

FORM APPROVED COUNTY COUNSEL 3/9/16
BY: GREGORY P. PRIAMOS DATE

Departmental Concurrence

SUBMITTAL TO THE BOARD OF COMMISSIONERS
HOUSING AUTHORITY
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

916



FROM: Housing Authority

SUBMITTAL DATE:
March 24, 2016

SUBJECT: Approval of the Housing Authority Annual Agency Plans and Supporting Documents, All Districts [\$0]; Not a Project under CEQA

RECOMMENDED MOTION: That the Board of Commissioners:

1. Find that the Housing Authority's Public Housing Agency Annual Plan and supporting documents for Fiscal Year 2016-2017 are not projects pursuant to California Environmental Quality Act (CEQA) Section 21065 and State CEQA Guidelines Section 15060 (c)(3) and Section 15378(b)(5);

(Continued)

Robert Field
Executive Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	
SOURCE OF FUNDS: N/A				Budget Adjustment: No	
				For Fiscal Year: 2016-2017	

C.E.O. RECOMMENDATION:

APPROVE

BY:

Rohini Dasika

County Executive Office Signature

MINUTES OF THE HOUSING AUTHORITY BOARD OF COMMISSIONERS

☐ A-30
☐ 4/5
☐ Vote

☐ Positions Added
☐ Change Order

Prev. Agn. Ref.: 3/15/2016

District: ALL

Agenda Number:

10-1

SUBMITTAL TO THE BOARD OF COMMISSIONERS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Housing Authority

FORM 11: Approval of the Housing Authority Annual Agency Plans and Supporting Documents, All Districts [\$0]; Not a Project under CEQA

DATE: March 24, 2016

PAGE: 2 of 4

RECOMMENDED MOTION: (Continued)

2. Adopt Resolution 2016-003 Approving the Housing Authority of the County of Riverside's Public Housing Agency (PHA) Annual Plan and Supporting Documents for Fiscal Year 2016-2017 and Authorizing the Chairman of the Board of Commissioners to Sign the PHA Certifications of Compliance;
3. Approve and authorize the Chairman of the Board to sign the attached PHA Certifications of Compliance with PHA Plans and Related Regulations (form HUD-50077-ST-HCV-HP); and
4. Authorize the Executive Director, or designee, to sign all remaining documents and certifications pertaining to the Housing Authority's housing assistance programs, including, but not limited to, the Housing Choice Voucher Program, Affordable Public Housing and Homeownership Program, and the Capital Fund Program, subject to County Counsel approval.

BACKGROUND:

Summary

The Quality Housing and Work Responsibility Act of 1998 (ACT) requires a Public Housing Agency (PHA) (as defined by HUD) to submit a 5-Year Plan and Annual Plan (collectively, PHA Plans) in accordance with the format outlined by the U.S. Department of Housing and Urban Development (HUD) under Title 24 Code of Federal Regulations (CFR) Part 903, Subpart B. The purpose of the PHA Plans is to provide a strategic planning framework for local accountability and an easily identifiable source by which public housing residents, participants in the tenant-based assistance program, and other members of the public may locate basic PHA policies, rules and requirements concerning the PHA's operations, programs and services. The Housing Authority of the County of Riverside (Housing Authority) is a Public Housing Agency. The 5-Year Plan covers fiscal years July 1, 2015 through June 30, 2020 and was submitted to and approved by HUD in 2015. The Annual Plan and supporting documents prepared by the Housing Authority under this item cover fiscal year July 1, 2016 through June 30, 2017. The PHA supporting documents prepared pursuant to the Act and Title 24 CFR Part 903 include annual plans for the Housing Authority's various housing assistance programs, including the Housing Choice Voucher, Affordable Public Housing and Homeownership Programs, as well as an Annual Statement/Performance & Evaluation Report and a 5 Year Action Plan for the Capital Fund Program. A public hearing was held before the PHA's governing body, the Board of Commissioners, on March 15, 2016, as required. Final versions of the Annual Plan and supporting documents are attached hereto.

Salient provisions contained in the annual plans include the following:

The Housing Authority's Policy on Zero Tolerance of Criminal Activity was amended to relax the one strike-type approach and allow for the successful completion of diversion-type activities to be considered and is now named the Housing Authority of the County of Riverside's Policy on Prohibited Criminal Activity. HUD Notice PIH 2015-19 was used as a reference tool when updating the policy.

The Housing Authority will apply to HUD for the opportunity to participate in the combined Family Unification Program (FUP) and Family Self Sufficiency (FSS) Demonstration by July 15, 2016. The demonstration will test the effectiveness of combining Housing Choice Vouchers for eligible FUP youth lacking adequate housing with assistance offered through FSS in order for youth to achieve self-sufficiency. The Housing Authority will partner with the local welfare agency on this demonstration.

(Continued)

SUBMITTAL TO THE BOARD OF COMMISSIONERS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Housing Authority

FORM 11: Approval of the Housing Authority Annual Agency Plans and Supporting Documents, All Districts [\$0]; Not a Project under CEQA

DATE: March 24, 2016

PAGE: 3 of 4

BACKGROUND:

Summary

(Continued)

The Department of Housing and Urban Development conditionally approved three Commitments to Enter into a Housing Assistance Payment (CHAPs) under the Rental Assistance Demonstration (RAD) program for its public housing properties which will result in the full conversion of the Housing Authority's 469 unit public housing portfolio to units assisted with Project Based Vouchers, which are commonly referred to as "Section 8" units. The existing Affordable Public Housing Program Statement of Policies and Capital Fund Program will be eliminated after full conversion to Project-Based Vouchers under the RAD and final approval from HUD and there will no longer be a community wide Affordable Public Housing waiting list, and instead there will be Project Based Voucher regional waiting lists created.

As a result of HUD's conditional approval of the RAD conversion, a Significant Amendment to the 2015-16 Agency Plan was approved by the Housing Authority's Board of Commissioners on December 15, 2015 and was submitted to the HUD local Field Office for approval.

Any public housing units converting to assistance under RAD long-term Project Based Voucher contracts shall no longer be subject to the program rules applicable to public housing. The former public housing units which become Section 8 units will be subject to the rules of the applicable Section 8 program, as modified by a few rules specific to RAD converted units.

Pursuant to Title 24 CFR Section 903.5, the Housing Authority must submit a 5-Year Plan once every 5 PHA fiscal years, no later than 75 days before the commencement of the PHA's fiscal year and an Annual Plan no later than 75 days before the commencement of the PHA's fiscal year. In addition, the PHA must submit a completed and signed form HUD-50077, PHA Certifications of Compliance with the PHA Plans and Related Regulations (PHA Certifications of Compliance), signed by the Chairperson, acting on behalf of the Board of Commissioners of the PHA. The PHA Certifications of Compliance is attached hereto.

The Housing Authority's 5-Year Plan for Fiscal Years 2015-2020 and Annual Plan and supporting documents for Fiscal Year 2015-2016 (collectively, the Plans) are not projects as defined by California Environmental Quality Act (CEQA) Section 21065 and State CEQA Guidelines Section 15378(b)(5), because they are an administrative activity of the government that will not result in direct or indirect physical changes to the environment. The Plans consist of the administration and planning of ongoing programs to provide housing assistance to certain low income populations within the County and will not result in direct or indirect physical changes to the environment. Based on the aforementioned, Housing Authority staff has determined that the plans are not an activity subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3). Even if a determination is made that the Plans are a project subject to CEQA, the Plans are exempt pursuant to State CEQA Guidelines Section 15061(b)(3) as they will not have any potential for direct or reasonably foreseeable indirect physical environmental impact, only administrative and financial impacts. A Notice of Exemption will be filed by Housing Authority staff with the County Clerk within 5 days of the approval of the Plans. In addition, these activities are exempt from the provisions of the National Environmental Policy Act (NEPA) pursuant to Title 24 Code of Federal Regulations Sections 58.34 (a)(1) and (a)(3), since the Plans are an administrative and planning/strategy activity.

County Counsel has reviewed and approved as to form Resolution 2016-003 and the Annual Plans and supporting documents. Staff recommends that the Board formally adopt Resolution No. 2016-003 and approve and adopt the Annual Plan and supporting documents for FY 2016-2017.

Impact on Citizens and Businesses (Commences on Page 4)

SUBMITTAL TO THE BOARD OF COMMISSIONERS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Housing Authority

FORM 11: Approval of the Housing Authority Annual Agency Plans and Supporting Documents, All Districts
[\$0]; Not a Project under CEQA

DATE: March 24, 2016

PAGE: 4 of 4

Impact on Citizens and Businesses

Riverside County residents are positively impacted by the rental assistance the PHA provides.

SUPPLEMENTAL:

Additional Fiscal Information

There is no contract or General Fund cost associated with this agenda item.

Attachments:

- Attachment A—Resolution No. 2016-003 Approving the Housing Authority of the County of Riverside's Public Housing Agency (PHA) Annual Plan and Supporting Documents for Fiscal Year 2016-2017 and Authorizing the Chairman of the Board of Commissioners to Sign the PHA Certifications of Compliance; Form HUD 50077 Certifications of Compliance
- Attachment B—Annual Agency Plan
- Attachment C—Administrative Plan for the Housing Choice Voucher Program
- Attachment D—Statement of Policies for the Affordable Public Housing Program
- Attachment E—Capital Fund Program Annual Statement/Performance & Evaluation Report (form HUD 50075.1) and 5 Year Action Plan (form HUD 50075.2)
- Attachment F—Homeownership Plan

BOARD OF COMMISSIONERS

**HOUSING AUTHORITY OF
THE COUNTY OF RIVERSIDE**

**RESOLUTION NO. 2016-003
APPROVING THE HOUSING AUTHORITY OF THE COUNTY OF RIVERSIDE'S
PUBLIC HOUSING AGENCY (PHA) ANNUAL PLAN AND SUPPORTING
DOCUMENTS FOR FISCAL YEAR 2016-2017 AND AUTHORIZING THE CHAIRMAN
OF THE BOARD OF COMMISSIONERS TO SIGN THE PHA CERTIFICATIONS OF
COMPLIANCE**

WHEREAS, the Housing Authority of the County of Riverside ("Authority") is a Public Housing Agency (PHA) as defined by the U.S. Department of Housing And Urban Development ("HUD");

WHEREAS, the Authority is authorized by HUD to administer the Housing Choice Voucher and Affordable Public Housing programs (collectively the, "Authority's Affordable Housing Programs") throughout the County of Riverside;

WHEREAS, pursuant to Title 24 CFR Section 903.5 (b), the Authority is required to submit an Annual Plan once every PHA fiscal year, no later than 75 days before the commencement of the PHA's fiscal year;

WHEREAS, the Authority's fiscal year begins on July 1, 2016;

WHEREAS, the Annual Plan submittal must include a HUD PHA Certifications of Compliance with PHA Plans and Related Regulations (Form HUD-50077-ST-HCV-HP) ("PHA Certifications of Compliance") certifying the Authority's compliance with the PHA's Annual Plan, and Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan (form HUD 50077-SL);

WHEREAS, the Board of Commissioners desires to approve the Authority's PHA Annual Plan and supporting documents for Fiscal Year 2016-2017, as submitted to the Clerk of the Board;

WHEREAS, the Authority is in compliance with the Annual Plan, Consolidated Plan and related regulations; and

1 **WHEREAS**, the Board of Commissioners desires to authorize the Chairman of
2 the Board to sign the PHA Certifications of Compliance, attached hereto as Exhibit A
3 and incorporated herein by this reference.

