applies to all PHA housing programs.

B. DEFINITIONS

The definitions in this Section apply only to this policy.

Actual or imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual or imminent threat, the factors to be considered include: The duration of the risk; the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated individual means a spouse, parent, brother, sister, child or a person to whom the tenant stands in the place of a parent or guardian, or any individual, tenant, or other lawful occupant living in the tenant's household.

Confidentiality: The PHA will not enter information provided to the PHA by a victim alleging domestic violence into a shared database or provide this information to any related entity.

Dating Violence: Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.

Domestic Violence: The term 'domestic violence' includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—

(A) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;

(B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) shares a child in common with the victim; or

(D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Economic Abuse: The term 'economic abuse', in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to—(A) restrict a person's access to money, assets, credit, or financial information; (B) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or (C) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

Technological Abuse: The term 'technological abuse' means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Immediate Family Member: A spouse, parent, brother or sister, or child of a victim or an individual to whom the affiliated individual; or any other person living in the household of the victim and related to the victim by blood or marriage.

Perpetrator: A person who commits an act of domestic violence, dating domestic violence or stalking against a victim.

Safe Unit: refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

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

Sexual Abuse: To cause substantial emotional or physical harm to the victim, an affiliated individual of the victim or the spouse or intimate partner of the victim.

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

Bona Fide Claim: A bona fide claim of domestic violence, dating violence or stalking must include incidents that meet the terms and conditions in the above definitions.

~~C. CERTIFICATION AND CONFIDENTIALITY~~

~~The person claiming protection under VAWA shall provide complete and accurate certifications to a PHA owner or manager within 14 business days after the party requests in writing that the person completes the certifications. If the person does not provide a complete and accurate certification within the 14 business days a PHA owner or manager may take action to deny or terminate participation or tenancy. Mitigating circumstances will be considered in any case where the person or family did not submit or could not submit documentation timely. Additional time may be granted to a family on a case by case basis.~~

> ~~1. Acceptance of Verbal Statement~~
> ~~PHAs are not required to ask for documentation when an individual presents a claim for VAWA protections; the PHA may instead choose to provide benefits to an individual based solely on the individual's verbal statement or other corroborating evidence. If the PHA decides to rely on such information, the PHA will document in a confidential manner, the individual's verbal statement or other corroborating evidence.~~

~~D. HUD APPROVED CERTIFICATION~~

~~For each incident that a person is claiming as abuse, the person may certify to the PHA, owner or manager, their victim status by completing a HUD approved certification (form HUD-5382). The person shall certify the date, time and description of the incidents, that the incidents are bona fide incidents of actual or threatened abuses and meet the requirements of VAWA and this Policy. The person shall provide information to identify the perpetrator including but not limited to the name and, if known, all alias names, date of birth, address, contact information such a postal, e-mail or internet address, telephone or facsimile number or other identification if it is safe to provide and is known to the victim.~~

~~E. OTHER CERTIFICATION~~

~~A person who is claiming victim status may provide to the PHA, an owner or manager: (a) documentation signed by the victim and an employee, agent or volunteer of a victim service provider, an attorney, record of administrative agency, mental health professional or a medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse, in which the professional attests under penalty of perjury the professional's belief that the incident(s) in question are bona fide incidents of abuse; or (b) a federal, state, tribal, territorial, local police or court record. Additional information may be requested for additional clarification purposes.~~

F. CONFIDENTIALITY

~~The PHA and the owner and managers shall keep all information provided to the PHA under this section confidential. The PHA and owner and manager shall not enter the information into a shared database or provide to any related entity except to the extent that:~~

- ~~the victim requests or consents to the disclosure in writing;~~
- ~~the disclosure is required for eviction from public housing and/or termination of Housing Choice Voucher assistance; or~~
- ~~the disclosure is required by applicable law.~~

If a tenant makes an inquiry about or requests any VAWA protections or represents that they or a household member are a victim of VAWA violence/abuse entitled to VAWA protections, SHRA must keep any information they provide concerning the VAWA violence/abuse, their request for an emergency transfer, and their or a household member's status as a victim strictly confidential. This information should be securely and separately kept from tenant files. All the information provided by or on behalf of the tenant to support an emergency transfer request, including information on the Certification Form (HUD-5382) and the Emergency Transfer Request Form (HUD-5383) (collectively referred to as "Confidential Information") may only be accessed by SHRA employees or contractors if explicitly authorized by SHRA for reasons that specifically call for those individuals to have access to that information under applicable Federal, State, or local law. Confidential information must not be entered into any shared database or disclosed to any other entity or individual, except if:

- Written permission by the victim in a time-limited release;
- Required for use in an eviction proceeding or hearing regarding termination of assistance; or
- Otherwise required by applicable law.

In addition, HUD's VAWA regulations require emergency transfer plans to provide strict confidentiality measures to ensure that the location of the victim's dwelling unit is never disclosed to a person who committed or threatened to commit the VAWA violence/abuse.

G. APPROPRIATE BASIS FOR DENIAL OF ADMISSION, ASSISTANCE, OR TENANCY

PHA shall not deny participation or admission to a program on the basis of a person's abuse status, if the person otherwise qualifies for admission of assistance.

An incident or incidents of actual or threatened domestic violence, dating violence, stalking, or victims of sexual assault will not be a serious or repeated violation of the lease by the victim and shall not be good cause for denying to a victim admission to a program, terminating Public Housing assistance or occupancy rights, or evicting a tenant.

Criminal activity directly related to domestic violence, dating violence, sexual assault or stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an affiliated individual of the tenant's family is the victim of that domestic violence, dating violence or stalking.

Nothing in the previous sections shall limit the PHA's authority to propose termination of assistance of any participant for any violation of program Family Obligations not premised on the act or acts of violence against the participant or a member of the participant's household. However, the PHA may not hold a victim to a more demanding standard.

Nothing in the previous sections shall limit the PHA's authority to propose termination of assistance, or deny admission to a program, if the PHA can show an actual and imminent threat to other tenants, neighbors, guests, their employees, persons providing service to the property or others if the participant family is not terminated from assistance or denied admission.

Nothing in the previous sections shall limit the PHA's authority to deny admission or terminate the assistance of a person who engages in criminal acts including but not limited to acts of physical violence or stalking against family members or others.

A Housing Choice Voucher participant who moves out of an assisted dwelling unit to protect their health or safety and who: (a) is a victim under this policy; (b) reasonably believes he or she was imminently threatened by harm from further violence if he or she remains in the unit; and (c) has complied with all other obligations of the Housing Choice Voucher program may receive a voucher and move to another Housing Choice Voucher jurisdiction.

H. ACTIONS AGAINST A PERPETRATOR

The PHA may take action against a perpetrator of domestic violence; however, the survivor of domestic violence may take action to control or prevent the violence, sexual assault, dating violence, or stalking. The action may include but is not limited to: (a) obtaining and enforcing a restraining or no contact order or order for protection against the perpetrator; (b) obtaining and enforcing a trespass against the perpetrator; (c) enforcing PHA or law enforcement's trespass of the perpetrator; (d) preventing the delivery of the perpetrator's mail to the victim's unit; (e) other reasonable measures.

I. ADVERSE FACTORS

HUD PIH-2017-08 states on the surface, adverse factors may appear unrelated to domestic violence, dating violence, sexual assault, or stalking and may present legitimate reasons for denial, termination, or eviction. However, the presence of an adverse factor may be due to an underlying experience of domestic violence, dating violence, sexual assault, or stalking. An adverse factor may be present during much of an abusive relationship, or it may present itself only when a victim is attempting to leave, or has left, the abusive relationship. The following examples are provided to give PHAs and owners a sense of the many instances in which adverse factors might be the "direct result" of domestic violence, dating violence, sexual assault, or stalking. Please note that this list is neither exhaustive nor definitive.

- Poor credit history
- Poor rental history
- Criminal record
- Failure to pay rent

J. PHA RIGHT TO TERMINATE HOUSING AND HOUSING ASSISTANCE UNDER THIS POLICY

Nothing in this Policy will restrict the PHA's right to terminate program assistance for program violations by a participant who claims VAWA as a defense if it is determined by the PHA that such a claim is not credible. Nothing in this policy will restrict the PHA's right to terminate program assistance if the participant (a) allows a perpetrator to violate a court order relating to the act or acts of violence; or (b) if the participant allows a perpetrator who has been barred from assisted unit to come onto the assisted unit including but not limited to the assisted unit's immediate vicinity under their control.

Nothing in this policy will restrict the PHA's right to terminate housing assistance if the participant who claims as a defense to an eviction or termination action relating to domestic violence has engaged in fraud and abuse against a federal housing program; especially where such fraud and abuse can be shown to have existed before the claim of domestic violence was made. Such fraud and abuse includes but is not limited to unreported income; unauthorized household members; and/or ongoing violations of program Family Obligations.

K. STATEMENTS OF RESPONSIBILITY OF PARTICIPANT, THE PHA TO THE VICTIMS, AND TO THE LARGER COMMUNITY

A participant has no less duty and responsibility under the program Family Obligations to meet and comply with the terms of the program than any other participant not making such a claim. Ultimately all participants must be able to take personal responsibility for themselves and exercise control over their households in order to continue their housing and housing assistance. The PHA will continue to address all participants who violate their Family Obligations including those who claim a defense of domestic violence. The PHA recognizes the pathologic dynamic and cycle of domestic violence and will work with victims of domestic violence partnering with other local victim support service providers and can refer the participant to the service providers when requested.

L. NOTICE TO APPLICANTS, PARTICIPANTS AND TENANTS

The PHA shall provide notice to applicants, participants, tenants, and managers of their rights and obligations under VAWA, including the right to confidentiality when a person is denied assistance, when a person is admitted, and when a tenant is notified of eviction or termination of housing benefits and within the 12 month period following December 16, 2016, either during the annual recertification process or lease renewal process, whichever is applicable. Tenant will also be provided with HUD form-5382 and Notice of Occupancy Rights Under VAWA.

M. REPORTING REQUIREMENTS

The PHA shall include in its 5-year plan a statement of goals, objectives, policies or programs that will serve the needs of victims. PHA shall also include a description of activities, services or programs provided or offered either directly or in partnership with other service providers to victims, to help victims obtain or maintain housing or to prevent the abuse or to enhance the safety of victims.

N. CONFLICT AND SCOPE

This Policy does not enlarge the PHA's duty under any law, regulation or ordinance. If this policy conflicts with the applicable law, regulation or ordinance, the law, regulation or ordinance shall control. If this policy conflicts with another PHA policy, this Policy will control.

O. EMERGENCY TRANSFERS

Sacramento Housing and Redeployment Agency (SHRA) is concerned about the safety of its participants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act of 1994, as amended (VAWA),[1] SHRA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.[2] The ability of SHRA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether SHRA has

[1] Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

[2] Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that ensures SHRA's covered housing programs comply with VAWA.

Definitions

- **External emergency transfer** refers to an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is, the tenant must undergo an application process in order to reside in the new unit.
- **Internal emergency transfer** refers to an emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.
- **Safe unit** refers to a unit that the victim of VAWA violence/abuse believes is safe.
- **VAWA violence/abuse** means an incident or incidents of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in 24 CFR 5.2003 and "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking" (Form HUD-5382)

Eligibility for Emergency Transfers

~~A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if:~~

~~The tenant expressly requests the transfer; and either:~~

~~a.) The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit; or~~

~~b.) If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.~~

~~Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.~~

A tenant may seek an emergency transfer to another unit if they or their household member is a victim of VAWA violence/abuse, as outlined in the "Notice of Occupancy Rights Under the Violence Against Women Act," Form HUD-5380. This emergency transfer plan provides further information on emergency transfers, and SHRA must provide a copy if requested. SHRA may ask for submission of a written request for an emergency transfer, such as form HUD-5383, to certify eligibility for the emergency transfer.

A Tenant is eligible for an emergency transfer if:

1. The tenant (or their household member) is a victim of VAWA violence/abuse;
2. The tenant expressly requests the emergency transfer; AND
3. EITHER

a. The tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if they or (their household member) stays in the same dwelling unit; OR
b. If the tenant (or their household member) is a victim of sexual assault, either the tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the tenant (or their household member) were to stay in the unit, or the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

SHRA, in response to an emergency transfer request, should not evaluate whether the tenant is in good standing as part of the assessment or provision of an emergency transfer. Whether or not a tenant is in good standing does not impact their ability to request an emergency transfer under VAWA.

Emergency Transfer Request Documentation

To request an emergency transfer, tenants with rental assistance should submit their written request to the following:

SHRA Main Office: 630 I Street, Sacramento, CA 95814

The tenant's written request for an emergency transfer must include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the tenant (or household member) stays in the same dwelling unit; OR
2. In the case of a tenant (or household member) who is a victim of sexual assault, **either** a statement that the tenant reasonably believes there is a threat of imminent harm from further violence or trauma if the tenant (or household member stays in the same dwelling unit), **or** a statement that the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when the assault occurred.

Form HUD-5383 may be used for making a written request for an emergency transfer.

SHRA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice.

If SHRA receives two or more completed form HUD-5382 that conflicts, SHRA can require the participant to submit third-party documentation within (30) calendar days. The tenant may submit one of the following types of third-party documentation:

a) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency documenting the domestic violence, sexual assault or stalking.
   - Documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse in which the professional attests under the penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse and that the victim of VAWA attests to the documentation.

Given the third-party documentation submitted, SHRA will make a best judgment determination of which individual is the true victim in order to resolve the conflict. Lastly, SHRA will provide reasonable accommodations to this policy for individuals with disabilities.

Emergency Transfer Timing and Availability

SHRA will expedite any pending processes once a participant submits an Emergency Transfer due to VAWA.

A. Tenant- Based Assistance under the HCV program
SHRA will assist the tenant with their move to a safe unit by issuing a voucher quickly. If an emergency transfer request is received during the initial term of the lease the family will be issued a Mutual Agreement to terminate the contract. For guidance on Moves with Continued Assistance see Administrative Plan Chapter 13.

B. Project-Based Assistance
Internal transfers when a safe unit is immediately available:
~~If the participant has not lived in the PBV unit for at least a year~~, SHRA will offer another PBV right sized unit, ~~if available, and ready for move-in with 30-days.~~

Internal transfers when a safe unit is not immediately available:

If a participant believes a proposed transfer would not be safe the participant may request a transfer to a different unit.

External transfers:

If SHRA has no available units at the current project-based voucher site, for which a tenant who needs an emergency transfer is eligible, SHRA will offer a project-based unit at another location. ~~will issue a tenant based voucher.~~

If a tenant makes an emergency transfer request and has been living in the PBV unit for one year or more, ~~SHRA will offer another PBV right sized unit, if available, and ready for move-in within 30-days or upon the participant's request SHRA~~ will issue a tenant-based voucher to move if available.

~~If a participant makes an emergency transfer request and has been living in the PBV unit for one year or more, SHRA will offer another PBV right sized unit, if available, and ready for move-in within 30-days or upon the participant's request SHRA will issue a tenant-based voucher to move. For guidance on Moves with Continued Assistance see Administrative Plan Chapter 13.~~

SHRA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. SHRA, however, will act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability of a unit.

SHRA will also assist tenants in contacting local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

C~~. Moderate Rehabilitation (Mod Rehab)~~

~~If the victim is a participant in the Mod Rehab program and request an emergency transfer from the owner as described in this plan, the owner will assist the victim with the move to an available unit as~~

~~quickly as possible. If a unit is not available for a tenant who qualifies for an emergency transfer, SHRA will:~~

~~1. Review the owner's (and other Section 8 Mod Rehab communities) existing inventory of units and determine when the next vacant unit may be available; and~~

~~2. Provide a listing of nearby HUD subsidized rental properties, with or without preference for persons who are victims of VAWA crimes domestic violence, dating violence, sexual assault, or stalking, and contact information for the local HUD field office~~

~~At the victim's request, SHRA will refer the victim to organizations that may be able to further assist the victim and provide a list of housing service providers in the community.~~

Priority for Transfers

Tenants who qualify for an emergency transfer under VAWA will be given the following priority over other categories of tenants seeking transfers and individuals seeking placement on waiting lists. These transfers will be categorized as emergency transfers and will be treated at the highest level of priority.