4 **NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** by
5 the Board of Commissioners of the Housing Authority of the County of Riverside, State
6 of California, in regular session assembled on March 29, 2016, as follows:

- 7 1. That the Board of Commissioners hereby finds and declares that the above
8 Recitals are true, correct and incorporated herein.
- 9 2. That the Board of Commissioners hereby approves and adopts the
10 Authority's PHA Annual Plan and supporting documents for Fiscal Year
11 2016-2017, as submitted to the Clerk of the Board.
- 12 3. That the Board of Commissioners hereby approves of authorizes the
13 Chairman of the Board of Commissioners to sign the PHA Certifications of
14 Compliance, attached hereto as Exhibit A.

EXHIBIT A
PHA Certifications of Compliance
(Form HUD-50077-ST-HCV-HP)

(behind this page)

Annual PHA Plan <i>(Standard PHAs and Troubled PHAs)</i>	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 02/29/2016
--	---	--

Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families.

Applicability. Form HUD-50075-ST is to be completed annually by **STANDARD PHAs or TROUBLED PHAs**. PHAs that meet the definition of a High Performer PHA, Small PHA, HCV-Only PHA or Qualified PHA do not need to submit this form.

Definitions.

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, or at risk of being designated as troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceeds 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined, and is not PHAS or SEMAP troubled.

A.	PHA Information.																																
A.1	<p>PHA Name: <u>Housing Authority of the County of Riverside</u> PHA Code: <u>CA027</u> PHA Type: <input type="checkbox"/> Standard PHA <input type="checkbox"/> Troubled PHA PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/01/2016</u> PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) Number of Public Housing (PH) Units <u>469</u> Number of Housing Choice Vouchers (HCVs) <u>9062</u> Total Combined Units/Vouchers <u>9531</u> PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission</p> <p>Availability of Information. PHAs must have the elements listed below in sections B and C readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)</p> <table border="1"> <thead> <tr> <th data-bbox="164 1415 440 1493" rowspan="2">Participating PHAs</th> <th data-bbox="440 1415 573 1493" rowspan="2">PHA Code</th> <th data-bbox="573 1415 870 1493" rowspan="2">Program(s) in the Consortia</th> <th data-bbox="870 1415 1144 1493" rowspan="2">Program(s) not in the Consortia</th> <th colspan="2" data-bbox="1144 1415 1451 1493">No. of Units in Each Program</th> </tr> <tr> <th data-bbox="1144 1493 1289 1591">PH</th> <th data-bbox="1289 1493 1451 1591">HCV</th> </tr> </thead> <tbody> <tr> <td data-bbox="164 1493 440 1591">Lead PHA:</td> <td data-bbox="440 1493 573 1591"></td> <td data-bbox="573 1493 870 1591"></td> <td data-bbox="870 1493 1144 1591"></td> <td data-bbox="1144 1493 1289 1591"></td> <td data-bbox="1289 1493 1451 1591"></td> </tr> <tr> <td data-bbox="164 1591 440 1690"></td> <td data-bbox="440 1591 573 1690"></td> <td data-bbox="573 1591 870 1690"></td> <td data-bbox="870 1591 1144 1690"></td> <td data-bbox="1144 1591 1289 1690"></td> <td data-bbox="1289 1591 1451 1690"></td> </tr> <tr> <td data-bbox="164 1690 440 1789"></td> <td data-bbox="440 1690 573 1789"></td> <td data-bbox="573 1690 870 1789"></td> <td data-bbox="870 1690 1144 1789"></td> <td data-bbox="1144 1690 1289 1789"></td> <td data-bbox="1289 1690 1451 1789"></td> </tr> <tr> <td data-bbox="164 1789 440 1908"></td> <td data-bbox="440 1789 573 1908"></td> <td data-bbox="573 1789 870 1908"></td> <td data-bbox="870 1789 1144 1908"></td> <td data-bbox="1144 1789 1289 1908"></td> <td data-bbox="1289 1789 1451 1908"></td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:																							
Participating PHAs	PHA Code					Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program																									
		PH	HCV																														
Lead PHA:																																	

B.	Annual Plan Elements
B.1	<p>Revision of PHA Plan Elements.</p> <p>(a) Have the following PHA Plan elements been revised by the PHA?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Financial Resources.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Operation and Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Grievance Procedures.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Community Service and Self-Sufficiency Programs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Safety and Crime Prevention.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Pet Policy.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Asset Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Significant Amendment/Modification</p> <p>(b) If the PHA answered yes for any element, describe the revisions for each revised element(s):</p> <p>(c) The PHA must submit its Deconcentration Policy for Field Office review.</p>

<p>B.2</p>	<p>New Activities.</p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Hope VI or Choice Neighborhoods.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Mixed Finance Modernization or Development.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Demolition and/or Disposition.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Designated Housing for Elderly and/or Disabled Families.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Conversion of Public Housing to Tenant-Based Assistance.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Conversion of Public Housing to Project-Based Assistance under RAD.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Occupancy by Over-Income Families.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Occupancy by Police Officers.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Non-Smoking Policies.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Project-Based Vouchers.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Units with Approved Vacancies for Modernization.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).</p> <p>(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project based units and general locations, and describe how project basing would be consistent with the PHA Plan.</p> <p><u>Conversion of Public Housing to Project-Based Assistance under RAD</u></p> <p>The Department of Housing and Urban Development (HUD) has conditionally approved three (3) Commitments to Enter into a Housing Assistance Payment (CHAPs) under the Rental Assistance Demonstration (RAD) program for its public housing properties which will result in the full conversion of HACR's 469 unit public housing portfolio to units assisted with Project Based Vouchers, which are commonly referred to as "Section 8" units. The Affordable Public Housing program Statement of Policies and Capital Fund Program will be eliminated after full conversion to Project-Based Vouchers under the Rental Assistance Demonstration (RAD) and final approval from the Department of Housing and Urban Development and there will no longer be a community wide Affordable Public Housing waiting list and instead there will be Project Based Voucher regional waiting lists created.</p> <p>As a result of HUD's conditional approval of the RAD conversion, a Significant Amendment to the 2015-16 Agency Plan was approved by the Agency's Board of Commissioners on December 15, 2015 and was submitted to the local Field Office for approval.</p> <p>Any public housing units converting to assistance under RAD long-term Project Based Voucher contracts shall no longer be subject to the program rules applicable to public housing. The formerly public housing units which become Section 8 units will be subject to the rules of the applicable Section 8 program, as modified by a few rules specific to RAD converted units. These specific RAD-related rules are intended to apply a few important provisions of the public housing rules to the RAD converted units, even though they would not normally be applicable in the Section 8 context.</p> <p><u>Project-based Vouchers</u></p> <p>HACR currently has 48 project-based vouchers at two developments; 10 units in Blythe and 38 units in Cathedral City. The agency proposes to expand the use of project based vouchers for FY2016-17 to further facilitate the development of affordable housing within Riverside County by developing Housing Authority or Successor Agency (HASA) owned properties, those that exclusively assist veterans or farmworker families or development projects to support applications for state and federal funding opportunities. To support this expansion, the maximum allotment allowed under regulations (20% of total allocation) will be reserved.</p> <p>The agency will expand affordable housing opportunities via project-based vouchers at 6 <i>new</i> developments throughout Riverside County. Project-basing will secure affordable housing options for low income families, especially in times of high demand resulting in a tight rental market whereby landlords taking rental assistance vouchers is diminished. Multi-family properties are in varying stages of development at the following locations:</p> <ul style="list-style-type: none"> ➤ Vista Rio Apartments in Jurupa Valley (8 PBV at a 39 unit development) ➤ Summerhouse/Madera Vista Apartments in Temecula (7 PBV at a 30 unit development) ➤ Illinois Avenue Apartments in Beaumont (21 PBV at a 38 unit development) ➤ Cedar Glen II Apartments in Riverside (23 PBV at a 50 unit development) ➤ Operation Safe House in Riverside (3 PBV at a 14 unit development)
<p>B.3</p>	<p>Civil Rights Certification.</p> <p>Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>

B.4	<p>Most Recent Fiscal Year Audit.</p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe:</p>
------------	--

B.5 Progress Report.

Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year and Annual Plan.

PHA Goal: Expand the supply of assisted housing.

Objective: Increase housing choices for families and individuals.

- Apply for additional vouchers
 - The agency applied for and received 75 additional tenant-based VASH vouchers in fy 15-16
 - The agency applied for and received 75 additional project-based VASH vouchers in fy 15-16 at March Air Reserve Base in Moreno Valley
 - The agency applied for and received 15 additional project-based VASH vouchers in fy 15-16 at Community of Friends in Riverside
- Leverage private or other public funds
 - The agency leveraged HOME, HASA and NSP funding to expand affordable housing opportunities via project-based vouchers at 6 new developments throughout Riverside County. Multi-family properties are in varying stages of development at the following locations:
 - Vista Rio Apartments in Jurupa Valley (8 PBV at a 39 unit development)
 - Summerhouse/Madera Vista Apartments in Temecula (7 PBV at a 30 unit development)
 - Illinois Avenue Apartments in Beaumont (21 PBV at a 38 unit development)
 - Cedar Glen II Apartments in Riverside (23 PBV at a 50 unit development)
 - Operation Safe House in Riverside (3 PBV at a 14 unit development)
- Acquire, construct, or rehabilitate housing units and developments to expand affordable housing opportunities and promote homeownership for low-income households

PHA Goal: Improve the quality of assisted housing.

Objective: Maintain safe, decent, sanitary units and improve quality of life for residents living in assisted housing.

- Obtain and maintain High Performer status for HCV voucher management (SEMAP Score)
 - The Agency successfully met this goal in fy 14-15 for the 13th consecutive year
- Obtain and maintain High Performer status for Public Housing management (PHAS Score)
 - The Agency received a Capital Fund Troubled rating for fy 14-15. After RAD conversion PHAS scoring will no longer apply
- Provide excellent customer service
 - The Agency received a 98% favorable customer service rating via completed customer service surveys
- Renovate or modernize public housing units
 - At vacancy, units are rehabbed and the recent REAC score was an average of 94 for all 3 AMPs.
- Annually inspect units to meet Housing Quality Standards with the option to bi-annually inspect units that regularly pass inspection.
 - The Agency annually inspects units to ensure they meet Housing Quality Standards. The option to conduct bi-annual inspections remains in place but has not been utilized.
- Allocate project-based vouchers for qualified housing projects
 - This goal was successfully met. See the above PHA Goal to Expand the Supply of Existing Housing.

PHA Goal: Increase assisted housing choices.

Objective: Encourage resident choice in rental selection

- Conduct outreach efforts to potential landlords
 - Quarterly landlord workshops are conducted and advertised on the agency's official website.
 - Rental units are listed using GoSection8.com and both landlords and tenants utilize this complementary resource
- Provide replacement vouchers
 - The agency actively selects families from the HCV waiting list to fill all funded turnover vouchers. In cy 2015, the agency selected over 5,000 new families from the waiting list in order to fill turnover vouchers.
 - The HCV waiting list is open for new registrations.
- Expand self-sufficiency programs for participant households
 - The FSS program was selected for a National Family Self Sufficiency Evaluation and was unable to accept new enrollments for CY 2015. Starting January 1, 2016, the agency started to enroll new families into the FSS program and will continue to do so until further notice.
 - The agency will apply for the opportunity to participate in the Family Unification Program (FUP) and Family Self Sufficiency Demonstration by July 15, 2016 testing the effectiveness of combining housing choice vouchers for eligible youth lacking adequate housing under the Family Unification Program (FUP) with assistance under the Family Self Sufficiency (FSS) program. The purpose is to increase opportunities for housing youth with support to achieve self-sufficiency. Specifically, this demonstration extends the 18 –month time limit to match the length of the FSS contract, typically five years with the possibility of extending the Contact of Participation for up to 2 years (for a total of 7 years). HUD's Fiscal Year 2015 Appropriations' allows the Secretary to establish alternative requirements under section 8(x) of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) to establish a demonstration. This demonstration does not waive or establish alternative requirements under the FSS program.
- Allocate project-based vouchers for qualified housing projects
 - This goal was successfully met. See the above PHA Goal to Expand the Supply of Existing Housing.

PHA Goal: Promote self-sufficiency within assisted housing programs

Objective: Promote economic independence for families and individuals.

- Connect working-able and work-ready households to employment opportunities
- Provide or attract supportive services to improve assisted members' employability
- Expand self-sufficiency programs for residents in the assisted housing programs
- Partner with local workforce development centers to positively further self-sufficiency within assisted housing households.
 - For the items listed under this goal, the agency does the following:
 - Connects interested families to employment opportunities via the local Workforce Development Centers throughout Riverside County.
 - Utilizes 7 full time FSS coordinators to work with interested participants to achieve their self-sufficiency goals.
 - Electronically displays work opportunities and other self-sufficiency opportunities in its Riverside and Indio offices.
 - Continues to have a local waiting list preference for working families (and disabled and elderly families).

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

Objective: Promote equal housing opportunities.

- Facilitate affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status, and disability
- Carry out affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion, national origin, sex, familial status, and disability
- Promote equal housing opportunities
 - For the items listed under this PHA goal, the agency strives to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act, including the following:

1. Marketing HACR programs to all eligible persons, including persons with disabilities and persons with limited English proficiency.

All HACR programs will be marketed to all eligible persons, including persons with disabilities and persons with limited English proficiency. This marketing and outreach will include newspaper notices including publications in minority newspapers, outreach to community groups that serve persons with disabilities and persons with limited English proficiency, postings on the HACR website (www.harivco.org), and lobby signs posted in our office locations. Persons with disabilities will be assisted if the application process if requested as a reasonable accommodation. Translation services are available to persons with limited English proficiency at no cost to the participant. HACR also employs several bi-lingual staff members who regularly provide assistance to Spanish speaking applicants/participants.

2. Utilizing buildings and communications that facilitate service delivery to persons with disabilities.

Application intake, office appointments, voucher/contract issuance, and informal hearings are all conducted in accessible office spaces. HACR also provides home visits for appointments upon request as a reasonable accommodation. Sign language and Braille services are also available if necessary to service hearing and visually impaired persons.

3. Supporting and expanding housing choice through landlord outreach, participant education, and security deposit assistance

HACR conducts workshops for prospective and exiting landlords to educate them on the -Housing Choice Voucher Program and HUD guidelines. Participants receive information on housing choice and housing opportunities at all briefing sessions. Additionally, HACR administers a security deposit assistance program for new participants to support housing choice efforts.

4. Referrals to fair housing agencies

Referrals to fair housing agencies are available upon request. Additionally, staff will advise participants to seek fair housing services if a situation arises that warrants such as referral (i.e. landlord/tenant issue, questions regarding tenant rights, renters rights in foreclosure).

5. Informing participants on how to file a fair housing complaint.

The HUD fair housing form is provided to applicants/participants in the applicant briefing packet and upon request. Fair housing notices are posted in all office locations. Applicants/participants are provided assistance in filling out the form and are referred to HUD for additional information and assistance. The toll-free number for the Housing Discrimination Hotline is posted in office lobbies and also provided in briefing packet materials.

6. Staff training

All HACR staff members are informed of the importance of affirmatively furthering fair housing and providing equal opportunity to all participants, including providing reasonable accommodations to persons with disabilities, as part of the agency's overall commitment to quality customer service. Staff is regularly trained on local, state, and federal fair housing laws and issues.

7. The Family Self Sufficiency (FSS) program is an important program for promoting housing opportunities, housing choice, and housing mobility through self-sufficiency. As such, HACR will take additional steps to ensure that this program is administered in a manner that affirmatively furthers fair housing. This includes:

- Whenever a FSS coordinator position is available and advertised, HACR will advertise throughout the community allowing all interested parties an opportunity to apply. Notices are published in the local newspapers, posted on the County of Riverside website, and distributed among HACR employees. Consideration will be given to qualified applicants who have experience in fair housing issues, housing counseling, and/or are bi-lingual

	<ul style="list-style-type: none"> • The FSS program will be marketed to all eligible persons, including persons with disabilities and persons with limited English proficiency. HACR markets the FSS program through periodic mailings to all Housing Choice Voucher (HCV) participants; announcements and program descriptions provided in briefing sessions and annual recertification packets; and lobby signs posted in our office locations. Translation services are available to persons with limited English proficiency at no cost to the participant. In addition, HACR employs several bi-lingual staff members who regularly provide assistance to Spanish speaking participants. • Promoting fair housing in homeownership. FSS participants enrolled in the homeownership program receive information on fair lending practices and laws. <p>8. Record Keeping HACR will maintain a record of the following information for all participants: the race, ethnicity, familial status, and disability status of program participants; any reasonable accommodation requests and the disposition of each; and the employment status of all participants. Program information will be reviewed on an ongoing basis for program reporting and planning.</p> <p>Other PHA Goal and Objective: Implement the requirements of the Violence Against Women Act (VAWA)</p> <ul style="list-style-type: none"> ➤ Protect certain victims of criminal domestic violence, dating violence, sexual assault, or stalking (as well as members of the victims' immediate families) from losing their HUD assisted housing as a consequence of abuse of which they were the victim ➤ Undertake affirmative measures to make tenants participating in the HCV and Public Housing programs aware of VAWA requirements. ➤ Undertake affirmative measure to make Owners participating in the HCV program aware of VAWA requirements. <p>In order to meet this goal, the denial of assistance to an applicant or termination of assistance of a participant for criminal activity are subject to the provisions of the Violence Against Women Act of 2005 and reviewed by a committee on a case by case basis, with supporting documentation (including form HUD 50066).</p>
<p>B.6</p>	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the PHA Plan?</p> <p>Y N <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(c) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
<p>B.7</p>	<p>Certification by State or Local Officials.</p> <p>Form HUD 50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<p>B.8</p>	<p>Troubled PHA.</p> <p>(a) Does the PHA have any current Memorandum of Agreement, Performance Improvement Plan, or Recovery Plan in place?</p> <p>Y N N/A <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe:</p>
<p>C.</p>	<p>Statement of Capital Improvements. Required for all PHAs completing this form that administer public housing and receive funding from the Capital Fund Program (CFP).</p>
<p>C.1</p>	<p>Capital Improvements. Include a reference here to the most recent HUD-approved 5-Year Action Plan (HUD-50075.2) and the date that it was approved by HUD. The agency has a HUD- approved 5-Year Action Plan (50075.2) that was last approved in correspondence from HUD dated May 7, 2015 as part of the Agency's Five Year and Annual Plan effective July 1, 2015.</p>

Instructions for Preparation of Form HUD-50075-ST

Annual PHA Plan for Standard and Troubled PHAs

A. PHA Information. All PHAs must complete this section.

A.1 Include the full PHA Name, PHA Code, PHA Type, PHA Fiscal Year Beginning (MM/YYYY), PHA Inventory, Number of Public Housing Units and or Housing Choice Vouchers (HCVs), PHA Plan Submission Type, and the Availability of Information, specific location(s) of all information relevant to the public hearing and proposed PHA Plan. ([24 CFR §903.23\(4\)\(e\)](#))

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table. ([24 CFR §943.128\(a\)](#))

B. Annual Plan. All PHAs must complete this section.

B.1 Revision of PHA Plan Elements. PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the “yes” box. If an element has not been revised, mark “no.” ([24 CFR §903.7](#))