Emergency Transfer Procedure

SHRA cannot specify how long it will take from the time a transfer request is approved until the tenant can be placed in a new, safe unit. SHRA will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If SHRA identifies an available unit and the tenant believes that unit would not be safe, the tenant may request a transfer to a different unit. SHRA may be unable to transfer a tenant and their household to a particular unit if the tenant and their household has not established or cannot establish eligibility for that unit.

If SHRA does not have any safe and available units for which the tenant is eligible, SHRA will assist the tenant in identifying other covered housing providers who may have safe and available units to which the tenant could move. At the tenant's request, SHRA will also assist the tenant in contacting the local organizations offering assistance to victims of VAWA violence/abuse that are attached to this plan.

Safety and Security of Tenants

~~Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.~~

When SHRA receives any inquiry or request regarding an emergency transfer, SHRA will encourage the person making the inquiry or request to take all reasonable precautions to be safe, including seeking guidance and assistance from a victim service provider. However, tenants are not required to receive guidance or assistance from a victim service provider.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY). Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at https://ohl.rainn.org/online/. Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at https://www.victimsofcrime.org/our-programs/stalking-resource-center.

For additional information on VAWA and to find help in your area, visit https://www.hud.gov/vawa.

Local Organizations offering Assisting Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799- 7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact:

1. WEAVE 1900 K Street Sacramento, CA 95811 Phone number: (916) 448-2321
2. A Community for Peace 6060 Sunrise Vista Drive #2240 Citrus Heights, CA 95610 Phone number: (916) 728-5613
3. My Sisters House 3053 Freeport #120 Sacramento, CA 95818 Phone number: (916) 930-0626

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at https://www.victimsofcrime.org/our-programs/stalking-resource-center. For help regarding sexual assault, you may contact

1. WEAVE 1900 K Street Sacramento, CA 95811 Phone number: (916) 448-2321
2. A Community for Peace 6060 Sunrise Vista Drive #2240 Citrus Heights, CA 95610 Phone number: (916) 728-5613
3. My Sisters House 3053 Freeport #120 Sacramento, CA 95818 Phone number: (916) 930-0626

Victims of stalking seeking help may contact

1. WEAVE 1900 K Street Sacramento, CA 95811 Phone number: (916) 448-2321
2. A Community for Peace 6060 Sunrise Vista Drive #2240 Citrus Heights, CA 95610 Phone number: (916) 728-5613
3. My Sisters House 3053 Freeport #120 Sacramento, CA 95818 Phone number: (916) 930-0626

Chapter 28 THE FAMILY SELF-SUFFICIENCY PROGRAM

Chapter 1 THE FSS ACTION PLAN

INTRODUCTION

This chapter provides an overview of the family self-sufficiency (FSS) program and FSS action plan, including the purpose, organization, and required contents of the FSS action plan.

Part I: The Family Self-Sufficiency (FSS) Program and FSS Action Plan: This part provides an overview of the family self-sufficiency program and the purpose of the FSS action plan.

Part II: Requirements of the FSS Action Plan: This part covers action plan requirements, including development, revision, and contents of the action plan. It also contains information on family demographics, which is part of the required contents of the action plan.

PART I: THE FAMILY SELF-SUFFICIENCY (FSS) PROGRAM AND FSS ACTION PLAN

1.I.A. OVERVIEW OF THE FAMILY SELF-SUFFICIENCY PROGRAM

The origins of the FSS program are in two pilot projects implemented in 1986 and 1990, Project Self-Sufficiency and Operation Bootstrap, respectively. These projects were set up to test self-sufficiency programs for families with housing subsidies, and both demonstrated that families needed essential services in order to move toward economic self-sufficiency. These services include child care, transportation, medical care, and long-term education and training.

In the wake of the successful demonstration of these projects, family self-sufficiency became one of the initiatives under the Homeownership and Housing Opportunities for People Everywhere (HOPE) program enacted in 1990, and the FSS program was subsequently created under the National Affordable Housing Act the same year.

FSS built upon and refined both Project Self-Sufficiency and the bootstrap program. It remained a voluntary program in 1991 and 1992, but became mandatory in 1993 for any new increments of funding issued to PHAs. The 1993 regulations were further modified by the Quality Housing and Work Responsibility Act of 1998 (QHWRA).

The purpose of the FSS program is to coordinate housing assistance with public and private resources to enable assisted families to achieve economic self-sufficiency. The purpose and basic requirements of the FSS program are further elaborated upon in Chapter 2.

This family self-sufficiency program is administered by the Housing Authority of the City of Sacramento and the Housing Authority of the County of Sacramento.

1.I.B. APPLICABLE REGULATIONS

Applicable regulations for public housing and HCV FSS programs include:

24 CFR Part 5: General Program Requirements

24 CFR Part 8: Nondiscrimination

24 CFR Part 902: Public Housing Assessment System

24 CFR Part 903: Public Housing Agency Plans

24 CFR Part 945: Designated Housing

24 CFR Part 960: Public Housing Admission and Occupancy Policies

24 CFR Part 965: PHA-Owned or Leased Projects—General Provisions

24 CFR Part 966: Public Housing Lease and Grievance Procedures

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

24 CFR Part 984: Section 8 and Public Housing Family Self-Sufficiency Program

1.I.C. THE FAMILY SELF-SUFFICIENCY ACTION PLAN

The family self-sufficiency (FSS) action plan is required by HUD. The purpose of the FSS action plan is to establish policies for carrying out the family self-sufficiency program in a manner consistent with HUD requirements and local goals and objectives contained in the PHA's Agency Plan. This FSS action plan is a supporting document to the PHA Agency Plan and is available for public review as required by 24 CFR Part 903.

This family self-sufficiency action plan is set forth to define the PHA's local policies for operation of the program in the context of federal laws and regulations. All issues related to FSS not addressed in this document are governed by such federal regulations, HUD handbooks and guidebooks, notices, and other applicable laws. The policies in this FSS action plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

The PHA is responsible for complying with all changes in HUD regulations pertaining to the FSS program. If such changes conflict with this plan, HUD regulations will take precedence.

Administration of the FSS program and the functions and responsibilities of PHA staff shall be in compliance with the PHA's personnel policy and HUD's family self-sufficiency regulations, as well as all public housing and HCV regulations, in addition to federal, state, and local fair housing laws and regulations.

PART II. REQUIREMENTS OF THE FSS ACTION PLAN

1.II.A. OVERVIEW

A PHA must have a HUD-approved action plan before implementing an FSS program, regardless of whether the FSS program is a mandatory or voluntary program. Further, this action plan must comply with the requirements specified for the plan in the regulations
[24 CFR §984.201(a)].

The regulatory requirements dealing specifically with the FSS action plan itself largely involve the development, revision, and required contents of the action plan. This part covers those requirements.

1.II.B. HUD APPROACH TO POLICY DEVELOPMENT

In developing policy for the FSS action plan, PHAs need to be aware of the distinction HUD makes between mandatory and discretionary policies.

Mandatory policies are those driven by legislation, regulations, current handbooks, notices, and legal opinions.

Discretionary policies consist of those developed for areas in which the PHA has regulatory discretion, or with regard to optional, nonbinding guidance including guidebooks, notices that have expired, and recommendations from individual HUD staff.

HUD expects PHAs to develop policies and procedures that are consistent with mandatory regulations and to make clear the optional policies the PHA has adopted. The PHA's FSS action plan is the foundation of those policies and procedures for the FSS program. HUD's directions require PHAs to make policy choices that provide guidance to staff and consistency to program applicants and participants.

Following HUD guidance, even though it is not mandatory, provides a PHA with a "safe harbor." HUD has already determined that the recommendations and suggestions it makes are consistent with mandatory policies. If a PHA adopts an alternative strategy, it must make its own determination that the alternative approach is consistent with legislation, regulations, and other mandatory requirements. There may be very good reasons for

adopting a policy or procedure that is different than HUD's safe harbor, but PHAs should carefully consider those decisions.

1.II.C. FSS ACTION PLAN DEVELOPMENT AND REVISION

Development of Action Plan [24 CFR §984.201(b) and (c)]

When developing an FSS action plan, a PHA must do so in consultation with the chief executive officer of the applicable unit of general local government and the program coordinating committee (PCC).

In addition, a PHA that is establishing its FSS program must submit an action plan to HUD for approval within 90 days after the PHA receives notice from HUD of approval of the PHA's application for funding that establishes the obligation to operate an FSS program. This deadline is required unless the dates are extended by HUD for good cause.

For voluntary FSS programs, the PHA must submit its action plan and obtain HUD approval of the plan before it can implement the FSS program. This includes a voluntary program established because the PHA chose to implement an FSS program that exceeds the minimum size for a mandatory program (see Section 2-II.A. for a discussion of mandatory versus voluntary FSS programs).

Single Action Plan [24 CFR §984.201(f)]

PHAs implementing both a Section 8 FSS program and a public or Indian housing FSS program may submit one action plan. In cases where the PHA decides to submit one plan for more than one program, the policies contained in the action plan would apply to both programs.

PHA Policy

The PHA is implementing both an HCV FSS program and a public housing FSS program and will submit one action plan, the policies in which apply to both programs.

Revision to the FSS Action Plan [24 CFR §984.201(c)(2)]

Following HUD's initial approval of the action plan, no further approval of the action plan is required unless the PHA proposes to make policy changes to the action plan or increase the size of a voluntary program, or to revise the FSS action plan as needed to comply with changes in HUD regulations. The PHA must submit any changes to the action plan to HUD for approval.

PHA Policy

The PHA will review and update the action plan at least once a year, and more often if needed, to reflect changes in regulations, PHA operations, or when needed to ensure staff consistency in operation.

1.II.D. CONTENTS OF THE PLAN [24 CFR §984.201(d)]

HUD regulations state that there are several components that must be included in the FSS action plan. At a minimum, the action plan must cover the policies and procedures of the PHA for operation of a local FSS program as follows:

Family demographics, including a description of the number, size, characteristics, and other demographics such as racial and ethnic data, in addition to the supportive service needs of the families expected to participate in the program. (Chapter 1)

Estimate of participating families, which means the number of families which can reasonably be expected to receive supportive services under the FSS program.
(Chapter 2)

Eligible families from any other local self-sufficiency program who are expected to agree to execute an FSS contract of participation. (Chapter 2)

A statement of the PHA's FSS family selection procedures, including a description of how the procedures ensure that families are selected without regard to race, color, religion, disability, sex, familial status, or national origin. (Chapter 4)

A description of the incentives that the PHA intends to offer to families to encourage participation in the FSS program (an incentives plan), including the establishment of the escrow account. (Chapter 4)

Outreach efforts, which include a description of the PHA's efforts to recruit eligible families, the actions the PHA will take to ensure that both minority and nonminority groups are informed about the FSS program, and how the PHA will make this information known. (Chapter 4)

A description of the FSS activities and supportive services to be provided by both public and private resources to FSS families, and identification of these public and private resources. (Chapter 4)

A description of the PHA's method for identifying family support needs, including how the PHA will identify the needs and deliver the services. (Chapter 4)

A description of the PHA's policies regarding program termination, withholding of services or terminating or withholding Section 8 assistance on the basis of a family's failure to comply with the FSS contract, and available grievance procedures. (Chapter 5)

Assurances of noninterference with rights of non-participating families which state that a family's election to not participate in the FSS program will not affect the family's admission to the public housing or HCV program, nor will it affect their right to occupancy in accordance with its lease. (Chapter 4)

Timetable for program implementation, including the schedule for filling FSS slots with eligible families. (Chapter 2)

Certification of coordination, which is a certification that the development of services and activities under the FSS program has been coordinated with the Workforce Investment Act (formerly JTPA), Workforce Investment Board and One Stop Centers (formerly JOBS program), and any other relevant employment, child care, transportation, training, and education programs in the applicable area, and that implementation will continue to be coordinated, in order to avoid duplication of services and activities. (Chapter 4)

Optional additional information, which involves such other information that would help HUD determine the soundness of the PHA's proposed FSS program.

1.II.E. FAMILY DEMOGRAPHICS [24 CFR §984.201(d)(1)]

As part of the required contents of the FSS action plan, family demographics of the housing choice voucher and public housing program participants serve to provide a description of the number, size, characteristics, and other descriptive data (including racial and ethnic data of those participants). These data may later be used to help the housing authority and the program coordinating committee (PCC) to identify supportive service needs of the families expected to participate in the FSS program.

	CITY		**COUNTY**	
Housing Choice Voucher/ Public Housing	**Total Families**	**Percent of Total**	**Total Families**	**Percent of Total**
All Families	**43**		**110**	
Single	35	81	53	48
Female HOH	41	95	97	88
Male HOH	2	0.5	4	0.03
Race				
White	10	23	16	15
Black/African American	32	74	87	79
American Indian/Alaska Native	2	0.5	2	0.02
Asian	2	0.5	8	0.07
Native Hawaiian/Other Pacific Islander	2	0.5	2	0.02
Ethnicity				
Hispanic or Latino	**6**	13	9	0.08

Not Hispanic or Latino	**37**	86	101	92
Income				
Extremely Low-Income	32	74	69	63
Very Low-Income	8	19	27	25
Low-Income	3	0.6	12	11
HOH Income from Wages	30	70	63	57
Other Member Income from Wages	5	12	6	0.5
HOH Income from TANF	3	0.6	34	31
Other Member Income from TANF	3	0.6	0	0
HOH Income from SSI	6	14	11	0.1
Other Member Income from SSI	2	0.5	7	0.06
Number of Children	**83**			
0	2	0.04	19	17
1-2	23	53	53	48
3-4	50	116	60	55
5 or more	10	23	13	12

Total Number of Family Members	**136**			
1-2	16	37	44	40
3-4	14	33	49	45
5 or more	13	30	17	15
Persons with Disabilities	6	14	23	21
HOH Person w/ Disabilities (HUD)	1	.2	7	0.06
Family Members w/ Disabilities	5	12	16	15

Chapter 2 PURPOSE, SCOPE, AND APPLICABILITY OF THE FAMILY SELF-SUFFICIENCY PROGRAM

INTRODUCTION

This chapter contains information about the FSS program's purpose, size, and measurable objectives as well as information on program operation. This includes potential participant demographics, the program timetable, the number of families to be served, and the size of the PHA's voluntary FSS program. This chapter also contains definitions of the key terms in this FSS action plan.

Part I: The Purpose and Basic Requirements of the FSS program: This part includes a description of the purpose of the FSS program on a national level—its intent, goal, and major strategies.

Part II: The Scope of the FSS program: This part contains information about the size of the PHA's FSS program, an estimate of participating families, eligible families from other self-sufficiency programs, and eligibility for combined FSS programs.

Part III: Program Operation: This part specifies the requirements for FSS program operation, including the deadlines for program start-up and when the PHA is expected to have attained full enrollment.

Part IV: The Definitions of Terms Used in the PHA's FSS program: This section contains both HUD and PHA definitions for terms used in this policy document.

PART I: PURPOSE AND BASIC REQUIREMENTS OF THE FSS PROGRAM

2.I.A. PURPOSE

The purpose of the family self-sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of public housing assistance and housing assistance under the housing choice voucher program and the public housing program with public and private resources enabling families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency (24 CFR §984.101(a)(1)).

In addition to this broader national goal of the FSS program, the PHA also establishes a local goal consistent with the PHA's mission statement to serve as a guide for establishing policy and implementing the FSS program.

PHA Policy

The Housing Authority of the City and County of Sacramento's goal in operating an FSS program is to match housing-assisted families with existing services so that they may achieve self-sufficiency defined as completion of the contract of participation.

2.I.B. PROGRAM OBJECTIVES (24 CFR §984.102)

In order to reach the FSS national program goal, HUD has defined its FSS program objective as to reduce the dependency of low-income families on welfare assistance and on Section 8, public, or any federal, state, or local rent or homeownership subsidies. Under the FSS program, low-income families are provided opportunities for education, job training, counseling, and other forms of social service assistance while living in assisted housing so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency. As with the goals of the program, FSS program objectives are defined on the national level through FSS regulation, and on the local level by PHA policy.

PHA Policy

On the local level, the PHA will achieve the national program objective by offering low-income families a broad range of services through partnering with the program coordinating committee (PCC). These services will provide long-term education, job training, counseling, and other forms of social service assistance so that families may achieve economic self-sufficiency, as defined in Section 2-I.A. of this document.