☐ **Statement of Housing Needs and Strategy for Addressing Housing Needs.** Provide a statement addressing the housing needs of low-income, very low-income and extremely low-income families and a brief description of the PHA’s strategy for addressing the housing needs of families who reside in the jurisdiction served by the PHA. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income), (ii) elderly families and families with disabilities, and (iii) households of various races and ethnic groups residing in the jurisdiction or on the waiting list based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. ([24 CFR §903.7\(a\)\(1\)](#)) Provide a description of the PHA’s strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. ([24 CFR §903.7\(a\)\(2\)\(ii\)](#))

☐ **Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.** PHAs must submit a Deconcentration Policy for Field Office review. For additional guidance on what a PHA must do to deconcentrate poverty in its development and comply with fair housing requirements, see [24 CFR 903.2](#). ([24 CFR §903.23\(b\)](#)) Describe the PHA’s admissions policy for deconcentration of poverty and income mixing of lower-income families in public housing. The Deconcentration Policy must describe the PHA’s policy for bringing higher income tenants into lower income developments and lower income tenants into higher income developments. The deconcentration requirements apply to general occupancy and family public housing developments. Refer to 24 CFR §903.2(b)(2) for developments not subject to deconcentration of poverty and income mixing requirements. ([24 CFR §903.7\(b\)](#)) Describe the PHA’s procedures for maintain waiting lists for admission to public housing and address any site-based waiting lists. ([24 CFR §903.7\(b\)](#)). A statement of the PHA’s policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV. ([24 CFR §903.7\(b\)](#)) Describe the unit assignment policies for public housing. ([24 CFR §903.7\(b\)](#))

☐ **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA’s anticipated resources, such as PHA operating, capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. ([24 CFR §903.7\(c\)](#))

☐ **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units, including applicable public housing flat rents, minimum rents, voucher family rent contributions, and payment standard policies. ([24 CFR §903.7\(d\)](#))

☐ **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance and management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA. ([24 CFR §903.7\(e\)](#))

☐ **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants. ([24 CFR §903.7\(f\)](#))

☐ **Homeownership Programs.** A description of any Section 5h, Section 32, Section 8y, or HOPE I public housing or Housing Choice Voucher (HCV) homeownership programs (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval. ([24 CFR §903.7\(k\)](#))

☐ **Community Service and Self Sufficiency Programs.** Describe how the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. ([24 CFR §903.7\(l\)](#)) A description of: **1)** Any programs relating to services and amenities provided or offered to assisted families; and **2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS. ([24 CFR §903.7\(l\)](#))

☐ **Safety and Crime Prevention.** Describe the PHA’s plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must provide development-by-development or jurisdiction wide-basis: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities. ([24 CFR §903.7\(m\)](#)) A description of: **1)** Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; **2)** Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and **3)** Any activities, services, or programs

provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families. (24 CFR §903.7(m)(5))

☐ **Pet Policy.** Describe the PHA's policies and requirements pertaining to the ownership of pets in public housing. (24 CFR §903.7(n))

☐ **Asset Management.** State how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory. (24 CFR §903.7(q))

☐ **Substantial Deviation.** PHA must provide its criteria for determining a "substantial deviation" to its 5-Year Plan. (24 CFR §903.7(r)(2)(i))

☐ **Significant Amendment/Modification.** PHA must provide its criteria for determining a "Significant Amendment or Modification" to its 5-Year and Annual Plan. Should the PHA fail to define "significant amendment/modification", HUD will consider the following to be "significant amendments or modifications": a) changes to rent or admissions policies or organization of the waiting list; b) additions of non-emergency CFP work items (items not included in the current CFP Annual Statement or CFP 5-Year Action Plan) or change in use of replacement reserve funds under the Capital Fund; or c) any change with regard to demolition or disposition, designation, homeownership programs or conversion activities. See guidance on HUD's website at: [Notice PIH 1999-51](#). (24 CFR §903.7(r)(2)(ii))

If any boxes are marked "yes", describe the revision(s) to those element(s) in the space provided.

B.2 New Activities. If the PHA intends to undertake any new activities related to these elements in the current Fiscal Year, mark "yes" for those elements, and describe the activities to be undertaken in the space provided. If the PHA does not plan to undertake these activities, mark "no."

☐ **Hope VI or Choice Neighborhoods.** 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Choice Neighborhoods; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI or Choice Neighborhoods is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>. (Notice PIH 2010-30)

☐ **Mixed Finance Modernization or Development.** 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals. The application and approval process for Mixed Finance Modernization or Development is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>. (Notice PIH 2010-30)

☐ **Demolition and/or Disposition.** Describe any public housing projects owned by the PHA and subject to ACCs (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and (2) A timetable for the demolition or disposition. This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed as described in the PHA's last Annual and/or 5-Year PHA Plan submission. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm. (24 CFR §903.7(h))

☐ **Designated Housing for Elderly and Disabled Families.** Describe any public housing projects owned, assisted or operated by the PHA (or portions thereof), in the upcoming fiscal year, that the PHA has continually operated as, has designated, or will apply for designation for occupancy by elderly and/or disabled families only. Include the following information: 1) development name and number; 2) designation type; 3) application status; 4) date the designation was approved, submitted, or planned for submission, and; 5) the number of units affected. **Note:** The application and approval process for such designations is separate from the PHA Plan process, and PHA Plan approval does not constitute HUD approval of any designation. (24 CFR §903.7(i)(C))

☐ **Conversion of Public Housing.** Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA is required to convert or plans to voluntarily convert to tenant-based assistance; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>. (24 CFR §903.7(j))

☐ **Conversion of Public Housing.** Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA plans to voluntarily convert to project-based assistance under RAD. See additional guidance on HUD's website at: [Notice PIH 2012-32](#)

☐ **Occupancy by Over-Income Families.** A PHA that owns or operates fewer than two hundred fifty (250) public housing units, may lease a unit in a public housing development to an over-income family (a family whose annual income exceeds the limit for a low income family at the time of initial occupancy), if all the following conditions are satisfied: (1) There are no eligible low income families on the PHA waiting list or applying for public housing assistance when the unit is leased to an over-income family; (2) The PHA has publicized availability of the unit for rental to eligible low income families, including publishing public notice of such availability in a newspaper of general circulation in the jurisdiction at least thirty days before offering the unit to an over-income family; (3) The over-income family rents the unit on a month-to-month basis for a rent that is not less than the PHA's cost to operate the unit; (4) The lease to the over-income family provides that the family agrees to vacate the unit when needed for rental to an eligible family; and (5) The PHA gives the over-income family at least thirty days notice to vacate the unit when the unit is needed for rental to an eligible family. The PHA may incorporate information on occupancy by over-income families into its PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. See additional guidance on HUD's website at: [Notice PIH 2011-7](#). (24 CFR 960.503) (24 CFR 903.7(b))

☐ **Occupancy by Police Officers.** The PHA may allow police officers who would not otherwise be eligible for occupancy in public housing, to reside in a public housing dwelling unit. The PHA must include the number and location of the units to be occupied by police officers, and the terms and conditions of their tenancies; and a statement that such occupancy is needed to increase security for public housing residents. A "police officer" means a person determined by the PHA to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State or local government or by any agency of these governments. An officer of an accredited police force of a housing agency may qualify. The PHA may incorporate information on occupancy by police officers into its PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. See additional guidance on HUD's website at: [Notice PIH 2011-7](#). (24 CFR 960.505) (24 CFR 903.7(b))

☐ **Non-Smoking Policies.** The PHA may implement non-smoking policies in its public housing program and incorporate this into its PHA Plan statement of operation and management and the rules and standards that will apply to its projects. See additional guidance on HUD's website at: [Notice PIH 2009-21](#). ([24 CFR §903.7\(e\)](#))

☐ **Project-Based Vouchers.** Describe any plans to use Housing Choice Vouchers (HCVs) for new project-based vouchers, which must comply with PBV goals, civil rights requirements, Housing Quality Standards (HQS) and deconcentration standards, as stated in 983.57(b)(1) and set forth in the PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. If using project-based vouchers, provide the projected number of project-based units and general locations, and describe how project-basing would be consistent with the PHA Plan. ([24 CFR §903.7\(b\)](#))

☐ **Units with Approved Vacancies for Modernization.** The PHA must include a statement related to units with approved vacancies that are undergoing modernization in accordance with [24 CFR §990.145\(a\)\(1\)](#).

☐ **Other Capital Grant Programs** (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

For all activities that the PHA plans to undertake in the current Fiscal Year, provide a description of the activity in the space provided.

B.3 Civil Rights Certification. Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulation*, must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. ([24 CFR §903.7\(o\)](#))

B.4 Most Recent Fiscal Year Audit. If the results of the most recent fiscal year audit for the PHA included any findings, mark "yes" and describe those findings in the space provided. ([24 CFR §903.7\(p\)](#))

B.5 Progress Report. For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year PHA Plan. ([24 CFR §903.7\(r\)\(1\)](#))

B.6 Resident Advisory Board (RAB) comments. If the RAB provided comments to the annual plan, mark "yes," submit the comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. ([24 CFR §903.13\(c\)](#), [24 CFR §903.19](#))

B.7 Certification by State of Local Officials. Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan. ([24 CFR §903.15](#)). Note: A PHA may request to change its fiscal year to better coordinate its planning with planning done under the Consolidated Plan process by State or local officials as applicable.

B.8 Troubled PHA. If the PHA is designated troubled, and has a current MOA, improvement plan, or recovery plan in place, mark "yes," and describe that plan. If the PHA is troubled, but does not have any of these items, mark "no." If the PHA is not troubled, mark "N/A." ([24 CFR §903.9](#))

C. Statement of Capital Improvements. PHAs that receive funding from the Capital Fund Program (CFP) must complete this section. ([24 CFR 903.7 \(g\)](#))

C.1 Capital Improvements. In order to comply with this requirement, the PHA must reference the most recent HUD approved Capital Fund 5 Year Action Plan. PHAs can reference the form by including the following language in Section C. 8.0 of the PHA Plan Template: "See HUD Form- 50075.2 approved by HUD on XX/XX/XXXX."

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year and Annual PHA Plan.

Public reporting burden for this information collection is estimated to average 9.2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.