II.I.C. BASIC REQUIREMENTS OF THE FSS PROGRAM (24 CFR §984.104)

An FSS program established under 24 CFR Part 984 must operate in conformity with the regulations and this FSS action plan (as required in 24 CFR §984.201), provide comprehensive supportive services (as defined in 24 CFR §984.103), and operate in compliance with nondiscrimination and equal opportunity requirements.

PART II: SCOPE OF THE FSS PROGRAM

2.II.A. PHA'S REQUIRED TO OPERATE AN FSS PROGRAM

Each PHA that received funding for public housing units under the FY 1991 and FY 1992 FSS incentive award competitions must operate a public housing FSS program. Each PHA that received funding for Section 8 rental certificates or vouchers under the combined FY 1991/1992 FSS incentive award competition also must operate a Section 8 FSS program.

In addition, unless the PHA receives an exemption under 24 CFR §984.105, each PHA for which HUD reserved funding (budget authority) for additional rental certificates or vouchers in FY 1993 through October 20, 1998, must operate a Section 8 FSS program. Each PHA for which HUD reserved funding (budget authority) to acquire or construct additional public housing units in FY 1993 through October 20, 1998, must operate a public housing FSS program as well.

Mandatory Minimum Program Size (MMPS) [24 CFR 984.105]

PHAs that must operate an FSS program under 24 CFR§ 984.101 is subject to a minimum program size requirement.

PHA Minimum Program Size

The PHA's public housing program has no mandatory minimum program size requirement and operates a voluntary FSS program.

The PHA's housing choice voucher FSS MMPS is currently 38. The MMPS is determined by adding the number of housing choice voucher program units reserved under the combined FY 1991/1992 FSS incentive award competition to the number of additional rental voucher units reserved in FY 1993 through October 20, 1998 (not including the renewal of funding of units previously reserved), then subtracting the units that are excluded from the minimum program size (excluding funding for families affected by termination, expiration, or owner opt-out under Section 8 project-based programs; funding for families affected by demolition or disposition of a public housing project or replacement of a public housing project; funding for families affected by conversion of assistance from Section 23 leased housing or housing assistance payments programs to the housing choice voucher program; funding for families affected by the sale of a HUD-owned project; and funding for families affected by the prepayment of a mortgage or voluntary termination of mortgage insurance).

Maintaining Mandatory Minimum Program Size

Although the discretion to do so ultimately rests with the PHA, mandatory minimum program size can decrease as FSS participants graduate. Per the regulation, for each family that graduates from the program by fulfilling its FSS contract of participation on or after October 21, 1998, the mandatory minimum program size for a PHA's public housing or housing choice voucher FSS program is reduced by one slot. However, If an FSS slot is vacated by a family that has not completed its FSS contract of participation obligations, the slot must be filled by a replacement family which has been selected in accordance with the FSS family selection procedures [24 CFR §984.105(b)(3)].

PHA Policy

The PHA will reduce the FSS mandatory minimum program size by one for each family that graduates from the program by fulfilling its FSS contract of participation.

Option to Operate Larger FSS Program

A PHA may choose to operate an FSS program of a larger size than the minimum required by HUD (24 CFR §984.105(a)(3)).

PHA Policy

The PHA's housing choice voucher program has a mandatory minimum program size of 38 and will operate a voluntary FSS program along with the public housing program over the mandatory program size for a total FSS program size of at least 150.

Exception to Program Operation [24 CFR §984.105(c)]

The requirement to establish and carry out a public housing or a housing choice voucher FSS program may be waived with approval from HUD. In order to waive the requirement, the PHA must provide a certification to HUD that the establishment and operation of an FSS program is not feasible because of a lack of accessible supportive services funding, including lack of the availability of programs under JTPA or JOBS; a lack of funding for reasonable administrative costs; a lack of cooperation by other units of state or local government; or a lack of interest in participating in the FSS program on the part of eligible families.

An exception will not be granted if HUD determines that local circumstances do not preclude the PHA from effectively operating an FSS program that is smaller than the minimum program size.

Reduction in Program Size

Rather than a full exception to program operation, a PHA may also be permitted to operate a public housing or a housing choice voucher FSS program that is smaller than the minimum program size. As with the full exception,

HUD may grant the PHA such a partial exception if the PHA provides to HUD a certification that the operation of an FSS program of the minimum program size is not feasible because of a decrease in or lack of accessible supportive services [24 CFR §984.105(d)].

Expiration of Exception

The approval for a full or partial exception to the FSS minimum program size requirement expires three years from the date of HUD approval of the exception. If a PHA seeks to continue an exception after its expiration, the PHA must submit a new request and a new certification to HUD for consideration [24 CFR §984.105(e)].

2.II.B. ESTIMATE OF PARTICIPATING FAMILIES [24 CFR §984.201(d)(2)]

The PHA must state the number of eligible FSS families who can reasonably be expected to receive supportive services under the FSS program based on available and anticipated federal, tribal, state, local, and private resources

Estimate of Eligible Families

Two Hundred and ten eligible FSS families can reasonably be expected to receive supportive services under the FSS program, based on available and anticipated federal, tribal, state, local, and private resources: a maximum of 50 for the Housing Authority of the City of Sacramento public housing, 50 for the Housing Authority of the County of Sacramento public housing, and 50 for the Housing Authority of the County of Sacramento Housing Choice Voucher Program.

2.II.C. ELIGIBLE FAMILIES FROM OTHER SELF-SUFFICIENCY PROGRAMS [24 CFR §984.201(d)(3)]

If applicable, the PHA must enter the number of families, by program type, who are participating in any other local housing self-sufficiency program who are expected to agree to execute an FSS contract of participation.

PHA Policy

The PHA does not operate other self-sufficiency programs and therefore no additional families from other programs are expected to execute an FSS contract of participation.

2-II.D. ELIGIBILITY OF A COMBINED PROGRAM [24 CFR §984.201(e)]

A PHA that wishes to operate a joint FSS program with other PHAs may combine its resources with one or more PHAs to deliver supportive services under a joint action plan that will provide for the establishment and operation of a combined FSS program that meets the requirements of this part.

PHA Policy

The PHA will combine its resources with the City of Sacramento Housing Authority & the County of Sacramento Housing Authority to deliver supportive services under this action plan. This policy provides for the establishment and operation of combined FSS program with the City of Sacramento Housing Authority & the County of Sacramento Housing Authority.

PART III: PROGRAM OPERATION

III.A. OVERVIEW

Federal regulations specify requirements for FSS program operation regarding deadlines for program start-up and when the PHA is expected to have attained full enrollment. A timetable illustrating when the PHA intends to meet these deadlines is included as part of the required contents of the action plan.

III.B. PROGRAM IMPLEMENTATION DEADLINE

The deadlines for program implementation differ depending on whether the FSS program is voluntary or mandatory.

Voluntary Program (24 CFR §984.301(a)(1))

There is no deadline for implementation of a voluntary program. However, a voluntary program may not be implemented before the requirements specified in 24 CFR §984.201 have been satisfied (see Sections 1-II.A.–1-II.D.). The PHA's public housing FSS program of the City & County of Sacramento is a voluntary program.

III.C. FULL ENROLLMENT AND DELIVERY OF SERVICE [24 CFR §984.301(a)(2)(ii)]

Unless the PHA is implementing a voluntary FSS program, the PHA must have completed enrollment of the total number of families required to be served under the program (based on the minimum program size), and must have begun delivery of the supportive services within two years from the date of notification of approval of the application for *new public housing units* for a public housing FSS program, *new rental certificates or rental vouchers* for a Section 8 FSS program, or HUD's approval of funding that establishes the obligation to operate an FSS program.

III.D. EXTENSION OF PROGRAM DEADLINES FOR GOOD CAUSE (24 CFR §984.301(a)(2)(iii))

HUD may extend the deadline for program implementation if the PHA requests an extension and HUD determines that despite best efforts on the part of the PHA, the development of new public housing units will not occur within the required deadlines, the commitment by public or private resources to deliver supportive services has been withdrawn, the delivery of such services has been delayed, or other local circumstances warrant an extension of the required deadlines.

III.E. TIMETABLE FOR PROGRAM IMPLEMENTATION [24 CFR §984.201(d)(ii)]

A timetable for implementation of the FSS program is part of the required contents of the FSS action plan. The timetable must comply with the requirements in 24 CFR §984.301 (see Section 2-III.B.–2-III.D.), including the schedule for filling FSS slots with eligible FSS families.

PHA Policy

The PHA implemented its FSS program in 1993 and has met its former timetable deadlines.

The PHA implemented its FSS program according to the following timetable:

Activity	Month and Date
Establish PCC	1992
Conduct Program Needs Assessment	1992
Resource Identification	1992
Establish Policies	1992
Design Service Delivery	1992
Develop Administrative Procedures	1992
Begin Service Delivery	1992
Conduct Outreach	1992

Conduct Orientations	1992
Conduct Individual Needs Assessment	1992
Begin Contracting	1992
Complete Contracting	1992

PART IV: Definitions

IV.A. DEFINITIONS [24 CFR 984.103]

The terms *1937 Act, fair market rent, HUD, low-income family, public housing, public housing agency (PHA),* s*ecretary,* and *Section 8,* as used in this document are defined in the 24 CFR Part 5.

The term *very low-income family* is defined in 24 CFR §813.102 and 24 CFR §913.102.

The terms used in this document have the following definitions as defined by 24 CFR 984.103 and this family self-sufficiency action plan.

Certification means a written assertion based on supporting evidence, provided by the FSS family or the PHA, which must be maintained by the PHA in the case of the family's certification, or by HUD in the case of the PHA's certification; made available for inspection by HUD, the PHA, and the public, as appropriate; and be deemed to be accurate, unless the secretary or the PHA determines otherwise after inspecting the evidence and providing due notice and opportunity for comment.

Chief executive officer (CEO) means the CEO of a unit of general local government who is the elected official or the legally designated official having primary responsibility for the conduct of that entity's governmental affairs.

Contract of participation (COP) means a contract in a form approved by HUD, entered into between a participating family and a PHA operating an FSS program that sets forth the terms and conditions governing participation in the FSS program. The contract of participation includes all individual training and services plans entered into between the PHA and all members of the family who will participate in the FSS program, and which plans are attached to the contract of participation as exhibits. For additional details, see 24 CFR 984.303.

Earned income means income or earnings included in annual income from wages, tips, salaries, other employee compensation, and self-employment. Earned income does not include any pension or annuity, transfer payments, any cash or in-kind benefits, or funds deposited in or accrued interest on the FSS escrow account established by a PHA on behalf of a participating family.

Effective date of contract of participation means the first day of the month following the month in which the FSS family and the PHA entered into the contract of participation.

Eligible families for the public housing FSS program means current residents of public housing, and for the housing choice voucher FSS program, means current housing choice voucher program participants. Eligible families also include current residents of public housing and participants in the housing choice voucher program who are participants in other local self-sufficiency programs.

Enrollment means the date that the FSS family entered into the contract of participation with the PHA.

Family self-sufficiency program or *FSS program* means the program established by a PHA within its jurisdiction to promote self-sufficiency among participating families, including the provision of supportive services to these families, as authorized by section 23 of the 1937 Act.

FSS account means the FSS escrow account authorized by section 23 of the 1937 Act.

FSS credit means the amount credited by the PHA to the participating family's FSS account.

FSS family or participating family means a family that resides in public housing or receives assistance under the rental voucher programs that elects to participate in the FSS program and whose designated head of the family has signed the contract of participation.

FSS-related service program means any program, publicly or privately sponsored, that offers the kinds of supportive services described in the definition of *supportive services*.

FSS slots refer to the total number of public housing units or the total number of rental vouchers that comprise the minimum size of a PHA's respective public housing FSS program or HCV FSS program.

FY means federal fiscal year (starting with October 1, and ending September 30, and designated by the calendar year in which it ends).

Head of FSS family means the adult member of the FSS family who is the head of the household for purposes of determining income eligibility and rent.

Housing subsidies means assistance to meet the costs and expenses of temporary shelter, rental housing, or homeownership, including rent, mortgage, or utility payments.

Individual training and services plan (ITSP) means a written plan that is prepared for the head of the FSS family and each adult member of the FSS family who elects to participate in the FSS program, by the PHA in consultation with the family member, and which sets forth the supportive services to be provided to the family member, the activities to be completed by that family member, and the agreed upon completion dates for the services and activities. Each ITSP must be signed by the PHA and the participating family member, and is attached to and incorporated as part of the contract of participation. An ITSP must be prepared for the head of the FSS family.

JTPA means the Job Training Partnership Act (29 U.S.C. 1579(a)) now known as the Workforce Investment Act or WIA.

Knowledgeable professional means a person who is knowledgeable about the situation, competent to render a professional opinion, and is not in a position to gain, monetarily or otherwise, from the PHA FSS program decision in the area to which they are certifying.

Participating family is defined as *FSS family* in this section.

Program coordinating committee (PCC) means the committee described in 24 CFR §984.202.

Public housing means housing assisted under the 1937 Act, excluding housing assisted under Section 8 of the 1937 Act.

Self-sufficiency means that an FSS family is no longer receiving Section 8, public, or Indian housing assistance, or any federal, state, or local rent or homeownership subsidies or welfare assistance. Achievement of self-sufficiency, although an FSS program objective, is not a condition for receipt of the FSS account funds.

Supportive services mean those appropriate services that a PHA will make available or cause to be made available to an FSS family under a contract of participation. These may include child care of a type that provides sufficient hours of operation and serves an appropriate range of ages; transportation necessary to enable a participating family to receive available services or to commute to their places of employment; remedial education; education for completion of secondary or post-secondary schooling; job training, preparation, and counseling; job development and placement; and follow-up assistance after job placement and completion of the contract of participation; substance/alcohol abuse treatment and counseling; training in homemaking and parenting skills; household management; money management; counseling regarding homeownership or opportunities available for affordable rental and homeownership in the private housing market (including information on an individual's rights under the Fair Housing Act) and money management; and any other services and resources, including case management and reasonable accommodations for individuals with disabilities, that the PHA may determine to be appropriate in assisting FSS families to achieve economic independence and self-sufficiency.

Unit size or *size of unit* refers to the number of bedrooms in a dwelling unit.

Welfare assistance means (for purposes of the FSS program only) income assistance from federal or state welfare programs and includes only cash maintenance payments designed to meet a family's ongoing basic needs. Welfare assistance does not include non-recurrent, short-term benefits that are designed to deal with a specific crisis situation or episode of need, or are not intended to meet recurrent or ongoing needs and will not extend beyond four months; work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training); supportive services such as child care and transportation provided to families who are employed; refundable earned income tax credits; contributions to, and distributions from, individual development accounts under TANF; services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement and other employment-related services that do not provide basic income support; transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Social Security Act, to an individual who is not otherwise receiving assistance; amounts solely directed to meeting housing expenses; amounts for health care; food stamps and emergency rental and utilities assistance; and SSI, SSDI, or social security.

Chapter 3 PROGRAM ADMINISTRATION

INTRODUCTION

This chapter discusses administrative policies and practices as they are relevant to the activities covered in this plan. The policies and practices are discussed in two parts:

Part I: Staffing, Fees and Costs, and On-Site Facilities: This part describes identifying appropriate staff and contractors to operate the FSS program and provide the necessary direct services to FSS families. In addition, it describes how administrative fees, costs, and supportive services will be funded, and defines the use of on-site facilities.

Part II: The Program Coordinating Committee: This part covers the establishment of a program coordinating committee (PCC), which is a regulatory requirement for the FSS program. It describes required and recommended PCC membership, in addition to the option for an alternative committee.

PART I. Staffing, Fees and Costs, and On-Site Facilities

3-I.A. OVERVIEW

Several functions of program administration are crucial to running an FSS program. A PHA may need to employ a program coordinator, or decide to contract with another organization to administer the program. In addition to staffing issues, PHAs should understand how program funding and expenses work in order to keep the program running smoothly. Finally, PHAs need to sort out whether and how to make common areas or unoccupied units to provide supportive services.

3-I.B. PROGRAM ADMINISTRATION STAFF AND CONTRACTORS [24 CFR §984.301(b)]

PHAs have the choice between hiring their own staff and contracting with an outside organization to administer their FSS program. If the PHA should choose to employ its own staff, the staffing levels should be appropriate, and may include one or more FSS coordinators. If the PHA chooses to contract with an outside organization, the organization's staffing levels must likewise be appropriate to establish and administer the FSS program, and the organization's responsibilities would include managing the FSS account in accordance with federal regulations.

PHA Policy

The PHA will employ appropriate staff, including one or more FSS coordinators or program coordinators to administer its FSS program.

3-I.C. ADMINISTRATIVE FEES AND COSTS

In the past, the ways in which administrative fees and costs were funded were different for public housing and housing choice voucher FSS programs, and the use of such funding was restricted to the applicable program. In the Consolidated Appropriations Act of 2014, however, funding streams for the PH FSS and HCV FSS programs were combined, and all FSS funding is now awarded through one NOFA. Use of this funding is no longer restricted to the applicable program—funding now may be used to serve both PH and HCV FSS participants.

Funding will be awarded through a Grant Agreement and disbursed through HUD's Line of Credit Control System (LOCCS), similar to previous PH FSS awards; instead of an amendment to the PHA's Annual Contributions Contract (ACC), which was previously used for HCV awards.

PH FSS and HCV FSS funds awarded in prior years are still restricted to the applicable program, Rental Assistance Demonstration (RAD) programs excepted. Funding differences regarding previous years' funding is specified below.

Public Housing FSS Program

For public housing FSS programs, the performance funding system (PFS), provided under section 9(a) of the 1937 Act provides for the reasonable and eligible administrative costs that the PHA incurs in carrying out the program only when funds have been appropriated. However, a PHA may use other resources for this purpose [24 CFR §984.302(a)].

In other words, the PHA may fund reasonable and eligible administrative costs in the FSS program from the Operating Fund. However, these expenses will only be reimbursed in the operating subsidy when a current appropriations act allows it. In addition, the PHA may fund reasonable and eligible administrative costs from the Capital Fund. Administrative staffing costs may also be funded through HUD or other grant or foundation sources. This includes FSS Coordinator grants when available.

Housing Choice Voucher FSS Program

In the housing choice voucher program, administrative fees are paid to PHAs for HUD-approved costs associated with the operation of an FSS program. These administrative fees are established by Congress and subject to appropriations [24 CFR §984.302(b)].

In addition, administrative fees for HUD-approved costs not specifically related to the operation of the FSS program may be used to cover these costs associated with the administration of FSS [see Notice PIH 93-24 E-7 and E-8].

3-I.D. SUPPORTIVE SERVICES FEES AND COSTS

As with administrative fees and costs, funding for supportive services fees and costs are now combined under one funding stream. Supportive services fees and costs include childcare expenses, transportation funds, and the costs of training, work equipment, or GED classes, among others. As with administrative fees and costs, funding will be awarded through a Grant Agreement and disbursed through HUD's Line of Credit Control System (LOCCS), similar to previous PH FSS awards; instead of an amendment to the PHA's Annual Contributions Contract (ACC), which was previously used for HCV awards. Remember, however, that funds awarded in prior years are still restricted to the applicable program. Information for funds under previous years' awards follows.

Public Housing Supportive Services

In public housing, the PHA may fund reasonable and eligible FSS supportive service costs in the FSS program from either the Operating Fund or the Capital Fund. However, in the Operating Fund, the costs of FSS supportive services are only reimbursed through the operating subsidy when appropriations allow it.

In addition to the Operating Fund and Capital Fund, public housing supportive services can also be funded through HUD grants, other than FSS coordinator grants, when available.

Housing Choice Voucher Supportive Services

In the housing choice voucher program, the PHA may fund reasonable and eligible FSS supportive service costs in the FSS program from unrestricted net assets [see Notice PIH 93-24, E-3].

In addition, the PHA may seek additional funds from HUD through submitting grant applications, or seek grants from other sources when available.

3-I.E. ON-SITE FACILITIES

Each PHA may, subject to the approval of HUD, make available and utilize common areas or unoccupied dwelling units in public housing projects to provide supportive services under an FSS program. This includes using such areas for participants in a housing choice voucher FSS program.

PHA Policy

The Housing Authority of the City and County of Sacramento will make office and community spaces available to provide services to FSS participants.

PART II: PROGRAM COORDINATING COMMITTEE

3-II.A. OVERVIEW

As another integral part of FSS program administration, each participating PHA must establish a program coordinating committee (PCC) whose functions will be to assist the PHA in securing commitments of public and private resources for the operation of the FSS program within the PHA's jurisdiction, including assistance in developing the action plan and in implementing the program [24 CFR §984.202(a)].

The PCC must consist of certain members, which are dependent upon whether the PHA is operating a public housing or housing choice voucher program. In addition to these required members, the PCC may also include additional members recommended by regulation.

3-II.B. PROGRAM COORDINATING COMMITTEE MEMBERSHIP

Required PCC Membership [24 CFR 984.202(b)(1)]

For a public housing FSS program, the PCC members required consist of representatives of the PHA and public housing residents. The public housing resident representatives on the PCC will be solicited from one or more of the following groups:

- An area-wide or city-wide resident council
- If the PHA will be transferring FSS participants to vacant units in a specific public housing development, the resident council or resident management corporation of the public housing development where the public housing FSS program is to be carried out
- Any other public housing resident group that the PHA believes is interested in the FSS program and would contribute to the development and implementation of the FSS program

For a housing choice voucher FSS program, the PCC membership must consist of representatives of the PHA and participants of the HCV program or HUD's public or Indian housing programs.

PHA Policy

The PHAs representative to the program coordinating committee will be the Program Manager of the Public Housing Program. The FSS coordinators will serve as administrative support to this committee.

Recommended PCC Membership [24 CFR §984.202(b)(2)]

Membership on the PCC also may include representatives of the unit of general local government served by the PHA, local agencies (if any) responsible for carrying out employment training programs or programs funded

under the Workforce Investment Act, and other organizations, such as other state, local, or tribal welfare and employment agencies, public and private education or training institutions, child care providers, nonprofit service providers, private business, and any other public and private service providers with resources to assist the FSS program.

PHA Policy

The PHA's FSS program coordinating committee membership will include leadership from the following organizations:

- Human service agencies
- State/City/County government
- Community colleges
- Financial institutions
- Mortgage Companies
- Private business sector
- Job training services
- Department of Workforce Services
- Nonprofit service providers
- A HCV client
- A Public Housing resident
- Housing Authority management team members

3-II.C. ALTERNATIVE PCC COMMITTEE [24 CFR §984.202(c)]

It is also possible for the PHA, in consultation with the chief executive officer of the unit of general local government served by the PHA, to use an existing entity as the PCC, as long as the membership of the existing entity consists or will consist of the individuals required by regulation (See section 3-II.B. above).

PHA Policy

The PHA will not utilize an existing entity as its program coordinating committee.

Chapter 4 SELECTING AND SERVING FSS FAMILIES

INTRODUCTION

FSS regulations require that the PHA include in its action plan a statement indicating how it will select families for participation in the FSS program. This includes outreach, waiting list management, and other selection procedures. When followed, the PHA's selection procedures ensure that families will be selected without regard to race, color, religion, sex, handicap, familial status, or national origin.

Once selected for participation in the FSS program, families are to be provided various activities and supportive services so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency. A description of such activities and supportive services is also a requirement of the FSS action plan.

This chapter contains three parts:

Part I: Incentives, Outreach, and Assurance of Noninterference: This part describes the incentives the PHA will offer and the outreach efforts the PHA will use in order to encourage participation and recruit eligible families for the FSS program. It also contains the required assurance of noninterference with the rights of nonparticipating families.

Part II: Family Selection: This part covers whether the PHA will use preferences for family selection and which preferences the PHA will employ if they choose to do so. In addition, this part describes the selection factors the PHA will use in screening families for participation in the FSS program.

Part III: Activities and Support Services: This part lists the activities and supportive services to be provided to families through both public and private resources, describes the method the PHA will use to identify family support needs, and covers the required certification of coordination.

PART I. INCENTIVES, OUTREACH, and Assurance of Noninterference

4-I.A. OVERVIEW

The FSS program offers incentives such as the FSS escrow account, case management, and other supportive services that not only encourage participation, but also help families achieve self-sufficiency. In addition to encouraging program participation through such incentives, PHAs also conduct outreach to recruit FSS participants from among eligible families. As part of this process, families need to know that their choice as to whether to participate in the FSS program will not affect their admission to the public housing or housing choice voucher programs, nor will it affect their right to occupancy. This part describes the PHA's policies regarding these issues, all of which are required aspects of the FSS action plan.

4-I.B. INCENTIVES FOR PARTICIPATION [24 CFR §984.201(d)(5)]

By regulation, the FSS action plan must include a PHA's incentives plan—a description of the incentives that the PHA intends to offer eligible families to encourage their participation in the FSS program. The incentives plan provides for the establishment of the FSS escrow account, and any other incentives designed by the PHA.

PHA Policy

As part of the FSS program, SHRA offers incentives to encourage participation and enhance the participant's ability to achieve self-sufficiency. The main incentive offered to all clients is the ability to build escrow money as eligible for deposits during participation in the FSS program. All escrow money earned shall be distributed to eligible clients (clients who have completed all goals outlined on the ITSP and are cash assistance free at the time of contract of Participation completion minus any monies owed to SHRA). FSS participants have access to financial counseling, credit repair, homeownership workshops and available resources about the home buying process.

Foster Youth to Independence (FYI) participants are entitled to receive FYI assistance for an additional 24-months beyond the 36-month time limit if registered in FSS.

FSS participants also have a number of personal incentives for involvement including structured goal planning, greater opportunity to increase their standard of living, an enhanced support system, and increased self-esteem. SHRA reserves the right to revise this plan when and if additional official incentives can be offered.

The PHA will offer the following services to its FSS participants as incentives to participate in FSS:

Incentive	Provided By	Description
FSS escrow account	SHRA	An interest-bearing account established by the PHA on behalf of the **FSS** family where deposits are made throughout the duration of the family's participation in the **FSS** program if and when a family's rent increases as a result of increased earned income of the **FSS** family.
Case management	SHRA staff	Assist participants with accessing services they may need to overcome barriers to employment, strengthen their financial

		capability, and address other challenges holding them back from achieving their goals.
Information on and referrals to services	SHRA staff	Participants will receive a variety of referrals based on their individual needs and goals.

4-I.C. OUTREACH EFFORTS [24 CFR §984.201(d)(6)(i)(ii)]

In addition to offering incentives for FSS participation, PHAs also conduct outreach in order to recruit more FSS participants from eligible families. The FSS action plan must include a description of these efforts to recruit FSS participants, including notification and outreach, the actions the PHA will take to assure that both minority and non-minority groups are informed about the FSS program, and how the PHA will make this information known.

PHA Policy
Efforts will be targeted equally to minority and non-minority families to ensure that non-English speaking families receive information and have the opportunity to participate in the FSS program. Efforts will also be made to serve persons with disabilities including, but not limited to, persons with impaired vision or hearing.

Publication and outreach efforts for the FSS program may include, but are not limited to, distribution of FSS program flyers in mass mailing of program information to current SHRA PH residents and HCV clients and distribution of materials to all eligible participants may occur at the discretion of the Program Manager of both PH and HCV and within the constraints of the SHRA budget.

PHA Policy
The PHA will notify eligible families about the FSS program using the following outreach locations, activities, methods, and languages, where appropriate. These points of contact and methods have been selected to ensure that both minority and nonminority groups are informed about the FSS program.

Location/Activity	**Staff/Partner**	**Method**	**Language**
Briefings/Orientations	PHA Staff Specialist	Flyer Presentation	English
Interims/Recertification's	PHA Staff Specialist	Flyer Posters Referral Form	English
Transfers/Portability	PHA Staff Specialist	Flyer Posters Presentation Referral Form	English
Lobby	PHA Staff Receptionist	Flyer Posters Video	English
Waiting Room	PHA Staff	Flyer Posters Video	English

4-I.D. ASSURANCE OF NONINTERFERENCE WITH THE RIGHTS OF NONPARTICIPATING FAMILIES [24 CFR §984.201(d)(10)]

A family's housing assistance or admission into assisted housing should never depend on whether they choose to participate in the FSS program, and PHAs need to make this known as part of the recruitment process. For this reason, the PHA's action plan must include an assurance that a family's decision to not participate in the FSS program will not affect the family's admission to the public housing or housing choice voucher programs, nor will it affect the family's right to occupancy in accordance with the lease.

PHA Policy

Participation in the FSS program is strictly voluntary. Public housing residents and housing choice voucher program participants will be notified in all literature and media presentations related to the FSS program that should they decide not to participate in the FSS program it will not affect their public housing or HCV housing assistance. This material will also specify that the family will retain the right to occupancy according to their lease and family obligations contract.

PART II. FAMILY SELECTION

4-II.A. OVERIVEW

The FSS action plan is required to contain a statement indicating the procedures for selecting families for FSS program participation, including a description of how the PHA will do so without regard to race, color, religion, sex, handicap, familial status, or national origin. This part describes these procedures, taking into account whether the PHA will use preferences for family selection and which preferences the PHA will employ if they choose to do so, in addition to defining the factors the PHA will use in screening families for program participation.

PHA Policy

It is the policy of SHRA to comply with all Federal, State, and local nondiscrimination laws; the Americans with Disabilities Act; and the U.S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. In addition, SHRA's FSS staff will, upon request, provide reasonable accommodation to persons with disabilities to ensure they are able to take advantage of the services provided by the FSS program. SHRA will not discriminate against any potential/current client based on disability (ies). SHRA will make all reasonable accommodations in order to allow client participation in the FSS Program. Should SHRA be unable to accommodate client, due to undue financial and/or administrative burdens, the client will be referred to other agencies that may be able to better assist the client's needs.

4-II.B. FSS SELECTION PREFERENCES

As part of the process for selecting families for participation in the FSS program, the PHA may choose whether to employ the use of preferences. In particular, if the PHA so chooses, it has the option of giving a selection preference for up to 50 percent of its public housing FSS slots and 50 percent of its HCV program FSS slots, respectively, to eligible families who have one or more family members currently enrolled in an FSS-related service program or who are on the waiting list for such a program. Such a preference may be further limited to participants in and applicants for one or more specific eligible FSS-related service programs.

Should the PHA choose to adopt such a preference, it would need to include the following information in its action plan:

- The percentage of FSS slots, not to exceed 50 percent of the total number of FSS slots for each of its FSS programs, for which it will give a selection preference
- The FSS related service programs to which it will give a selection preference to the programs' participants and applicants
- The method of outreach to and selection of families with one or more members participating in the identified programs [24 CFR §984.203(a)]

A PHA may wish to adopt additional selection preferences as well [Notice PIH 93-24]

PHA Policy

The PHA will not adopt the use of preferences when selecting families for participation in the FSS program.

The PHA will use the date the family expressed an interest in participating in the FSS program to fill the FSS slots for which the PHA chooses not to exercise the selection preference. The PHA will offer open slots first to any current FYI or FUP families on the waiting list. In general, FSS clients will be selected on a first come first serve basis from active HCV Program participants and Public Housing Residents. Families will always be selected in a nondiscriminatory manner without regard to race, color, religion, sex, family status, national origin, sexual orientation or handicap, in compliance with Title VI of the Civil Rights Act of 1964 as amended, Title VII of the Civil Rights Act of 1968 as amended and Executive Order 11063.

For families or individuals whose potential enrollment is in question, the FSS staff will review the file in staff meeting to ensure that non-selection is not based on discriminatory factors before the final decision is made. Applicants will be notified in writing of the reason(s) that they were not selected for participation and will have the opportunity to appeal the decision.

Successful graduates of the FSS Program cannot re-apply and join the FSS Program a second time.

The PHA will encourage enrollment of FUP-Y/FYI-eligible participants to the FSS program. FUP-Y/FYI-eligible families and FUP-eligible youth that do not enroll in FSS will be added to the email list to be notified of FSS program workshops and opportunities to encourage the families to enroll in the FSS program.

4-II.C. SELECTION FACTORS

Many factors contribute to whether a PHA may choose to select a family for participation in the FSS program. These selection factors can help the PHA screen families for admission, and ultimately contribute to the PHA's decision to either allow or deny a family's admission into the FSS program.

PHA Policy

The PHA will screen families for interest and motivation to participate in the FSS program by assigning a meeting or workshop which is the same type of meeting or workshop for each family. The PHA will only use the fact that the family attended as a screening factor, even if tasks or exercises are not completed in the meeting. In addition, if the family needs either childcare or transportation to be able to attend, or requests an accommodation for a disability, the PHA will either refer the family to available services or exempt the family from this screening factor.