**ADMINISTRATIVE PLAN
FOR THE HOUSING CHOICE
VOUCHER PROGRAM**

**Housing Authority of the
County of Riverside**

**FINAL
Effective July 1, 2016**

Table of Contents

CHAPTER 1.....	6
STATEMENT OF POLICIES AND OBJECTIVES.....	6
A. PURPOSE OF THE PLAN	6
B. SERVICE POLICY/ACCOMMODATIONS.....	6
C. TRANSLATION OF DOCUMENTS	6
D. FAMILY OUTREACH	7
E. PRIVACY RIGHTS AND PROVIDING INFORMATION TO OWNERS	7
F. EQUAL OPPORTUNITY	7
G. SPECIAL HOUSING TYPES.....	7
H. RULES AND REGULATIONS	7
I. JURISDICTION	7
J. MONITORING PROGRAM PERFORMANCE.....	8
K. PROGRAM INTEGRITY MONITORING (PIM)	8
L. REQUESTS FOR INFORMATION FROM FILES	8
M. USE OF ADMINISTRATIVE FEE RESERVE	8
N. CODE OF CONDUCT	8
CHAPTER 2.....	9
ELIGIBILITY FOR ADMISSION	9
A. QUALIFICATION AS A FAMILY (24 CFR 5.403).....	9
B. INCOME LIMITS [24 CFR 982.201 (B) (1)].....	11
C. DISCLOSURE OF SOCIAL SECURITY NUMBERS- PIH 2010-3 AND 24 CFR 5.216.....	11
D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS (24 CFR PART 5).....	12
E. SUITABILITY OF FAMILY	12
F. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT.....	12
G. INELIGIBLE FAMILIES	13
CHAPTER 3.....	14
APPLYING FOR ADMISSION.....	14
A. WAITING LIST REGISTRATION	14
B. HOUSING CHOICE VOUCHER PROGRAM APPLICATION	15
CHAPTER 4.....	17
SELECTION OF FAMILIES FROM WAITING LIST	17
A. WAITING LIST PREFERENCES.....	17
B. EXCEPTIONS FOR SPECIAL ADMISSIONS (24 CFR 982.203)	18
C. TARGETED FUNDING.....	19
D. ORDER OF SELECTION.....	19
E. IF PREFERENCES ARE NOT MET.....	19
F. REMOVAL FROM WAITING LIST AND PURGING	19
CHAPTER 5.....	20
SUBSIDY STANDARDS	20
A. DETERMINING VOUCHER SIZE	20
B. CHANGES IN VOUCHER SIZE	21
CHAPTER 6.....	23
ELIGIBILITY FACTORS.....	23

A.	HOUSEHOLD COMPOSITION.....	23
B.	INCOME, ALLOWANCES & MINIMUM FAMILY CONTRIBUTION 24 CFR 5.609	26
CHAPTER 7.....		33
VERIFICATION PROCEDURES.....		33
A.	RELEASE OF INFORMATION.....	34
B.	METHODS OF VERIFICATION PIH NOTICE 2010-19 (HA) & 24 CFR 5.233.....	34
C.	COMPUTER MATCHING	36
D.	ITEMS TO BE VERIFIED	36
E.	VERIFYING NON-FINANCIAL FACTORS	36
CHAPTER 8.....		39
VOUCHER ISSUANCE AND BRIEFINGS		39
A.	ISSUANCE OF VOUCHERS.....	39
B.	BRIEFING TYPES AND REQUIRED ATTENDANCE (24 CFR 982.301)	39
C.	ENCOURAGING PARTICIPATION IN LOW POVERTY AREAS	40
D.	ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION	40
E.	ASSISTANCE TO FAMILIES WITH DISABILITIES	40
F.	SECURITY DEPOSIT REQUIREMENTS (24 CFR 982.313)	40
G.	TERM OF VOUCHER (24 CFR 982.303).....	41
H.	VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS (24 CFR 982.315)	41
I.	REMAINING MEMBER OF TENANT FAMILY-RETENTION OF VOUCHER	42
CHAPTER 9.....		43
REQUEST FOR TENANCY APPROVAL (RFTA) AND CONTRACT EXECUTION		43
A.	REQUEST FOR TENANCY APPROVAL (RFTA) (24 CFR 982.302).....	43
B.	INFORMATION TO OWNERS.....	45
C.	OWNER DISAPPROVAL	45
D.	CONTRACT EXECUTION PROCESS	45
E.	CHANGE IN OWNERSHIP	45
CHAPTER 10.....		46
HOUSING QUALITY STANDARDS AND INSPECTIONS		46
A.	TYPES OF INSPECTIONS	46
B.	ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS.....	46
C.	INSPECTIONS [24 CFR 982.405 (A)]	47
D.	EMERGENCY REPAIR ITEMS [24 CFR 982.404 (A) (3) (B) (2)].....	48
E.	INITIAL HQS INSPECTION.....	48
F.	SPECIAL/COMPLAINT INSPECTIONS	48
G.	QUALITY CONTROL INSPECTIONS [24 CFR 982.405 (B)]	49
CHAPTER 11.....		50
OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS		50
A.	OWNER PAYMENT IN THE VOUCHER PROGRAM.....	50
B.	LATE PAYMENTS TO OWNERS	50
C.	MAKING PAYMENTS TO OWNERS	50
D.	EXCEPTION PAYMENT STANDARD.....	51
E.	RENT REASONABLENESS DETERMINATIONS (24 CFR 982.507)	53
F.	PAYMENT STANDARDS AND ADJUSTMENTS (24 CFR 982.503).....	54
G.	RENT INCREASES (24 CFR 982.507).....	55
CHAPTER 12.....		56
REEXAMINATIONS.....		56

A.	ANNUAL RECERTIFICATION/REEXAMINATION (24 CFR 982.516).....	56
B.	REPORTING INTERIM CHANGES	57
C.	TIMELY REPORTING OF CHANGES IN INCOME AND ASSETS.....	58
D.	NOTIFICATION OF RESULTS OF REEXAMINATIONS.....	58
CHAPTER 13.....		59
MOVES WITH CONTINUED ASSISTANCE/PORTABILITY		59
A.	ALLOWABLE MOVES.....	59
B.	RESTRICTIONS ON MOVES.....	60
C.	PORTABILITY	60
D.	OUTGOING PORTABILITY	60
E.	INCOMING PORTABILITY	61
CHAPTER 14.....		62
CONTRACT TERMINATIONS.....		62
A.	CONTRACT TERMINATION	62
B.	TERMINATION OF LEASE BY OWNER	62
C.	TERMINATION OF THE CONTRACT BY HA.....	63
D.	TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS.....	64
CHAPTER 15.....		65
DENIAL OR TERMINATION OF ASSISTANCE.....		65
A.	GROUND FOR DENIAL OF ASSISTANCE (24 CFR 982.552-553).....	65
B.	GROUND FOR TERMINATION OF ASSISTANCE (24 CFR 982.552-553)	67
C.	VIOLENCE AGAINST WOMEN ACT (VAWA) OF 2005	68
D.	FAMILY OBLIGATIONS (24 CFR 982.551).....	69
E.	PROCEDURES FOR NON-CITIZENS.....	71
F.	ZERO HOUSING ASSISTANCE PAYMENT FOR TENANTS	72
G.	MISSED APPOINTMENTS AND DEADLINES.....	72
CHAPTER 16.....		74
OWNER DISAPPROVAL AND RESTRICTIONS		74
A.	DISAPPROVAL OF OWNER.....	74
B.	OWNER RESTRICTIONS AND PENALTIES	75
C.	OTHER REMEDIES FOR OWNER VIOLATIONS	75
CHAPTER 17.....		76
OWNER OR FAMILY DEBTS TO THE HA		76
A.	REPAYMENT AGREEMENT FOR FAMILIES	76
B.	DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION.....	77
C.	OWNER DEBTS TO THE HA	77
CHAPTER 18.....		78
COMPLAINTS AND APPEALS		78
A.	COMPLAINTS TO THE HA.....	78
B.	NOT MEETING PREFERENCES.....	78
C.	INFORMAL REVIEW.....	78
D.	INFORMAL HEARING	79
E.	INFORMAL REVIEW/HEARING PROCEDURES	80
F.	HEARING AND APPEAL PROVISIONS FOR RESTRICTIONS ON ASSISTANCE TO NON- CITIZENS	82
CHAPTER 19.....		84

FAMILY SELF-SUFFICIENCY (FSS) PROGRAM	84
A. ENROLLMENT AND RECRUITMENT	84
B. CONTRACT OF PARTICIPATION	85
C. INDIVIDUAL TRAINING AND SERVICE PLAN (ITSP).....	86
D. CASE MANAGEMENT AND COMMUNITY SERVICES.....	86
E. ESCROW ACCOUNTS	86
F. SUPPORTIVE SERVICES.....	87
CHAPTER 20.....	89
PROGRAM INTEGRITY MONITORING (PIM).....	89
A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD	89
B. STEPS THE HA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD	90
C. STEPS THE HA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD	90
D. THE HA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD	91
E. OVERPAYMENTS TO OWNERS	92
F. HOW THE HA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD.....	92
G. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE HA.....	93
H. CONCLUSION OF THE HA'S INVESTIGATIVE REVIEW.....	93
I. EVALUATION OF THE FINDINGS.....	93
J. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED.....	93
CHAPTER 21.....	97
PROJECT-BASED VOUCHERS	97
21.1 INTRODUCTION [24 CFR 983. 5]	97
21.2 LEVEL OF ASSISTANCE [24 CFR 983.6].....	97
21.3 OWNER PROPOSAL SELECTION PROCEDURE [24 CFR 983.51]	97
21.4 HOUSING ELIGIBLE FOR ASSISTANCE [24 CFR 983.52 AND 983.53]	98
21.5 LIMITS ON ASSISTANCE [24 CFR 983.56]	98
21.6 PROJECT SELECTION CRITERIA [24 CFR 983.57]	99
21.7 AGREEMENT TO ENTER INTO THE HAP CONTRACT [24 CFR 983.152]	101
21.8 SELECTION OF PARTICIPANTS [24 CFR 983.251]	102
21.9 INFORMATION FOR ACCEPTED FAMILIES [24 CFR 983.252]	103
21.10 LEASING OF CONTRACT UNITS [24 CFR 983.253]	103
21.11 VACANCIES [24 CFR 983.254]	103
21.12 TENANT SCREENING [24 CFR 983.255]	103
21.13 HOUSING ASSISTANCE PAYMENTS CONTRACT	103
21.14 INSPECTIONS [24 CFR 983.103]	105
21.15 LEASE [24 CFR 983.256]	105
21.16 FAMILY OCCUPANCY OF WRONG-SIZE OR ACCESSIBLE UNIT [24 CFR 983.259].....	106
21.17 DETERMINING RENT TO OWNER [24 CFR 983.301]	107
21.18 PAYMENT TO OWNER [24 CFR 983.351]	108
CHAPTER 22.....	109
RAD CONVERSION	109
AFFORDABLE PUBLIC HOUSING CONVERTED TO PROJECT-BASED VOUCHERS	109
A. CONVERSION TO PROJECT BASED RENTAL ASSISTANCE OR PROJECT BASED VOUCHERS.....	109
B. COMPLIANCE WITH FAIR HOUSING AND CIVIL RIGHTS REQUIREMENTS	109
C. IMPLICATIONS OF RAD CONVERSION ON THE CAPITAL FUND BUDGET	109
D. RESIDENT RIGHTS, PARTICIPATION, WAITING LIST AND GRIEVANCE PROCEDURES	110
E. RELOCATION PLANS	110
F. SIGNIFICANT AMENDMENT DEFINITION	110
ATTACHMENT 1 RESIDENT RIGHTS, PARTICIPATION, WAITING LIST AND GRIEVANCE PROCEDURES APPLICABLE TO PROPERTIES CONVERTING TO PROJECT BASED VOUCHERS.....	112