Motivation Selection Factors [24 CFR §984.203(c)(1)]

A PHA may screen families for interest and motivation to participate in the FSS program provided that the factors utilized by the PHA are those which solely measure the family's interest and motivation to participate in the FSS program. For this reason, PHAs must only apply motivational screening factors that are permissible under the regulations.

Permissible Motivation Selection Factors

Permitted motivational factors include requiring attendance at FSS orientation sessions or pre-selection interviews, and assigning certain tasks indicating the family's willingness to undertake the obligations that may be imposed by the FSS contract of participation. However, any tasks assigned should be readily accomplishable by the family based on the family members' educational level or disabilities, if any. Reasonable accommodations must be made for individuals with mobility, manual, sensory, speech impairments, mental, or developmental disabilities [24 CFR §984.203(c)(2)].

Prohibited Motivation Selection Factors

Prohibited motivational screening factors include the family's educational level, educational or standardized motivational test results, previous job history or job performance, credit rating, marital status, number of children, or other factors, such as sensory or manual skills, and any factors which may result in discriminatory practices or treatment toward individuals with disabilities or minority or nonminority groups [24 CFR §984.203(C)(3)].

Other Selection Factors

In addition to motivational screening, the PHA may also wish to screen families for other factors.

PHA Debt Selection Factor

The PHA may deny FSS participation to a family if the family owes the PHA, or another PHA, money in connection with HCV or public housing assistance [Notice PIH 93-24, B-18].

PHA Policy

The PHA will deny FSS participation to a family if the family owes the PHA, or another PHA, money in connection with HCV or public housing assistance. Families that owe money to a PHA who have entered into a repayment agreement and are current on that repayment agreement will not be denied FSS participation.

Unavailable Support Services Selection Factor

If the PHA determines, after consulting with the family, that a missing service is essential to the family's needs, the PHA may skip that family (and other similar families) and offer the FSS slot to the next family for which there are available services [Notice PIH 93-24, B-8].

Previous Participation Selection Factor

If an open slot is available, any person who previously participated in the FSS Program, and self-terminated on their own or did not complete the program may re-apply for the program after a one year waiting period. If an open slot is not available, the family will be placed on the waiting list.

PART III. ACTIVITIES AND SUPPORT SERVICES

4-III.A. OVERVIEW

Once families are admitted to the FSS program, the PHA becomes responsible for making sure these families are adequately served. The purpose of the family self-sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of public housing assistance and assistance under the housing choice voucher programs with public and private resources, to enable families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency. As such, upon selection, families are matched with the appropriate activities and supportive services so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency. This is a vital element of the FSS program.

4-III.B. METHOD OF IDENTIFYING FAMILY SUPPORT NEEDS [24 CFR §984.201(d)(8)]

Before a PHA can determine the services and activities it will provide to FSS families, it must identify the services and activities appropriate to each family. The action plan must contain a description of how the program will identify the needs of FSS families and deliver the services and activities according to these needs.

PHA Policy

Supportive services needs are identified by completion of a needs assessment with the FSS coordinator or case manager.

4-III.C. FSS ACTIVITIES AND SUPPORT SERVICES DESCRIPTION [24 CFR §984.201(d)(7)]

As part of the required contents of the action plan, PHAs must both describe the activities and supportive services to be provided by public and private resources to FSS families, and identify the public and private resources that are expected to provide the supportive services.

Of course, this task assumes that the PHA has first identified the needed activities and supportive services.

PHA Policy

The PHA's FSS program, through its partners on the program coordinating committee, will provide the following activities and support services to FSS families

Support Service General	Support Service Specific	Source/Partner
Assessment	Vocational Assessment Educational Assessment Vocational Planning Educational Planning Disability Assessment Disability Vocational Assessment/Planning Disability Educational Assessment/Planning Drug/Alcohol Assessment Drug/Alcohol Planning	Adult Basic Education Career Center Community College Community Based Organizations Career Center Community College Vocational Rehabilitation Health Department Career Center Community-based Organizations
Education	High School English as a Second Language GED Post-secondary College	High School Adult Basic Education Community College University
Training	Skills Training Emerging Technologies Training Biomedical Training On-the-Job Training Functional Context Training	Adult Basic Education Community College University Community-based Organizations Workforce Investment

Support Service General	Support Service Specific	Source/Partner
Job Search Assistance	Resume Preparation Interviewing Skills Dress for Success Workplace Skills Job Development Job Placement	Adult Basic Education Community College University Community-based Organizations Workforce Investment
Transportation	Bus Train/Trolley	Metropolitan Transit
Health Care	Alcohol and Drug Prevention Alcohol and Drug Treatment	HMO Health Department Community Clinic General Hospital
Mentoring	Mentoring Match	Adult Basic Education Community College Workforce Investment Act Youth Programs Community-based Organizations
Support Service General	**Support Service Specific**	**Source/Partner**
Micro and Small Business Development	Training Planning Technical Assistance Mentoring	Microbusiness Assistance Program Small Business Administration Business Incubator
Homeownership	Training Planning Debt Resolution	Public Housing Authority Housing Counseling Organization Community-based Organizations
Individual Development Accounts	Match Savings Accounts Distribution of IDA Funds	Public Housing Authority TANF Office of Community Services in DHHS Office of Refugee Resettlement Beginner Farmers and Ranchers Community-based Organizations
Child Care	Infant Care Toddler Care Preschool Care Afterschool Care Homework Assistance	Child Care Resource Parks and Recreation
Crisis Services	Crisis Assessment Crisis Intervention Crisis Management Crisis Resolution	Crisis Team Senior Crisis Team Poison Center Domestic Violence Shelter

Support Service General	Support Service Specific	Source/Partner
Child/Adult Protective Services	Needs Assessment Case Planning Information Referral Crisis Management	Senior Services Adult Services In-home Support Services Adult Abuse Hotline Child Abuse Hotline Foster Care Adoption Services
Legal Services	Representation Document Review Counsel or Advice	ACLU Legal Aid
Debt Resolution	Needs Assessment Case Planning Advocacy Negotiation	Consumer Credit Counselors

4-III.D. CERTIFICATION OF COORDINATION [24 CFR §984.201(d)(12)]

The FSS action plan is required to contain a certification that the development of the activities and services under the FSS program has been coordinated with the JOBS program (now Welfare to Work under TANF), the programs provided under the JTPA (now Workforce Investment Act programs), and any other relevant employment, child care, transportation, training, and education programs in the applicable area. The implementation of the FSS program's activities and services must continue to be coordinated as such in order to avoid duplication of activities and services.

PHA Policy

The PHA certifies that its FSS program has developed its services and activities in coordination with the Workforce Investment Act (formerly Job Training Partnership Act, JTPA), Workforce Investment Board and One Stop Centers, Welfare to Work (formerly JOBS program), and any other relevant employment, child care, transportation, training, and education programs in the applicable area. The implementation of these activities and services will continue to be coordinated in this manner in order to avoid duplication of activities and services.

Chapter 5 CONTRACT OF PARTICIPATION

INTRODUCTION

Each family that is selected to participate in an FSS program must enter into a contract of participation with the PHA. This contract, which is signed by the head of the FSS family, sets forth the principal terms and conditions governing participation in the FSS program, including the rights and responsibilities of the FSS family and of the PHA, the services to be provided to the head of the FSS family and each adult member of the family who elects to participate in the program, and the activities to be completed by them. The contract also incorporates the individual training and services plan [24 CFR §984.303].

This chapter contains two parts:

> Part I: Overview and Family Obligations: This part provides an overview of the form and content of the contract of participation and describes what the contract requires of FSS families.

Part II: Contract Specifications: This part explains the specifications of the contract, including terms and conditions, contract modification, contract terminations, and grievance procedures.

Part I: Overview and Family Obligations

5-I.A. OVERVIEW

The purpose of the FSS contract of participation is to set forth the principal terms and conditions governing participation in the FSS program, including the incorporation the individual training and services plan (ITSP) as part of the contract's required contents. The ITSP is meant to establish goals for an FSS family to meet along the family's way to completing the contract and becoming self-sufficient. In addition to the goals specified in the ITSP, the contract also lists the responsibilities of the family and the PHA. This part covers the ITSP as part of the required contents of the contract of participation, and the family's obligations under the contract.

5-I.B. CONTENTS OF THE CONTRACT OF PARTICIPATION

Individual Training and Services Plan

As part of the required contents of the FSS contract of participation (COP), the individual training and services plan (ITSP) establishes specific interim and final goals by which the PHA and the family measure the family's progress toward fulfilling its obligations under the contract of participation and becoming self-sufficient. Interim and final goals will differ depending on the family's individual needs. Further, regulations require the establishment of an interim goal regarding independence from welfare assistance.

Interim Goals

For each participating FSS family that receives welfare assistance, the PHA must establish as an interim goal that the family become independent from welfare assistance and remain independent from welfare assistance for at least one year before the expiration of the term of the contract of participation, including any extension thereof [24 CFR §984.303(b)(2)].

At its discretion, the PHA may also elect to suggest this as an interim goal in the ITSP regardless of whether a family is receiving welfare assistance at the time the COP is developed.

PHA Policy

The PHA requires that each family participating in the FSS program, regardless of whether the family is receiving welfare assistance at the time the contract of participation is being developed, that the family include an interim goal on its individual training and services plan for the family (entire household) to become independent from welfare assistance and remain welfare-free for at least one year (12 consecutive months) before the expiration of the term of the contract of participation.

Individual Training & Service Plans for Other than FSS Head

An individual training and services plan is only required for the head of the FSS family. This means that it is the PHA's decision, after consulting with the family, whether to create an ITSP and provide supportive services to other family members aged 18 or over if they want to participate in the FSS program and supportive services are available [Notice PIH 93-24, G-16].

PHA Policy

The PHA will permit additional family members to have an ITSP.

5-I.C. FAMILY OBLIGATIONS

Compliance with Lease Terms

One of the obligations of the FSS family according to the contract of participation is to comply with the terms and conditions of the public housing lease or housing choice voucher program assisted lease [24 CFR §984.303(b)(3)].

Inability to comply with the lease represents an inability to comply with the contract, therefore regulations regarding noncompliance with the FSS contract apply [see 24 CFR §984.303(b)(5)]. It is up to the PHA to determine the plan of action for FSS families found in noncompliance with the lease and how the PHA will precisely define the term *comply with the lease.*

PHA Policy

The FSS family is to comply with the terms and conditions of the lease. ~~has not been evicted for repeated or serious violations of the lease; or if they have been evicted for serious or repeated violations of the lease, the family has prevailed in either the grievance hearing or the informal hearing process (and has been allowed back into the program).~~

The PHA's FSS program will terminate the FSS contract of participation for failure to comply with the terms of the lease.

Employment Obligation [24 CFR §984.303 (b)(4)]

Another obligation set forth by the contract of participation is for the head of the FSS family to *seek and maintain suitable employment* during the term of the contract and any extension. Although other members of the FSS family may seek and maintain employment during the term of the contract, it is only a requirement for the head of the FSS family.

The obligation for the head of the FSS family to *seek employment* is defined in the regulatory language as meaning that the head of the FSS family has applied for employment, attended job interviews, and has otherwise followed through on employment opportunities. However, this definition still leaves room for policy decisions on the part of the PHA because it does not define the level of activity involved in "seeking."

There is no regulatory definition of *maintain employment.* For this reason, it is up to the PHA to define the term.

In addition, there is no minimum period of time that an FSS head of household needs to be employed in order to meet its contract of participation requirements [Notice PIH 93-24, G-9].

According to regulation, the PHA makes a determination of *suitable employment* based on the skills, education, and job training of the FSS head of household, and based on the available job opportunities within the jurisdiction served by the PHA [24 CFR §984.303(b)(4)(iii)]. This means that the PHA has the ultimate responsibility for making the decision regarding the suitability of employment. However, this decision must be made in conjunction with the head of the FSS family [Notice PIH 93-24, G-3].

PHA Policy

For purposes of the PHA's FSS program, *seek employment* means the head of household has applied for employment, attended job interviews, and otherwise followed through on employment opportunities as outlined in the individual training and services plan of his or her contract of participation.

Maintain employment means that the FSS head of household will complete all of the obligations outlined in the individual training and services plan in his or her contract of participation (COP) and be employed full-time on the last effective day of the COP; or, be employed part-time and enrolled, and participating as agreed, in a part-time education or training program on the last effective day of the COP. The PHA will require verification of this employment or enrollment.

Suitable employment generally refers to a job that offers wages comparable to your recent employment and duties that fit your education level and work experience.

5-I.D. CONSEQUENCES OF NONCOMPLIANCE WITH THE CONTRACT

Consequences apply for families who do not meet the terms and conditions of the contract. The regulations require that the contract of participation specify that if the FSS family fails to comply, without good cause, with the terms and conditions of the contract (including compliance with the public housing lease or the HCV-assisted lease), the PHA may:

- Withhold supportive services
- Terminate the family's participation in the FSS program
- In an HCV FSS program, terminate or withhold the family's HCV program assistance

However, the PHA may not terminate or withhold the family's HCV program assistance if the only basis for noncompliance with the contract of participation is noncompliance with the lease or failure to become independent from welfare assistance. Still, failure to become independent from welfare assistance because of failure of the head of household to meet the employment obligation specified in the contract, or failure of the FSS family to meet any other obligation under the contract of participation (except the interim goal concerning welfare assistance) is grounds for the PHA to terminate or withhold HCV program assistance [24 CFR §984.303(b)(5)]. PHA policy regarding termination of HCV program assistance due to failure to comply with the requirements of the COP without good cause is found in Section 5-II.G. of this action plan.

PHA Policy

The contract of participation (COP) will be terminated before the expiration of the contract term if the participant fails to meet, without "good cause," their obligations as outlined in the COP. If the participant fails to meet its obligations outlined in the COP, the FSS coordinator, or their designee, will first meet with the family to reassess the need for supportive services or a change in the individual training and services plan (ITSP). Then, if a reassessment of supportive services or a change in the ITSP is not successful in bringing the family in compliance, the FSS coordinator will withhold supportive services for no more than 90 days until the participant meets their obligations outlined in the COP. Finally, if neither of these alternatives is successful, the FSS coordinator will terminate the COP for failure to complete the tasks, interim goals, or final goals of the ITSP in a timely manner, and thus failure to complete the obligations outlined in the COP.

The FSS coordinator will make an exception to the actions in terminating the COP if the participant can demonstrate "good cause" for the failure to meet its obligations as outlined in the COP.

For purposes of the PHA FSS program, *good cause* includes:

Family circumstances

- Death in the family
- Serious illness
- Medical emergency
- Mandatory court appearances
- Involuntary loss of employment
- Loss of head of household through death, incarceration, or removal from lease
- Change in the ITSP improving progress toward economic self-sufficiency

Community circumstances

- Significant reduction in workforce (over 20 percent reduction in employment field)
- Significant interruption in service delivery (over 3 month interruption)
- Provider noncompliance with regulation

- Provider unable/unwilling to provide service
- Provider offering inferior service

Part II. Contract Specifications

5-II.A. OVERIVEW

In addition to making clear the family's obligations under the program, the contract of participation contains specific terms and conditions, including those governing contract modifications, terminations, and grievance procedures. This part describes those specifications and associated policy.

5-II.B. CONTRACT TERM [24 CFR §984.303(c)]

The contract term is five years. This means that the family has no more than five years from the effective date of the contract of participation (COP) to fulfill their obligations as specified in the contract. This five-year term requirement will be specified in the COP.

Contract Extension [24 CFR §984.303(d)]

While the term set forth in the contract of participation is for five years, contract extensions are possible. According to regulation, PHAs will for "good cause" extend the term of the contract for a period not to exceed two years for any FSS family that requests an extension of the contract in writing. The family's written request for an extension must include a description of the need for the extension. *Good cause* means circumstances beyond the control of the FSS family, as determined by the PHA, such as a serious illness or involuntary loss of employment (further defined by PHA policy in Section 5-I.D.). Extension of the contract of participation will entitle the FSS family to continue to have amounts credited to the family's FSS account.

5-II.C. MODIFICATION OF THE CONTRACT

The contract of participation (COP) does have the ability to be modified, as long as the PHA and the FSS family mutually agree to modify it. This includes modifications in writing with respect to the individual training and services plans (ITSPs), the contract term (See Section 5-II.B. above), and designation of the head of the family [24 CFR §984.303(f)].

In addition, the PHA may also delete the line in the COP under "Corrective Actions to Meet Family Responsibilities" stating that if the family is participating in the HCV program, the PHA may terminate HCV assistance when allowed by HUD requirements. Mutual agreement is not needed for this modification [Notice PIH 95-5]. Termination of HCV assistance is covered in further detail in Section 5-II.G. The conditions under which the PHA will modify the contract are set forth in the policy below.

PHA Policy

In the PHA's FSS program, the COP will be modified by mutual agreement between the PHA and the head of household:

> When modifications to the ITSP improve the participant's ability to complete their obligations in the COP or progress toward economic self- sufficiency.
>
> When the designated head of the FSS family ceases to reside with other family members in the assisted unit, and the remaining family members, after consultation with the public housing or HCV program representative, designate another family member to be the head of household and receive escrow funds
>
> When a relocating family is entering the FSS program of a receiving PHA and the start date of the COP must be changed to reflect the date the new COP is signed with the receiving PHA

The PHA will also remove the line under "Corrective Actions to Meet Family Responsibilities" stating that if the family is participating in the HCV program, the PHA may terminate the assistance when allowed by HUD requirements.

No goals can be changed within the last six months of the contract or unless approved by a reasonable accommodation.

5-II.D. COMPLETION OF THE CONTRACT

By regulation, the contract of participation is considered to be completed, and a family's participation in the FSS program is considered to be concluded when one of the following occurs [24 CFR §984.303(g)]:

- The FSS family has fulfilled all of its obligations under the contract of participation on or before the expiration of the contract term, including any extension thereof.
- 30 percent of the monthly adjusted income of the FSS family equals or exceeds the published existing housing fair market rent for the size of the unit for which the FSS family qualifies based on the PHA's occupancy standards. The contract of participation will be considered completed and the family's participation in the FSS program concluded on this basis even though the contract term, including any extension thereof, has not expired, and the family members who have individual training and services plans have not completed all the activities set forth in their plans.

Policies on verifying completion of the contract of participation can be found in Section 6-I.C. of this action plan.

5-II.E. TRANSITIONAL SUPPORTIVE SERVICE ASSISTANCE

Even after a family has completed the contract of participation, a PHA may continue to offer appropriate FSS supportive services to a former FSS family whose head of family is employed. If the family still resides in public housing, or HCV-assisted housing, these supportive services would be offered for becoming self-sufficient. If the family no longer resides in public housing, HCV-assisted housing, or other assisted housing, these supportive services would be offered for remaining self-sufficient [24 CFR §984.303(j)].

PHA Policy

The PHA may continue to offer supportive services to a former FSS family who has completed its contract of participation, and whose head of family is employed at the family's request.

5-II.F. TERMINATION OF THE CONTRACT

The contract of participation may be terminated before the expiration of the contract term and any extension of the contract by the following [24 CFR §984.303(h)]:

- Mutual consent of the parties
- Failure of the FSS family to meet its obligations under the contract of participation without good cause, including in an HCV FSS program the failure to comply with the contract requirements because the family has moved outside the jurisdiction of the PHA
- The family's withdrawal from the FSS program
- Such other acts as is deemed inconsistent with the purpose of the FSS program
- Operation of law

PHA Policy

The COP will be terminated before the expiration of the contract term, and any extension thereof, for any of the following reasons:

Mutual consent of the parties

Failure of the FSS family to meet its obligations under the contract of participation without good cause

In an HCV FSS program, failure to comply with the contract requirements because the family has moved outside the jurisdiction of the PHA without continued assistance under portability

Family's withdrawal from the FSS program

Such other acts as is deemed inconsistent with the purpose of the FSS program

Operation of law

If the FSS family faces termination due to failing to meet, without good cause, its obligations under the COP, the PHA will follow the relevant policy specified in Section 5-I.D. of this action plan.

Good cause for the purposes of the FSS program is also defined in Section 5-I.D.

In addition, the contract of participation is automatically terminated if the family's HCV assistance is terminated in accordance with HUD requirements [24 CFR §984.303(h)].

5-II.G. OPTION TO TERMINATE SECTION 8 HOUSING AND SUPPORTIVE SERVICE ASSISTANCE [24 CFR §984.303(i)]

As touched upon in Section 5-I.D. of this action plan, the PHA has the option to terminate or withhold HCV housing assistance, supportive services, and the FSS family's participation in the FSS program, if the PHA determines (in accordance with the hearing procedures provided in 24 CFR §982.555) that the FSS family has failed to comply without good cause with the requirements of the contract of participation.

PHA Policy

The PHA will not withhold or terminate HCV housing assistance and/or Public Housing Lease if the PHA determines that the FSS family failed to comply without good cause with the requirements of the COP unless the actions prompting termination of the FSS COP would also, independently, prompt termination of the HCV voucher.

5-II.H. NULLIFICATION OF CONTRACT FOR UNAVAILABILITY OF SUPPORTIVE SERVICES [24 CFR §984.303(e)]

In addition to termination, the contract of participation can also be ended ahead of time as a result of integral supportive services being unavailable. This, however, should only occur as a last resort:

- If a social service agency fails to deliver the supportive services pledged under an FSS family member's individual training and services plan (ITSP), the PHA must make a good faith effort to obtain these services from another agency.
- If the PHA is unable to obtain the services from another agency, the PHA must reassess the family member's needs and determine whether other available services would achieve the same purpose.
- If other available services would not achieve the same purpose, the PHA shall determine whether the unavailable services are integral to the FSS family's advancement or progress toward self-sufficiency.
- If the unavailable services are not integral to the FSS family's advancement toward self-sufficiency, the PHA must revise the ITSP, delete these services, and modify the contract of participation to remove any obligation on the part of the FSS family to accept the unavailable services.
- If the unavailable services *are* determined to be integral to the FSS family's advancement toward self-sufficiency (which may be the case if the affected family member is the head of the FSS family), the PHA shall declare the contract of participation null and void.

Nullification of the contract of participation on the basis of unavailability of supportive services shall not be grounds for termination of HCV assistance.

5-II.I. GRIEVANCE PROCEDURES

When adverse action is taken by the PHA against a family, the PHA is required to provide a grievance hearing in the public housing program, or an informal hearing in the housing choice voucher program [24 CFR §966 subpart B, 24 CFR §982.554].

According to regulatory requirements, the FSS action plan must contain the grievance and hearing procedures available for FSS families against whom the PHA has taken adverse action with regards to FSS [24 CFR §984.201(d)(9)].

PHA Policy

The grievance and informal hearing procedures for the FSS program will be the same as the grievance and hearing procedures adopted for the public housing and housing choice voucher programs in the PHA's admissions and continued occupancy policy and administrative plan, respectively:

Housing Choice Voucher Program- Administrative Plan 2019- Informal Hearing Procedures is located in Chapter 18-3

Public Housing- Admissions and Continued Occupancy Policy 2019 – Informal Hearing Procedures is located in Chapter 16

Chapter 6 ESCROW ACCOUNT

INTRODUCTION

The establishment of an escrow account is offered as a financial incentive to families for participation in the FSS program. Generally, under this incentive, the amount of an increase in family rent resulting from an increase in earned income is escrowed. That is, usually a family's rent or share of the rent goes up when the family experiences an increase in earned income. In the FSS program, this is still the case, but the part of the rent representing the increase is deposited into an account as an escrow credit. The funds from this escrow account then become available to FSS families upon successful completion of their contracts of participation.

This chapter explains how the FSS escrow account works, including calculating the amount of the escrow credit and disbursing the funds, and also covers the proper way for the PHA to manage and report on the account.

This chapter contains two parts:

> Part I: The Escrow Account: This part provides an overview of how the escrow account works, including calculating the escrow credit and disbursing the funds upon completion of the contract of participation.
>
> Part II: Escrow Fund Accounting and Reporting: This part describes the requirements for managing the escrow account, including both accounting and reporting requirements.

Part I. The Escrow Account

6-I.A. OVERVIEW

As an integral incentive to the FSS program, it is very important to have clear-cut policy spelling out how the escrow account works. This includes policy regarding the calculation of the FSS credit amount, the disbursement of FSS account funds, the use of account funds for homeownership, and forfeiture of the FSS escrow account.

6-I.B. CALCULATING THE FSS CREDIT AMOUNT

For FSS families who are very low-income families, the FSS credit is the lesser of 30 percent of current monthly adjusted income less the family rent, or the current family rent less the family rent at the time of the effective date of the contract of participation. The family rent is obtained by disregarding any increases in earned income (as defined in 24 CFR §984.103) from the effective date of the contract of participation. For FSS families who are considered low-income families but not very low-income families, the FSS credit is calculated in the same manner but cannot exceed the amount computed for 50 percent of the median income [24 CFR §984.305(b)(1)].

FSS families who are not low-income families are not entitled to any FSS credit [24 CFR §984.305(b)(2)].

Determination of Family Rent and Total Tenant Payment

For purposes of determining the FSS credit, *family rent* for the public housing program is the total tenant payment as defined in 24 CFR Part 5, subpart F. For the HCV program, *family rent* is 30 percent of adjusted monthly income [24 CFR §984.305(b)(1)].

Total tenant payment for a family participating in the public housing FSS program is determined in accordance with the regulations set forth in 24 CFR Part 913.

Increases in FSS Family Income [24 CFR §984.304]

As described in the FSS credit calculations above, any increases in family earned income resulting in increases in family rent become deposited in the escrow account. For this reason, and because of the nature of the FSS account, any increase in the earned income of an FSS family during its participation in an FSS program may not be considered as income or a resource for purposes of eligibility of the FSS family for other benefits, or amount of benefits payable to the FSS family, under any other program administered by HUD, unless the income of the FSS family equals or exceeds 80 percent of the area median income (as determined by HUD, with adjustments for smaller and larger families).

Cessation of FSS Credit [24 CFR §984.305(b)(3)]

The PHA will not make any additional credits to the FSS family's FSS account when the family has completed the contract of participation, or when the contract of participation is terminated or otherwise nullified.

6-I.C. DISBURSEMENT OF FSS ACCOUNT FUNDS

Disbursement at Completion of Contract [24 CFR §984.305(c)(1)]

When the contract has been completed according to regulation, the amount in an FSS account in excess of any amount the FSS family owes to the PHA will be paid to the head of the FSS family. However, in order to receive the disbursement, the head of the FSS family must submit a certification (as defined in 24 CFR §984.103) to the PHA at the time of contract completion that, to the best of his or her knowledge and belief, no member of the FSS family is a recipient of welfare assistance.

Disbursement before Expiration of Contract Term

FSS account funds may also be disbursed before the end of the contract term. If the PHA determines that the FSS family has fulfilled its obligations under the contract of participation before the expiration of the contract term and the head of the FSS family submits a certification that, to the best of his or her knowledge, no member of the FSS family is a recipient of welfare assistance, the amount in the family's FSS account in excess of any amount the family owes to the PHA will be paid to the head of the FSS family [24 CFR 984.305(c)(2)(i)].

In addition, the PHA may at its sole option disburse FSS account funds before completion of the contract if the family needs a portion of the funds for purposes consistent with the contract of participation and the PHA determines that the FSS family has fulfilled certain interim goals established in the contract of participation. Such cases could include using the funds to assist the family in meeting expenses related to completion of higher education (e.g., college, graduate school) or job training, or to meet start-up expenses involved in creation of a small business [24 CFR §984.305(c)(2)(ii)].

<u>PHA Policy</u>

The PHA will disburse a portion of the FSS escrow account funds before completion of the Contract of Participation (COP) when the family has met all its obligations under the COP to date, including the completion of all ITSP interim goals and tasks to date, and:

The PHA will disburse a portion of up to 50% of the FSS escrow account funds before completion of the COP when the family has met all its obligations under the COP to date, including all its ITSP interim goals and tasks to date, and requested funds are needed in order to complete an interim goal or task within the COP and are not ongoing expenses and/or the family has demonstrated that the need for one-time payment of otherwise ongoing

expenses such as rent, utilities, telephone, cell phone, pager, car payments, car maintenance, insurance, or childcare is needed to complete an interim goal, a final goal, or a task related to such goals.

Verification of Family Certification at Disbursement

Interim disbursement may only occur after the family has completed certain interim goals and funds are needed in order to complete other interim goals. Final disbursement can only occur after the family has completed the contract of participation and all members are welfare-free as defined by regulation. Because of this, it follows that the PHA may require verification for the completion of interim goals or the contract of participation.

Before final disbursement of the FSS account funds to the family, the PHA may verify that the FSS family is no longer a recipient of welfare assistance by requesting copies of any documents which may indicate whether the family is receiving any welfare assistance, and by contacting welfare agencies [24 CFR §984.305(c)(3)].

HUD provides verification guidance in Notice PIH 2010-19. This guidance is mandatory for the public housing and housing choice voucher programs. The PHA's ACOP and/or Administrative Plan must contain verification policies following the hierarchy in this notice. The policies contained in the PHA's ACOP and Administrative Plan cover verification policies related to the FSS program in general. However, determining the need for interim disbursements may require more clarification as to what constitutes an acceptable third-party source.

PHA Policy

The PHA will require verification that the FSS family has completed certain interim goals, or has completed the contract of participation, and that the FSS family is no longer a recipient of welfare assistance, as relevant, before making interim and final disbursements.

The PHA will follow HUD's verification hierarchy set forth in Notice PIH 2010-19 to make these verifications. However, the PHA will use a *knowledgeable professional* as a third-party source to verify the need for interim disbursements.

Verification of Family Certification at Disbursement

The PHA will require verification that the FSS family has completed certain interim goals, or has completed the contract of participation, and that the FSS family is no longer a recipient of welfare assistance, as relevant, before making interim and final disbursements.

What will the PHA accept as verification for disbursement?

The PHA will follow HUD's verification hierarchy set forth in Notice PIH 2010-19 to make these verifications. However, the PHA will use a *knowledgeable professional* as a third-party source to verify the need for interim disbursements.

Succession to FSS Account [24 CFR §984.305(d)]

FSS account funds should be disbursed to the head of the FSS family. However, if the head of the FSS family no longer resides with the other family members in the public housing or the HCV-assisted unit, the remaining members of the FSS family, after consultation with the PHA, have the right to designate another family member to receive the funds.

6-I.D. USE OF FSS ACCOUNT FUNDS FOR HOMEOWNERSHIP

According to regulation, a public housing FSS family may use its FSS account funds for the purchase of a home, including the purchase of a home under one of HUD's homeownership programs, or other federal, state, or local homeownership programs, unless the use is prohibited by the statute or regulations governing the particular homeownership program
[24 CFR §984.305(e)].

Homeownership is just one option for use of the FSS account funds. PHAs may not restrict the use of escrow funds at contract completion [Notice PIH 93-24, C-13].

6-I.E. FORFEITURE OF FSS ACCOUNT FUNDS

Amounts in the FSS account will be forfeited when the contract of participation is terminated, or when the contract of participation is completed by the family (see Section 5-II.D. of this action plan) but the FSS family is receiving welfare assistance at the time of expiration of the term of the contract of participation, including any contract extension [24 CFR §984.305(f)(1)].

Treatment of Forfeited FSS Account Funds

Treatment of forfeited FSS account funds differ depending on the type of FSS program the PHA operates. For public housing FSS programs, FSS account funds forfeited by the FSS family will be credited to Other Income and will become part of Unrestricted Net Assets. Forfeited FSS account funds will be counted as other income in the determination of operating subsidy eligibility for the next budget year [24 CFR §984.305(f)(2)(i)].

In the housing choice voucher program, forfeited FSS account funds will be treated as program receipts for payment of program expenses under the PHA budget for the program, and will be used in accordance with HUD requirements governing the use of program receipts
[24 CFR §984.305(f)(2)(i)].

Part II. Escrow Fund Accounting and Reporting

6-II.A. OVERVIEW

Regulations set forth specific requirements involving the accounting and reporting for the FSS escrow account. This part describes those requirements and the PHA policy necessary for managing the account from the PHA perspective.