EXCERPTS OF PIH NOTICE 2012-32: SECTIONS 1.6.C AND 1.6.D.....	112
C. PBV RESIDENT RIGHTS AND PARTICIPATION.....	112
D. PBV: OTHER MISCELLANEOUS PROVISIONS	115
ATTACHMENT 2 LIST OF RAD PROGRAM ELEMENTS AFFECTING RESIDENT RIGHTS AND PARTICIPATION WAITING LIST AND GRIEVANCE PROCEDURES FOR PBV	119
ATTACHMENT 3	120
SPECIFIC INFORMATION RELATED TO THE PUBLIC HOUSING DEVELOPMENTS SELECTED FOR RAD	120
APPENDIX A: GLOSSARY	123
APPENDIX B: CODE OF CONDUCT	137
APPENDIX C: POLICY ON PROHIBITED CRIMINAL ACTIVITY	139
APPENDIX D: REASONABLE STEPS TO AFFIRMATIVELY FURTHER FAIR HOUSING	144

Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Housing Choice Voucher (Section 8) Program was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements are described in, and implemented through this Administrative Plan.

Administration of the Housing Choice Voucher Program and the functions and responsibilities of the Housing Authority of the County of Riverside (HA) staff shall be in compliance with the United States Department of Housing and Urban Development's (HUD) Housing Choice Voucher Program Regulations as well as federal, state and local fair housing laws and regulations.

The HA is committed to the goals and policies contained in the Housing Element of the General Plan for the County of Riverside and the County of Riverside Consolidated Plan.

A. PURPOSE OF THE PLAN

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local objectives. The Plan covers both admission and continued participation in these programs.

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

B. SERVICE POLICY/ACCOMMODATIONS

This policy is applicable to all situations described in this Administrative Plan when a family initiates contact with the HA, when the HA initiates contact with a family including when a family applies, and when the HA schedules or reschedules appointments of any kind.

It is the policy of this HA to be customer service oriented in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to the families within our jurisdiction.

The HA's policies and practices are designed to provide assurances that all persons with disabilities will be provided accommodations, whenever reasonable, so that they may have equal access to the housing programs and related services. Persons requiring special accommodations due to a disability must notify the HA of their needs.

In matters where the HA has discretion, waivers to existing policy shall be determined by the Director or designee.

C. TRANSLATION OF DOCUMENTS

The Housing Authority will provide verbal translation of documents into Spanish, as well as other languages when feasible.

D. FAMILY OUTREACH

It is the goal of the HA to assure that participating families in the program are representative of the County's targeted population groups, as identified in the Consolidated Plan of its area of operation. The HA will publicize and disseminate information to make known the availability of housing assistance and related services for low income families on an as needed basis. The HA will publicize the availability and nature of housing assistance for low income families in a newspaper of general circulation, minority media, through the agency's website at www.harivco.org and by other suitable means (such as distributing information to non-profit agencies within the county).

E. PRIVACY RIGHTS AND PROVIDING INFORMATION TO OWNERS

The HA's policy regarding release of information is in accordance with state and local laws which restricts the release of family information.

The HA's practices and procedures are designed to safeguard the privacy of applicants, program participants, and participating owners or property managers. All applicant and participant hard files and imaged files will be stored in a secure location that is only accessible by authorized staff. Owner records will be filed and/or imaged with the participant's file.

In accordance with HUD requirements, the HA will furnish prospective owners with the name, address and phone number of current and prior landlords of applicants and participants for tenant screening purposes. This information will be based on the contact data provided to the HA.

F. EQUAL OPPORTUNITY

The HA practices equal opportunity in hiring, promotion and conditions of employment. The HA will comply with the equal opportunity housing requirements in regard to non-discrimination in housing.

G. SPECIAL HOUSING TYPES

The HA routinely provides Manufactured home space rental assistance and will provide Shared Housing, and Single Room Occupancy (SRO), as a reasonable accommodation to applicants and participants who request it in order to make the program more accessible. All units must pass Housing Quality Standards as outlined in the Code of Federal Regulations. Except where specifically regulated, all HA policies in this Administrative Plan also apply to the special housing types.

H. RULES AND REGULATIONS

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

I. JURISDICTION

The HA's area of operation is all of the incorporated and unincorporated cities and areas in Riverside County.

J. MONITORING PROGRAM PERFORMANCE

The HA will monitor program performance in compliance with the Annual Contributions Contract and other applicable laws, regulations and guidelines. It is the agency's objective to receive the highest rating from HUD using the Section 8 Management Assessment Program (SEMAP).

The HA will monitor Housing Quality Standards (HQS) in accordance with the Code of Federal Regulations 24 CFR Part 982, by conducting quality control inspections in an amount necessary to meet HUD requirements.

K. PROGRAM INTEGRITY MONITORING (PIM)

The Housing Authority of the County of Riverside administers Program Integrity Monitoring (PIM). The purpose of the program is to ensure that public funds are paid only on behalf of qualified and eligible participants, and to landlords and owners who comply with all contract provisions in accordance with federal regulations. (Refer to Appendix E)

PIM also staffs a toll-free fraud hotline [(800) 300-0439]. Through this hotline, the public can anonymously report any suspected participant/owner/employee fraud. The fraud hotline number is available through the internet web site, and Housing Authority newsletters.

L. REQUESTS FOR INFORMATION FROM FILES

The HA will make public records available to all persons, unless otherwise exempted from disclosure by applicable law. Copies of disclosable public records may be purchased from the HA or they can be viewed at no charge at the HA offices during normal business hours. The HA charges \$0.50 for the first page copied and \$0.10 for each additional page thereafter. To the extent permitted by law, under certain circumstances the HA may recover additional costs in connection with retrieving electronic data.

M. USE OF ADMINISTRATIVE FEE RESERVE

The HA Board of Commissioners must authorize any withdrawal from administrative fee reserves proposed through the annual budget approval process. The Board of Commissioners must authorize any amount in excess of \$75,000 per occurrence that is used during the fiscal year in addition to the previously approved amount.

N. CODE OF CONDUCT

All employees are expected to abide by the Code of Conduct for the Housing Authority, which is included as Appendix B of this document.

Chapter 2

ELIGIBILITY FOR ADMISSION

INTRODUCTION

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

To be eligible for participation, an applicant must meet HUD criteria, as well as any permissible additional criteria established by the HA, i.e., Policy on Prohibited Criminal Activity (see Appendix C), and established local preferences (see Chapter 4).

The family's placement on the waiting list will be made in accordance with their registration date, and self-disclosed preferences.

A. QUALIFICATION AS A FAMILY (24 CFR 5.403)

The applicant must qualify as a family. A family includes but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:

A single (one) person, who may be an elderly person, a displaced person, disabled person, near-elderly person, or any other single person; or

A group of persons residing together and such group includes, but is not limited to:

A family with or without minor(s) (a minor who is temporarily away, 182 days or less, from the home because of placement in foster care is considered a member of the family)

An elderly family

A near-elderly family

A disabled family

A displaced family; and

The remaining member of a tenant family

Head of Household

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

Live-In Aide (24 CFR 982.316)

A family that consists of one or more elderly, near-elderly or disabled persons may request that the HA approve a live-in aide to reside in the unit and provide necessary supportive services for a family member who is a person with disabilities. The HA must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR Part 8 to make the program accessible to and usable by the family member with a disability. A statement from a licensed professional supporting the need for a Live-In Aide will be required. This statement must be renewed every year at the annual recertification. For relocations and/or changes in care provider, the verification must be current within the last 120 days.

Live-in aide means a person 18 years or older who resides with one or more elderly persons, near-elderly or disabled persons, and who:

1. Is determined by the HA to be essential to the care and wellbeing of the person;
2. Is not obligated for the support of the person(s),
3. Would not be living in the unit except to provide the necessary supportive services.
4. Is required by a medical professional
5. Is not a member of the assisted family and is not entitled to the HCV as the remaining member of the tenant family
6. See PIH Notices 2009-22 and 2008-20 for live-in aide provisions.

Occasional, intermittent, multiple or rotating care givers do not meet the definition of a live-in aide since 24CFR Section 982.402(b)(7) implies live-in-aides must reside with a family permanently for the family unit size to be adjusted in accordance with the subsidy standards established by the PHA. Therefore, regardless of whether these caregivers spend the night, an additional bedroom should not be approved (PIH 2009-22).

A PHA may only approve one additional bedroom for a live- in aide. Although a live-in aide may have PHA-approved family member/s live with him/her in the assisted unit, no additional bedrooms will be provided for the family members of the live-in aide. The PHA must ensure that housing quality standards (HQS) will not be violated and that there will be no more than two people per bedroom or living/sleeping space in the unit in accordance with 24 CFR § 982.401(d)(2)(ii). If the approval of additional family members of a live- in aide would result in the violation of HQS, the additional family members of the live- in aide may not be approved. PIH 2010-51 (HA)

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

1. Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
2. Live-in aides will not be considered as a remaining household member of the tenant family or be entitled to any housing assistance independent of the participant and will sign a certification to that effect.

At any time, the HA may refuse to approve a particular person as a live-in aide, or may withdraw such approval, if:

1. The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; or
2. The person violates the Policy on Prohibited Criminal Activity; or

3. The person currently owes rent or other amounts to the HA or to another HA in connection with Housing Choice Voucher Program or Public Housing Assistance under the 1937 Act; or
4. The live-in aide requires a live-in aide or care provider for themselves; or
5. The HOH requires a live-in aide, the HOH may not be a live-in aide/caretaker for someone else.
6. The live-in aide would not be living in the unit except to provide the necessary supportive services (i.e. spouse/co-head or parent of a child); or
7. The person is already living in the unit as a household member; or
8. The person is under 18 years of age and is not emancipated.

Multiple Families in the Same Household - Joint Custody of Minor(s)

When two families living together apply for assistance, (such as a mother and father and a daughter with her own husband or minor(s), they will be treated as a single family unit.

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

When both parents are trying to claim the minor, the HA will consider court records as the authority for custody. In the absence of court records, the parent whose address is listed in the school records will be allowed to claim the school-age minor as a dependent and as a member of that household.

B. INCOME LIMITS [24 CFR 982.201 (b) (1)]

HUD determines income limits for admission to the Housing Choice Voucher Program. To be eligible, the applicant must be a family in any of the following categories:

- A “very low income” family;
- A low-income family that is “continuously assisted” under the 1937 Housing Act;
- A low-income family that meets additional eligibility criteria specified in the PHA administrative plan. Such additional PHA criteria must be consistent with the PHA plan and with the consolidated plans for local governments in the PHA jurisdiction;
- A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 (HOPE for public housing homeownership) or HOPE 2 (HOPE for homeownership of multifamily units) project. (Section 8(o)(4)(D) of the 1937 Act (42 U.S.C. 1437f(o)(4)(D));
- A low-income or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing as defined in § 248.101 of this title;
- A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a project subject to a resident homeownership program under § 248.173 of this title.

A family who is determined to be over the Very Low (50% of median) Income Limits at time of release will be withdrawn from the waiting list and sent a denial letter.

C. DISCLOSURE OF SOCIAL SECURITY NUMBERS- PIH 2012-10 and 24 CFR 5.216

All applicants and participants are required to disclose a social security number. PHAs will not need

to re-verify previously disclosed valid SSNs. PHAs may rely on documentation of the SSN provided by another government agency (federal or state). Addition of new household members at least 6 years of age or under the age of 6 and who **has an assigned SSN**, the participant must disclose the SSN and provide documentation of the SSN to the PHA at the time of request to add new household member or during interim re-exam. The new household member **cannot** be added to the family composition until the family has complied with SSN disclosure and verification requirements. Addition of new household members under the age of 6 **without an assigned SSN**, are included as household members and entitled to benefits and the Head of Household is given 90 days to provide documentation of the SSN (with the potential for an extension of an additional 90 days) if the HA determines that the failure to provide proof of the SSN was due to circumstances outside the family's control. Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS (24 CFR Part 5)

Mixed Families

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

No eligible members

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

Non-citizen students

Non-citizen students as defined by HUD in the non-citizen regulations are not eligible for assistance.

Appeals

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

E. SUITABILITY OF FAMILY

It is the responsibility of the owner to screen the applicants as to their suitability for tenancy.

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

Changes that occur after the issuance of a Voucher, but before the execution of a lease and contract must be processed so that under no circumstance will a family be admitted if they are over the HUD published 50% Area Median Income Limit. For example, if a household goes over the income limit prior to lease up, the applicant is no longer eligible for the program [24 CFR 982.201(b)(4)]. They will be notified in writing of their ineligible status and their right to an informal review.

In order to be compliant with regulatory requirements, the Housing Authority will release families to result in a lease up of 75% of the families being at or below 30% of the median income (extremely low income). If a family has a change in income that results in the family exceeding the 30% income limits for the family size at the time of verification and up until voucher issuance

and/or prior to lease up, the family's income will be updated and they will be returned to the waiting list and notified in writing. The family will be eligible for a future release between 30% and 50% of the income limits (very low income).

Non-income changes that are reported after voucher issuance will not affect the preference eligibility of the household once the preference criterion has been verified.

G. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to non-citizen status.

Chapter 3

APPLYING FOR ADMISSION

INTRODUCTION

The Housing Choice Voucher (Section 8) Program waiting list re-opened as of July 1, 2015 for new registrations. This chapter describes the policies and procedures for completing the waiting list registration, placement on the waiting list, and completion of the Section 8 Application, including verifications and other required documents. Registrants will be placed on the waiting list in accordance with this Plan.

EXTRAORDINARY LOCAL PREFERENCE

Up to a total of 15% of annual admissions will be targeted for an extraordinary local preference for the following registrants: Referrals by the Court Program (A program run by Riverside County Family and Dependency Drug Courts); and, registrants displaced by government action or emergency as certified by a city, county or state agency official (executive level or above), etc. The approval of the Director or designee is necessary for an extraordinary local preference. These admissions must meet the County of Riverside Residency Preference except for those who are displaced by government action. **24 CFR 982.204 (a) and 24 CFR 982.207 (a) (2) and (3).**

A. WAITING LIST REGISTRATION

The HA waiting list is open at this time. Outreach is conducted on a continual basis to libraries, non-profit organizations and other public agencies. Advertisement of the housing programs is done on an as needed basis in the local paper of record, minority newspapers and other media and the agency's website at www.harivco.org.

Outreach and advertisement notices include:

1. A brief description of the housing programs
2. Basic information on eligibility requirements
3. The HA's address and telephone number

The HA waiting list is open at this time. Any family asking to be placed on the waiting list for Housing Choice Voucher rental assistance must complete a registration form using the agency's web-based waiting list portal. Requests for reasonable accommodations for persons with disabilities will be reviewed on a case-by-case basis. Please note that in order to be placed on the waiting list, a valid address must be provided since the HA's primary form of communication is by mail. This is to avoid an applicant being withdrawn or removed from the waiting list for failure to respond to correspondence or returned mail. If an applicant has no valid address (homeless, etc.), it is suggested that they obtain a Post Office (PO) Box or provide a valid General Delivery Address. Upon request, reasonable accommodations will be made for persons with disabilities.

When the on-line waiting list registration process is completed, the registrant will receive a confirmation number. The registrant should print and maintain this confirmation for their records. The person whose name is listed on the registration will be considered the Head of Household and will be the person entitled to the placement on our waiting list. Registrants are required to inform the HA of changes in family composition, income, and address, as well as any changes in their preference status (See Chapter 4) using the Housing Authority's web-based portal.

In addition, between October 1st and December 31st of every year, registrants are required to update their waiting list registration once annually using the Housing Authority's web-based waiting list portal. An annual update is required, regardless of whether there are any changes to the household's registration information. Failure to do so will result in the withdrawal of all waiting list registrations. Reasonable Accommodation (RA) requests will be accommodated should a registrant who is a person with disabilities be unable to use the web-based portal. Reasonable Accommodation requests must be submitted in writing during the October-December update period. All other RA requests submitted by persons with disabilities will be reviewed and considered for approval based on verification and nexus. Failure of the household to update their registration during the annual 3 month update period will result in the registrant being removed from all waiting lists.

The purpose of the registration form is to permit the HA to determine placement on the waiting list based on the information provided by the applicant. Registrants are also required to respond to requests from the HA to update information on their registration, or to determine their continued interest in assistance. Failure to provide information or to respond to mailings will result in the registrant being removed from the waiting list.

B. HOUSING CHOICE VOUCHER PROGRAM APPLICATION

When funding is available, registrants will be sent a Housing Choice Voucher Program Application Eligibility Questionnaire (EQ) according to their preference-determined sequence by the date the registration was received by the HA. This process is followed regardless of family size. All adult members must complete and sign the Application Eligibility Questionnaire, as well as accompanying forms including the HUD Form 9886, Release of Information, HUD Form 52675, What You Should Know About EIV, What is Fraud Form, HUD Form 92006 Supplemental and Optional Contact Information, and the Declaration of Citizenship. The IRS Form 4506-01 may also be requested. Failure to provide necessary certifications and release as required by the HA will be cause for denial of the application.

The Housing Choice Voucher Program Application Eligibility Questionnaire and related verifications determines the family's ability to claim a preference. The qualification for preference must exist at the time the preference is verified regardless of the length of time an applicant has been on the waiting list because the preference is based on current status. If the family does not meet the current preferences, they are returned to the Waiting List.

If the HA utilizes an interview at the time of the full application, it is the applicant's responsibility to reschedule the interview if she/he misses the appointment. Appointments are rescheduled only if missing the appointment is justifiable and the request is made no later than 10 calendar days from the original appointment date. Requests for rescheduled appointments must be submitted in writing with verification (doctor's note, etc.) as to the reason for the reschedule. If the applicant does not reschedule a missed meeting, the HA will deny the application. Upon request, reasonable accommodations will be made for persons with a disability.

If the HA determines at or after the interview that additional information or document(s) are needed, the HA will request the document(s) or information in writing. The family will be given 10 calendar days to supply the information. If the information is not supplied in this time period, the

HA will provide the family a notification of denial for assistance and their name will be withdrawn from the waiting list.

If an applicant is denied assistance and withdrawn from the waiting list, the applicant will be offered an opportunity to request an informal review.

The Eligibility Questionnaire is used to determine final eligibility for Voucher issuance and requires full verification. After the verification process is completed, the HA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the HA, and the current eligibility criteria in effect. If the family meets the preferences and is determined eligible, a briefing will be scheduled to issue a Voucher and explain the family's obligations and the program requirements.

During the initial eligibility determination process and any subsequent eligibility reexaminations, all contact such as correspondence, telephone calls, interviews, or inspections will be documented by the Housing Specialist.

Chapter 4

SELECTION OF FAMILIES FROM WAITING LIST

INTRODUCTION

It is the HA's objective to ensure that the families are placed in the proper order on the waiting list so that an offer of assistance is not delayed to any family, or made to any family prematurely. This chapter defines the eligibility criteria for the HA, and it explains the waiting list order which the HA has adopted to meet local housing needs.