6-II.B. ACCOUNTING FOR FSS ACCOUNT FUNDS

When establishing FSS escrow accounts, the PHA must deposit the FSS account funds of all families participating in the PHA's FSS program into a single depository account for each (public housing or HCV) program. In addition, the funds held in this account must be invested in one or more of the HUD-approved investments [24 CFR §984.305].

The total of the combined FSS account funds will be supported in the PHA accounting records by a subsidiary ledger showing the balance applicable to each FSS family. During the term of the contract of participation, the PHA periodically, but not less than annually, credits the amount of the FSS credit (see Section 6-I.B.) to each family's FSS account [24 CFR §984.305(a)(2)(i)].

PHA Policy

The PHA will credit the amount of the FSS credit(s) to each family's account on a monthly basis.

Proration of Investment Income [24 CFR §984.305(a)(2)(ii)]

Because the FSS account funds are to be invested, the investment income for those funds in the FSS account will also need to be credited to each family's account. By regulation, these funds are to be prorated and credited to each family's FSS account based on the balance in each family's FSS account at the end of the period for which the investment income is credited.

PHA Policy

Each month the full amount of the investment income for funds in the Public Housing and Housing Choice Voucher FSS account will be prorated and created to each family's subsidiary line item after this line item has been reduced by the amount of unpaid rent and other amounts due under the Public Housing and HCV assisted lease.

Reduction of Amounts Due by FSS Family [24 CFR §984.305(a)(2)(iii)]

If the FSS family has not paid the family contribution towards rent, or other amounts, if any, due under the public housing or HCV-assisted lease, the balance in the family's FSS account shall be reduced by that amount (as reported by the owner to the PHA in the HCV FSS program) before prorating the interest income. If the FSS family has fraudulently underreported income, the amount credited to the FSS account will be based on the income amounts originally reported by the FSS family.

6-II.C. REPORTING ON THE FSS ACCOUNT

Each PHA is required to make a report, at least once annually, to each FSS family on the status of the family's FSS account.

At a minimum, the report must include [24 CFR §984.305(a)(3)]:

- The balance at the beginning of the reporting period
- The amount of the family's rent payment that was credited to the FSS account, during the reporting period
- Any deductions made from the account for amounts due the PHA before interest is distributed
- The amount of interest earned on the account during the year
- The total in the account at the end of the reporting period

PHA Policy

The PHA will provide FSS participants an annual statement on the status of their FSS escrow account.

Chapter 7 Portability in Housing Choice Voucher FSS Programs

INTRODUCTION

PHAs operating HCV FSS programs must be familiar with the rules and regulations regarding portability under the housing choice voucher program. As with the case of portability in the HCV program in general, the FSS family may move outside the initial PHA jurisdiction under portability procedures after the first 12 months of the FSS contract of participation
[24 CFR §984.306].

In the event that an FSS family chooses to exercise portability, certain special requirements regarding the FSS program would apply. This chapter describes the obligations of the initial PHA, the receiving PHA, and the FSS family under portability, in addition to any special stipulations regarding portability in the FSS context.
This chapter contains two parts:

Part I: Portability in the FSS Program: This part provides a general overview of portability in the FSS program, including the residency requirements for FSS portability and management of the contract of participation when a family moves into or from another PHA's jurisdiction.

Part II: The Effects of Portability on FSS Regulations and Policy: This part describes the specific ways in which portability affects different aspects of the FSS program, including the escrow account, program termination, loss of the FSS account, and termination of HCV program assistance.

Part I: Portability in the FSS Program

7-I.A. OVERVIEW

Portability is a statutory feature of the housing choice voucher program—it is included in the law. As such, PHAs operating an HCV FSS program need to understand the effects that portability will have on HCV FSS families and program operation. This part provides a general overview of portability in the FSS program, including the residency requirements for FSS portability and management of the contract of participation when a family moves into or from another PHA's jurisdiction.

7-I.B. DEFINITIONS

For the purposes of portability with regards to the FSS program, the following definitions will be used [24 CFR §982.4, 24 CFR §984.306].

- *Initial PHA* means both:

1. A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and
2. A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

- *Receiving PHA* means a PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA either absorbs the family into its program, including issuing a voucher and providing rental assistance to the family, or bills the initial PHA for the family's housing assistance payments and the fees for administering the family's voucher.
- *Relocating FSS Family* refers to an FSS family that moves from the jurisdiction of a PHA at least 12 months after signing its contract of participation.

7-I.C. RESIDENCY REQUIREMENTS

Families participating in an HCV FSS program are required to lease an assisted unit within the jurisdiction of the PHA that selected the family for the FSS program for a minimum period of 12 months after the effective date of the contract of participation. However, the initial PHA may approve a family's request to move outside its jurisdiction under portability during this period [24 CFR §984.306(b)(1)].

PHA Policy

The PHA will approve a family's request to move outside its jurisdiction under portability during the first 12 months after the effective date of the contract of participation if needed for training, education, employment, support services, or to meet personal family needs. After the first 12 months of the FSS contract of participation, the FSS family may move outside the initial PHA jurisdiction under portability procedures regardless of PHA approval
[24 CFR §984.306(b)(2)].

7-I.D. CONTRACT OF PARTICIPATION

Once a family moves outside the initial PHA's jurisdiction, a determination will need to be made regarding whether the family will continue to participate in the initial PHA's FSS program or whether it will participate in the FSS program of the receiving PHA.

Continued Participation in the FSS program of the Initial PHA

A relocating FSS family may continue in the FSS program of the initial PHA if the family demonstrates to the satisfaction of the initial PHA that, notwithstanding the move, the relocating FSS family will be able to fulfill its responsibilities under the initial or modified contract of participation at its new place of residence. For example, this could mean that the FSS family may be able to commute to the supportive services specified in the contract of participation, or the family may move to obtain employment as specified in the contract [24 CFR §984.306(c)].

PHA Policy

The PHA will approve a relocating family's request to continue in its FSS program if the family demonstrates to the PHA's satisfaction that, notwithstanding the move, the relocating FSS family will be able to fulfill its responsibilities under the existing or modified contract of participation at its new place of residence.

Should the relocating family stay in the initial PHA's FSS program, there will be only one contract of participation. This will be the same contract as originally executed by the initial PHA [24 CFR §984.306(c)(2)].

Participation in the FSS Program of the Receiving PHA

When a family moves into the jurisdiction of another PHA, the relocating FSS family may participate in the FSS program of the receiving PHA if the receiving PHA allows the family to do so. However, a PHA is not obligated to enroll a relocating FSS family in its FSS program [24 CFR §984.306(d)(1)].

PHA Policy

The PHA, as the receiving housing authority, will allow a relocating FSS family to participate in its FSS program so long as an open ```FSS slot exists. The PHA, as the receiving housing authority, will allow a relocating FSS family to participate in its FSS program so long as there is a(n):

- Open slot in the FSS program.
- The family does not owe money to any PHA.
- The essential services are available in its community.

In cases where the receiving PHA allows the relocating FSS family to participate in its FSS program, the receiving PHA will enter into a new contract of participation with the FSS family for the term remaining on the contract with the initial PHA. The initial PHA will then terminate its contract of participation with the family [24 CFR §984.306(d)(2)]

Part II: The EFFECTS of Portability on FSS Regulations and Policy

7-II.A. OVERVIEW

The regulations set forth under the FSS program will sometimes be affected by the regulations of the public housing and housing choice voucher (HCV) programs. Portability, as an integral part of the housing choice voucher program, is an excellent example of how HCV regulations can in turn affect FSS program operation. This part describes the specific ways in which portability affects different aspects of the FSS program, including the escrow account, program termination, loss of the FSS account, and termination of HCV program assistance.

7-II.B. PORTABILITY AND THE ESCROW ACCOUNT [24 CFR §984.306(e)]

The escrow account is one aspect of the FSS program that could present an issue if a participant family decides to move under portability because the family's account is administered by the initial PHA. Regardless of whether the relocating FSS family remains in the FSS program of the initial PHA or is enrolled in the FSS program of the receiving PHA, FSS regulations specify that there will be a single FSS account to be maintained by the initial PHA so long as the initial PHA is ultimately paying the housing assistance payment. However, when an FSS family is absorbed by the receiving PHA, the initial PHA transfers the family's FSS account to the receiving PHA, and the receiving PHA begins administering the account.

7-II.C. PROGRAM TERMINATION, LOSS OF FSS ACCOUNT, AND TERMINATION OF SECTION 8 ASSISTANCE

Another point of consideration for PHAs is noncompliance with the contract of participation when the FSS participant family moves outside of the PHA's jurisdiction. In such cases, noncompliance with the contract is treated the same under portability as it is if the noncompliance occurred in the initial PHA's jurisdiction. According to the regulatory language, if an FSS family that relocates to another jurisdiction is unable to fulfill its obligations under the contract of participation (or any modifications to the contract), the PHA administering the contract may either terminate the FSS family from the FSS program and the family's FSS account will be

forfeited; or, the PHA may terminate the FSS family from the FSS program and the family's FSS account will be forfeited, **and** terminate the FSS family's HCV program assistance on the grounds that the family failed to meet its obligations under the contract of participation [24 CFR §984.306(f)(1)].

PHA policy regarding the consequences of noncompliance with the FSS contract of participation can be found in Section 5-I.D. of this action plan. *Good cause* is likewise defined in this section.

PHA policy regarding the termination of HCV program assistance due to failure to comply with the contract of participation is written in Section 5-II.G. of this action plan.
In the event of forfeiture of the family's FSS account, the funds in the family's FSS account will revert to the PHA maintaining the FSS escrow account for the family [24 CFR §984.306(f)(2)]

GLOSSARY

A. ACRONYMS USED IN SUBSIDIZED HOUSING

AAF	Annual Adjustment Factor
ACC	Annual Contributions Contract
BR	Bedroom
CDBG	Community Development Block Grant
CFR	Code of Federal Regulations
CR	Contract Rent
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration
FICA	Federal Insurance Contributions Act - Social Security taxes
FMR	Fair Market Rent
FY	Fiscal Year
FYE	Fiscal Year End
GAO	Government Accounting Office
GR	Gross Rent
HAP	Housing Assistance Payment
HCDA	Housing and Community Development Act
HO	Home Ownership
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
IRA	Individual Retirement Account
OIG	Office of Inspector General
PHA	Public Housing Authority
PBVP	Project-Based Voucher Program
PS	Payment Standard
QC	Quality Control
RFTA	Request for Tenancy Approval
RFP	Request for Proposals
SHRA	Sacramento Housing and Redevelopment Agency
SRO	Single Room Occupancy
TR	Tenant Rent
TTP	Total Tenant Payment
UA	Utility Allowance
URP	Utility Reimbursement Payment

B. GLOSSARY OF TERMS IN SUBSIDIZED HOUSING

ABATEMENT: Permanent withholding of the HAP for the duration that the assisted unit is not in compliance with Housing Quality Standards after the initial thirty-day repair timeframe.

ABSORPTION: In portability, the point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA uses funds available under the receiving PHA consolidated ACC.

ACC RESERVE ACCOUNT: Account established by HUD from amounts by which the maximum payment to the PHA under the consolidated ACC (during a PHA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

ADJUSTED INCOME: Annual income, less allowable HUD deductions.

ADMINISTRATIVE FEE: Fee paid by HUD to the PHA for administration of the program.

ADMINISTRATIVE FEE RESERVE: Account established by PHA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

ADMINISTRATIVE PLAN: The HUD required written policy of the PHA governing its administration of the Housing Choice Voucher program. The Administrative Plan and any revisions must be approved by the PHA's board and a copy submitted to HUD.

ADMISSION: The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

ADULT: A Person aged 18 years or older.

ANNUAL CONTRIBUTIONS CONTRACT (ACC): A written contract between HUD and a PHA. Under the contract HUD agrees to provide funding for operation of the program, and the PHA agrees to comply with HUD requirements for the program

ANNUAL INCOME: The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income computed in accordance with the regulations.

ANNUAL ADJUSTED INCOME: The Annual Income (described above) less the HUD-approved allowances.

APPLICANT (or applicant family): A family that has applied for admission to a program, but is not yet a participant in the program.

APPOINTMENT: An in-person or virtual meeting between SHRA staff and an applicant or participant.

"AS-PAID" STATES: States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS: (See Net Family Assets.)

ASSISTED TENANT: A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or the Housing Choice Voucher assistance and all other 236 and 221 (d) (3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

BUDGET AUTHORITY: An amount authorized and appropriated by the Congress for payment to PHAs under the program. For each funding increment in a PHA program, budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of the funding increment.

CERTIFICATE PROGRAM: Rental certificate program.
CHILDCARE EXPENSES: Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

CITIZEN: A citizen or national of the United States.

CODE OF FEDERAL REGULATIONS: Commonly referred to as "the regulations" or "CFR". The CFR is the compilation of Federal rules, which are first published in the Federal Register and define and implement a statute.

CO-HEAD: An individual in the household who is equally responsible for the lease with the Head of Household. (A family never has a Co-head and a Spouse/Partner and; a Co-head is never a Dependent).

CONGREGATE HOUSING: Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing

COOPERATIVE: A dwelling unit owned and or shared by a group of individuals who have individual sleeping quarters and share common facilities such as kitchen, living room and some bathrooms.

CONTIGUOUS MSA: In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial PHA is located.

CONTINUOUSLY ASSISTED: An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.

CONTRACT: (See Housing Assistance Payments Contract.)

CONTRACT AUTHORITY: The maximum annual payment by HUD to a PHA for a funding increment.

CONTRACT RENT: In the Housing Choice Voucher Program, Contract Rent is the total rent paid to the owner, including the tenant payment and the HAP payment from the PHA.

COVERED FAMILY: A family that receives welfare benefits or other public assistance from a state or local agency which requires, as a condition of eligibility to receive assistance, the participation of a family member in an economic self-sufficiency program.

CURRENT: A debt is considered "current" if there is a repayment agreement, the family has made at least one payment and there are no past due payments.

DEPENDENT: A member of the family household (excluding foster children) other than the family head or spouse/partner, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or over.

DES: Designated Housing Vouchers: DES vouchers are made available for non-elderly, disabled families who are living in elderly only public housing or who are on the public housing waiting list. Also see NED.

DHS: Department of Homeland Security (formerly known as INS)

DISABILITY ASSISTANCE EXPENSE: Anticipated costs for care attendants and auxiliary apparatus for disabled family members, which enable a family member (including the disabled family member) to work.

DISABLED PERSON: A person who is any of the following:
(1) A person who has a disability as defined in section 223 of the Social Security Act. (42 U.S.C. §423).
(2) A person who has a physical, mental, or emotional impairment that:
  (a) Is expected to be of long-continued and indefinite duration
  (b) Impedes his or her ability to live independently
  (c) Is of such a nature that ability to live independently could be improved by more suitable housing conditions
  (3) A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. §6001(7)).

DISABLED FAMILY: A family where the head (including co-head) spouse/partner, or sole member is a person with a disability. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

DISPLACED FAMILY: A family in which each member, or whose sole member, is a person:
  (1) displaced by governmental action resulting from the:
  (a) prepayment of a mortgage or
  b) voluntary termination of a mortgage insurance contract or
  c) termination from housing due to a lack of funding or
  d) demolition or disposition of a public or Indian housing project, or
  e) a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief (24 CFR §5.403)

DOMICILE: The legal residence of the household head or spouse/partner as determined in accordance with State and local law.

DRUG-RELATED CRIMINAL ACTIVITY: The illegal manufacture, sale, distribution, use, or the possession with intent to manufacture, sell distribute or use, of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. §802).

DRUG TRAFFICKING: The illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. §802)).

DUPLICATE PRE-APPLICATION: Multiple pre-applications in which the head of household name and social security number are the same. The first pre-application will be accepted for its date and time however the address and other updated information will be used to update the current record.

ECONOMIC SELF-SUFFICIENCY PROGRAM: Is any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families. Such programs may include job training, employment counseling, work placement, basic skills training, education, English proficiency, workforce, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

EIV: Enterprise Income Verification System is a HUD computer system used to verify income for program participants.

ELDERLY HOUSEHOLD: A family whose head (including co-head), spouse/partner or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

ELDERLY PERSON: A person who is at least 62 years old.

ELIGIBILITY INCOME: May 10, 1984, regulations deleted Eligibility Income, per se, because Annual Income is now for eligibility determination to compare to income limits.

ELIGIBLE FAMILY (Family): A family is defined by the PHA in the administrative Plan, which is approved by HUD.

EMANCIPATED MINOR: A person under the age of 18 who is no longer subject to the laws governing parental responsibility. Emancipated minors are seen as legal adults under most circumstances.

EMERGENCY: Any documented and verifiable situation endangering the life or health and safety of the family including impending homelessness as a result of reduced funding for the HCV program or other sequestration of funds.

EXCEPTION RENT: In the certificate program an initial rent (contract rent plus any utility allowance) in excess of the published FMR. In the certificate program the exception rent is approved by HUD, or the PHA under prescribed conditions, and is used in determining the initial contract rent. In the voucher program the PHA may adopt a payment standard up to the exception rent limit approved by HUD for the PHA certificate program.

EXCESS MEDICAL EXPENSES: Any medical expenses incurred by elderly or disabled families only in excess of 10% of Annual Income, which are not reimbursable from any other source.

EXTREMELY LOW-INCOME (ELI) FAMILY: A family whose annual income does not exceed 30% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. PHA Voucher Programs must admit at least 70% of new applicants who are ELI families.

FAIR MARKET RENT: The rent, including the cost of basic utilities (not telephone, internet or cable), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest

(non-luxury) nature with suitable amenities. In this document, this includes Small Area Fair Market Rents also.

FAMILY: "Family" includes but is not limited, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
(1) A single person, who may be an elderly person, displaced person, disabled person, near elderly person or any other single person: or
(2) A group of persons residing together, and such group include, but are not limited to:

A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
Elderly family;
A near-elderly family;
A disabled family;
A displaced family; and
The remaining member of a tenant family.

FAMILY OF VETERAN OR SERVICE PERSON: A family is a "family of veteran or service person" when:
(1) The veteran or service person (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.
(2) The veteran or service person, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse/partner has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM): The program established by a PHA to promote self-sufficiency of assisted families, including the provision of supportive services. Refer to the 2012 Family Self Sufficiency Action Plan for additional information on the program.

FAMILY SHARE: The amount calculated by subtracting the housing assistance payment from the gross rent.

FAMILY UNIT SIZE: The size of the Certificate or Voucher issued to the family based on the PHA's subsidy standards.

FEDERAL PREFERENCE: A preference under Federal law for admission of applicant families.

FEDERAL PREFERENCE HOLDER: An applicant that qualifies for a Federal preference.

FMR: Fair Market Rent. In this document, it also means SAFMR.

FOSTER CHILDCARE PAYMENT: Payment to eligible households by State, local, or private agencies appointed by the State, to administer payments for the care of foster children.

FULL-TIME STUDENT: A full time student is a person who is enrolled in at least 12 or more units at 1 (one) or more educational, technical or vocational institutions. An adult member of the household

enrolled full-time in high school will also be considered a full-time student upon receipt of verification of continued enrollment.

FUNDING INCREMENT: Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contract for the PHA program.

GOOD CAUSE: a substantial and compelling reason for missing an appointment or deadline to submit paperwork or to provide other information

GOOD STANDING: A family which does not owe an outstanding debt to any PHA; is not delinquent on a repayment agreement; is not subject to an action by the PHA that would require, under this Plan, the PHA to mail a Notice of Mandatory Tenant Conference or Notice or Proposed Termination of HCV Eligibility to the family; has not been evicted from federally subsidized housing; or been terminated from the HCV program within the last three years.

GROSS RENT: The sum of the Contract Rent and the utility allowance. If there is no utility allowance, Contract Rent equals Gross Rent.

GROUP HOME: A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

HAP CONTRACT: (See Housing Assistance Payments contract.)

HEAD OF HOUSEHOLD: The head of household is the adult member of the family who assumes legal and financial responsibility for the household and is listed on the application as head.
HIGHER COST AREA OR HIGHER COST UNIT: For moves within the initial PHA's jurisdiction, a "higher cost unit" is defined as a unit in which the PHA would have to pay a higher subsidy amount. For portability moves, a "higher cost area" is defined as an area where a higher subsidy amount will be paid for a family because of higher payment standard amounts or "more generous" subsidy standards (e.g., the receiving PHA issues a 3-bedroom voucher to a family that received a 2-bedroom voucher from the initial PHA). (See PIH 2011-3).

HOMELESS:

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

Homeless means:

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

(i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government

programs for low-income individuals); or
(iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

(2) An individual or family who will imminently lose their primary nighttime residence, provided that:
(i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
(ii) No subsequent residence has been identified; and
(iii) The individual or family lacks the resources or support networks, *e.g.,* family, friends, faith-based or other social networks, needed to obtain other permanent housing.

(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

(i) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
(ii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
(iii) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

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

The meaning of "at-risk of homelessness" is as such term is defined in section 401(1) of the McKinney-Vento

Homeless Assistance Act (42 U.S.C. 11360(1)), which is codified in HUD's Continuum of Care Program regulations at 24 CFR 578.3 and reads as follows:

At risk of homelessness.

(1) An individual or family who:

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

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

(iii) Meets one of the following conditions:

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

(B) Is living in the home of another because of economic hardship; Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance;

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

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

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

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

(2) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

(3) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

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

This category is composed of any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking.

This includes cases where a HUD-assisted tenant reasonably believes that there is a threat of imminent harm from further violence if they remain within the same dwelling unit, or in the case of sexual assault, the HUD-assisted tenant reasonably believes there is a threat of imminent harm from further violence if they remain within the same dwelling unit that they are currently occupying, or the sexual assault occurred on the premise during the 90- day period preceding the date of the request for transfer.

Domestic violence includes felony or misdemeanor crimes of violence committed by:

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

Dating violence means violence committed by a person:

a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    1. The length of the relationship;
    2. The type of relationship; and
    3. The frequency of interaction between the persons involved in the relationship.

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

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(1) Fear for the person's individual safety or the safety of others; or
(2) Suffer substantial emotional distress.

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

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

Labor trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or

coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

d. Individuals or families who are recently homeless

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

HOMELESS PREFERENCE: The homeless preference may be verified by self-certification.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974: Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was recodified, and which added the Section 8 Programs.

HOUSING ASSISTANCE PAYMENT: The monthly assistance payment by a PHA. The total assistance payment consists of:
(1) A payment to the owner for rent to the owner under the family's lease.
(2) An additional payment to the family if the total assistance payment exceeds the rent to the owner. The additional payment is called a "utility reimbursement" payment.

HOUSING ASSISTANCE PAYMENTS CONTRACT: (HAP contract). A written contract between a PHA and an owner in the form prescribed by HUD headquarters, in which the PHA agrees to make housing assistance payments to the owner on behalf of an eligible family.

HOUSING AUTHORITY: A state, county, municipality or other governmental entity or public body authorized to administer the program. The term "PHA" includes an Indian Housing Authority (IHA).

HOUSING FIRST: The evidence-based model that uses housing as a tool, rather than a reward, for recovery and that centers on providing or connecting homeless people to permanent housing as quickly as possible. Housing First providers offer services as needed and requested on a voluntary basis and that do not make housing contingent on participation in services. (Senate Bill #1380)

HOUSING QUALITY STANDARDS (HQS): The HUD minimum quality standards for housing assisted under the tenant-based programs.

HUD: Department of Housing and Urban Development.

HUD REQUIREMENTS: HUD requirements for the Housing Choice Voucher programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

IMPUTED ASSET: Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

IMPUTED INCOME: HUD passbook rate multiplied by total cash value of assets. Calculation used when assets exceed $50,000 (as adjusted annually for inflation by HUD).

IMPUTED WELFARE INCOME: The amount of annual income, not actually received by a family, as a result of a specified benefit reduction

INITIAL PHA: In portability, the term refers to both:
(1) A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and
(2) A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

INITIAL PAYMENT STANDARD: The payment standard at the beginning of the HAP contract term.

INITIAL RENT TO THE OWNER: The rent to the owner at the beginning of the HAP contract term.

INCOME: Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

INCOME FOR ELIGIBILITY: Annual Income.

INDIAN HOUSING AUTHORITY (IHA): A housing agency established either:
(1) By exercise of the power of self-government of an Indian Tribe, independent of State law, or
(2) By operation of State law providing specifically for housing authorities for Indians.

INTEREST REDUCTION SUBSIDIES: The monthly payments or discounts made by HUD to reduce the debt service payments and the rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

JURISDICTION: The area in which the PHA has authority under State and local law to administer the program.

LEASE:
(1) A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the PHA
(2) In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the PHA.

LEASE ADDENDUM: In the lease between the tenant and the owner, the lease language required by HUD.

LIVE-IN AIDE: A person who resides with an elderly person or disabled person and who:
(1) Is determined to be essential to the care and wellbeing of the person.
(2) Is not obligated for the support of the person.
(3) Would not be living in the unit except to provide necessary supportive services.

LOCAL PREFERENCE: A mechanism used to prioritize eligible households for placement on a PHA's waiting list.

LONG-TERM PLACEMENT: Is defined as six or more months in the household

LOW-INCOME FAMILY: A family whose annual income does not exceed 80% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

MANUFACTURED HOME: A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type. See 24 CFR §§ 982.620 and 982.621.

MANUFACTURED HOME SPACE: In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR §§ 982.622 to 982.624

MARKET RENT: The prevailing comparable rent being charged in the rental area. Factors considered are unit type, size, age, location, amenities and provided services.

MEDICAL EXPENSES: A deduction for Disabled and/or Elderly Households only: those total medical expenses, including medical insurance premiums, which are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

MINOR: A member of the family household (excluding foster children) other than the family head or spouse/partner who is under 18 years of age.

MIXED FAMILY: A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status as defined in 24 CFR §5.504(b)(3)

MONTHLY ADJUSTED INCOME: 1/12th of the Annual Adjusted Income.

NATIONAL: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

NED: Non-elderly, disabled person. Also see DES above.

NET FAMILY ASSETS: Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

NON-CITIZEN: A person who is neither a citizen nor a national of the United States.

NON-PARENT: A person who is not the biological mother or father of a child

OCCUPANCY STANDARDS: Now referred to as Subsidy Standards. Standards established by a PHA to determine the appropriate number of bedrooms for families of different sizes and compositions.

ORIGINAL HOUSEHOLD MEMBER: A household member, who was a part of the original application and who has not resided outside of the home for more than 180 days.

OTHER CRIMINAL ACTIVITY: Other Criminal Activity is 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 criminal activity which may threaten the health and 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, sub-contractor or agent), which may include but is not limited to: theft, vandalism, unlawful entry, burglary, etc.

OWNER: This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner. The persons or entity having the legal right to lease a unit to a participant.

PARTICIPANT: A family that has been admitted to the PHA's Housing Programs. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (First day of initial lease term).

PAYMENT STANDARD: The maximum subsidy payment for a family.

PERMANENT SUPPORTIVE HOUSING: Housing model that combines low barrier affordable housing and supportive housing to help individuals and families lead more stable lives.

PERSONS WITH DISABILITIES: Individuals with any condition or characteristic that renders a person an individual with a handicap as defined in 24 CFR §8.3.

PORTABILITY: Renting a dwelling unit with the Housing Choice Voucher tenant-based assistance outside the jurisdiction of the initial PHA

PROJECT: The units as defined in Attachment A of a Project-based voucher contract.

PRE-APPLICANT (or Pre-Applicant Family): A family that has submitted a pre-application to be placed on a waiting list but has not yet completed an application to qualify for the program.

PREMISES: The building or complex in which the dwelling unit is located, including common areas and grounds.

PREVIOUSLY UNEMPLOYED: This includes a person with disabilities who has earned in the previous 12 months no more than the equivalent earnings for working 10 hours per week for 50 weeks at the minimum wage. Minimum wage is the prevailing minimum wage in the State or locality.

PRIVATE SPACE: In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

PUBLIC ASSISTANCE: Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, State, or local governments.

PUBLIC HOUSING AUTHORITY: A state, county, municipality, or other governmental entity or public body authorized to administer the programs.

REASONABLE CAUSE: Applied to a set of facts or actions to prove whether a reasonable person would have come to the same conclusion or acted in the same way given the totality of the circumstances.

REASONABLE RENT: A rent to the owner that is not more than rent charged:
(1) For comparable units in the private unassisted market; and
(2) For comparable unassisted units in the premises.

RECEIVING PHA: In portability: A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a certificate or voucher and provides program assistance to the family.

RECERTIFICATION: Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

RELATIVE: Any person related by blood, adoption or marriage.

REMAINING MEMBER OF TENANT FAMILY: Person left in assisted housing after other family members have left and become unassisted.

RENT TO THE OWNER: The total monthly rent payable to the owner under the lease for the unit. Rent to the owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

SAFMR: Small Area Fair Market Rents. Used interchangeably with FMR.

SECRETARY: The Secretary of Housing and Urban Development.

SECURITY DEPOSIT: Any advance payment, other than an advance for the first month's rent or a deposit for a key or any special equipment

SERIOUS LEASE VIOLATIONS: The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:
(1) If the owner terminates tenancy for serious or repeated violations of the lease.
(2) If there are police reports, neighborhood complaints or other third-party information, that has been verified by the PHA.
(3) Nonpayment of rent is considered a serious violation of the lease.

SERVICE PERSON: A person in the active military or naval service (including the active reserve) of the United States.

SINGLE PERSON: A person living alone or intending to live alone.

SMALL AREA FAIR MARKET RENTS (SAFMR): Fair Market Rents published by zip codes. HUD typically publishes SAFMRs annually in October.

SPECIAL ADMISSION: Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

SPECIAL HOUSING TYPES: See Subpart M of 24 CFR 982, which states the special regulatory requirements for SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

SPORADIC INCOME: Income received less than three pay periods in the year

SPOUSE/PARTNER: A spouse/partner may be a person who is a boyfriend, girlfriend, significant other, spouse, or intimate partner. A household may only have one approved spouse/partner at a time.

SUBSIDIZED PROJECT: A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:
(1) Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
(2) Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
(3) Direct loans pursuant to Section 202 of the Housing Act of 1959; or
(4) Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
(5) Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act;
(6) A Public Housing development.

SUBSIDY STANDARDS: Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

SUBSTANTIALLY COMPLY WITH HUD'S HOUSING QUALITY STANDARDS: The housing unit will pass housing quality standards (HQS) without the infusion of more than $5,000 in rehabilitation.

SUSPENSION/TOLLING: Stopping the clock on the term of a family's certificate or voucher, for such period as determined by the PHA, from the time when the family submits a request for PHA approval to lease a unit, until the time when the PHA approves or denies the request.
TENANT: The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

TENANT RENT: The amount payable monthly by the family as PHA-approved rent to the owner

TOTAL TENANT PAYMENT (TTP): The highest of 30% of the monthly-adjusted income, 10% of total monthly income, or the minimum rent.

UIV: Up-Front Income Verification. Refer to EIV (above)

UNIT: Residential space for the private use of a family.

UTILITIES: Utilities means water, electricity, gas, other heating, cooking fuels, trash collection and sewage services. Telephone, cable and internet services are not considered utilities.

UTILITY ALLOWANCE: An average estimated utility cost for the type, size and utility combination that the tenant would be responsible to pay.

UTILITY REIMBURSEMENT PAYMENT: The amount, if any, by which the Utility Allowance for the selected unit or authorized voucher size (whichever is less), if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

VACANCY LOSS PAYMENTS:
~~MOD REHAB PROGRAM [24 CFR §882.411]~~
~~See Chapter 19, MOD REHABILITATION PROGRAM, Vacancy Loss.~~
PROJECT-BASED PROGRAM [24 CFR §983.352]
See Addendum #2, PROJECT-BASED PROGRAM, Vacancy Loss.

VAMC: Veterans Affairs Medical Center.

VERY LOW-INCOME FAMILY (VLI): A Lower-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the Voucher Program.

VETERAN:
a person who has served in the active military, who was called to active duty by a federal order of the United States at any time and who was discharged or released under conditions other than dishonorable.

VETERAN FAMILY PREFERENCE: A preference will be provided to a household containing a veteran as defined in this Glossary.

VIOLENT CRIMINAL ACTIVITY: Violent criminal activity is any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

VOUCHER HOLDER: A family holding a voucher with unexpired search time.

WAITING LIST ADMISSION: An admission from the PHA waiting list.

WAITING LIST: A list of families organized according to HUD regulations and PHA policy that are waiting for subsidy to become available.

WELFARE ASSISTANCE: Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State, or local governments.