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

A. WAITING LIST PREFERENCES

The HA has implemented the following preferences for drawing names from the waiting list. In accordance with California State Law [HSC 34322.2 (b)], at each level of preference, families meeting the definition of a veteran according to California Military and Veterans Code, Section 980, will have priority. In accordance with Federal Regulations [24 CFR 982.201 (b) (2)], at each level below, from the families that meet the preferences, the Housing Authority will release families to result in a lease up of: 75% of the families will be at or below 30% of the median income (extremely low income), and 25% of the families will be between 30% and 50% of the median income (very low income). Any Project-Based Voucher (PBV) development under HAP Contract will observe preferences outlined in the HAP Contract (i.e. veterans, elderly or families receiving supportive services). If the first level releases do not satisfy the regulations regarding extremely low income families, releases will be done at the second level of preferences until the 75% extremely low income requirement is met.

In order to be compliant with regulatory requirements, the Housing Authority will release families to result in a lease up of 75% of the families being at or below 30% of the median income (extremely low income). If a family has a change in income that results in the family exceeding the 30% income limits for the family size at the time of verification and up until voucher issuance and/or prior to lease up, the family's income will be updated and they will be returned to the waiting list and notified in writing. The family will be eligible for a future release between 30% and 50% of the income limits (very low income).

EXTRAORDINARY LOCAL PREFERENCE

Up to a total of 15% of annual admissions will be targeted for an extraordinary local preference for the following registrants: Referrals by the Court Program (A program run by Riverside County Family and Dependency Drug Courts); and, registrants displaced by government action or emergency as certified by a city, county or state agency official (executive level or above), etc. The approval of the Director or designee is necessary for an extraordinary local preference. These admissions must meet the County of Riverside Residency Preference except for those who are displaced by government action. **24 CFR 982.204 (a) and 24 CFR 982.207 (a) (2) and (3).**

FIRST LEVEL

- 1) County of Riverside Residency Preference, **and**
- 2) Qualified veterans, **or**
- 3) Families whose head of household or co-head is 75 years of age and older, **or**
- 4) Families or Foster Care Youth referred to the HA by the Riverside County Public Child Welfare Agency (PCWA) for admission through the Family Unification Program (HUD designated special purpose vouchers), **or**
- 5) Participants who have utilized a special rental assistance program for a 3 year term and no longer require supportive services, **or**
- 6) Homeless families with minor children residing in shelters.

SECOND LEVEL

- 1) County of Riverside Residency Preference, **and**
- 2) Working Families (see Working Families definition) with minors or Elderly families or Disabled families

THIRD LEVEL

- 1) County of Riverside Residency Preference, **and**
- 2) Non-Working Families with minors

FOURTH LEVEL

- 1) County of Riverside Residency Preference, **and**
- 2) Working families (see Working Families definition) without minors

FIFTH LEVEL

- 1) County of Riverside Residency Preference, **and**
- 2) Non-working families without minors.

The Housing Authority will exhaust all families at each preference level before releasing from the next lower level except as noted above. Date of registration for registrants with equal preferences will determine order of release.

Change in Circumstances

Changes in a registrant's circumstances while on the waiting list may affect the family's entitlement to a preference. Registrants are required to notify the HA when circumstances change.

When a registrant claims an additional preference, she/he will maintain the original date of registration and will be updated on the waiting list in the appropriate order determined by the newly claimed preference. The qualification for preference must exist at the time the preference is verified regardless of the length of time an applicant has been on the waiting list because the preference is based on current status. Preference eligibility is verified at the time of completion of the Housing Choice Voucher Program Application up until voucher issuance.

B. EXCEPTIONS FOR SPECIAL ADMISSIONS (24 CFR 982.203)

If HUD awards program funding that is targeted for a specific group, the HA will admit these families under a special admission procedure. The families will be selected in accordance with the

Notice of Funding Availability and the HA's application for funding. Special admissions families who are income eligible (Very Low) will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The HA maintains separate records of these admissions.

C. TARGETED FUNDING

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 family meeting the targeted funding criteria, based on date of registration.

Examples of targeted programs are:

- Mainstream
- Family Unification

D. ORDER OF SELECTION

Income eligible families are selected from the waiting list and sent a Housing Choice Voucher Program Application Eligibility Questionnaire based on the preferences listed above. The waiting list will be organized by date among registrants with equal preference status regardless of family size. Preference information will be verified when families complete a Housing Choice Voucher Program Application and the qualification for preference must exist at the time the preference is verified up until voucher issuance regardless of the length of time an applicant has been on the waiting list because the preference is based on current status.

E. IF PREFERENCES ARE NOT MET

If the applicant does not qualify for a preference, the HA will return the family to the waiting list. The HA will notify the applicant in writing of the reasons why the preference was denied and inform the applicant that they have been returned to the waiting list with their original registration date before they were selected. If the applicant falsifies documents or makes false statements in order to qualify for any preference they will be denied assistance (lifetime ineligible) and offered an opportunity to request an informal review in writing within 10 days. Applicants may exercise other rights if they believe they have been discriminated against.

F. REMOVAL FROM WAITING LIST AND PURGING

If a registrant fails to respond within 30 calendar days to a mailing from the HA, the registrant will be removed from the waiting list. If a letter is returned by the Post Office without a forwarding address, the registrant will be removed from all waiting lists without further notice, and a record will be maintained on the computer. Reasonable accommodations will be made for persons with disabilities.

Between October 1st and December 31st of every year, registrants are required to update their waiting list registration once annually using the Housing Authority's web-based portal. An annual update is required, regardless of whether there are any changes to their registration. Failure to do so will result in the withdrawal of all waiting list registrations. Reasonable Accommodation (RA) requests will be accommodated should a registrant who is a person with disabilities be unable to use the web-based portal but RA requests must be made during the October-December update period. Failure to update their registration during the annual update period will result in the registrant being removed from all waiting lists.

Chapter 5

SUBSIDY STANDARDS

INTRODUCTION

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

A. DETERMINING VOUCHER SIZE

The HA does not determine who shares a bedroom/sleeping room, but there must be at least one person per subsidized bedroom. A living room may be used as a bedroom/sleeping space for up to two persons. The HA's subsidy standards for determining Voucher size shall be applied in a manner consistent with Fair Housing guidelines. All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements.

The unit size on the Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented. During the HAP contract term, the unit size on the Voucher (subsidy) may only change at the first full recertification after the change in family unit size. [24 CFR 982.505 (c) (5)]

One bedroom shall be assigned for the Head of Household and spouse/co-head, and one bedroom shall be assigned for every two nucleus household members. A living room may be used as a bedroom/sleeping space for up to two persons. Non-nucleus members are not assigned a subsidy. If the Housing Authority is designated as a Shortfall Agency by HUD, or another HUD designation as a result of a funding shortfall, subsidy standards may decrease so that one bedroom will be assigned for every two nucleus household members, regardless of familial, age or gender. A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family [CFR 982.402 (b) (5)].

The HA will not issue a larger bedroom size unless it is through birth of a newborn, adoption or court-awarded custody of a minor child (not emancipated) or marriage. Reasonable accommodation requests will be considered for the addition of a non-nucleus adult who is a person with disabilities and cannot live independently. A larger bedroom size will not be issued if a member of the nucleus family moves out and returns as an adult, unless it is to offer a reasonable accommodation for a disabled family member. If a member returns as an adult and brings additional non-nucleus members with them, the voucher size does not increase. Adding additional non-nucleus members will not be approved if it causes the family to be under-housed.

Exceptions will be made in the documented cases of a live-in aide or as a reasonable accommodation to make the program accessible to and usable by the nucleus family member with a disability. The family unit size for any family consisting of a single person must be either a zero or a one-bedroom unit. A PHA may only approve one additional bedroom for a live-in aide. Although

a live-in aide may have PHA-approved family member/s live with him/her in the assisted unit, no additional bedrooms will be provided for the family members of the live-in aide. The PHA must ensure that housing quality standards (HQS) will not be violated and that there will be no more than two people per bedroom or living/sleeping space in the unit in accordance with 24 CFR § 982.401(d)(2)(ii). If the approval of additional family members of a live-in aide would result in the violation of HQS, the additional family members of the live-in aide may not be approved. PIH 2010-51 (HA)

Any foster members, who are minors, who are in the home at the time of initial voucher issuance, at the time of relocation or at an annual re-examination, and are determined to be long-term placement, will be considered as family members in the determination of subsidy size. For the purpose of determining subsidy size, long-term placement is defined as 12 or more months.

B. CHANGES IN VOUCHER SIZE

Changes for Applicants and Participants:

The Voucher size is determined at the time of Voucher issuance by comparing the family composition to the HA subsidy standards. If an applicant or participant requires a change in the Voucher size, the following guidelines will apply:

Requests for Exception to Subsidy Standard

Upon request by the participant, and if funding is available, the HA may approve a larger subsidy as a reasonable accommodation for a person with disabilities if the family demonstrates a nexus to the disability is present to make the program accessible to and usable by the family member with a disability. Requests for a larger subsidy will be reviewed by an established committee. For an additional subsidy for medical equipment and/or a live-in aide, this will be verified through a third party licensed professional's verification. Verification of the need must be provided at least annually on a Housing Authority approved form. In addition, requests involving separate bedrooms for medical equipment will be verified at the time of a participant's annual inspection or a special inspection may be conducted after an initial lease up to ensure that program funds are being used for the purpose in which they were intended. A PHA may only approve one additional bedroom for a live-in aide. Although a live-in aide may have PHA-approved family member/s live with him/her in the assisted unit, no additional bedrooms will be provided for the family members of the live-in aide. If the live-in aide passes away, or no longer resides in the assisted unit, the family will be given a 60 day opportunity to locate a new live in aide in order to retain the already approved additional subsidy. Should the family fail to find a new, approvable live-in aide within 60 calendar days, an annual recertification will need to be conducted and the appropriate subsidy will be given. The PHA must ensure that housing quality standards (HQS) will not be violated and that there will be no more than two people per bedroom or living/sleeping space in the unit in accordance with 24 CFR § 982.401(d)(2)(ii). If the approval of additional family members of a live-in aide would result in the violation of HQS, the additional family members of the live-in aide may not be approved. **PIH 2010-51 (HA).**

Subsidy Standards Flexibility: The criteria and standards prescribed for the determination of an applicant's unit size to be listed on the Voucher should apply to the vast majority of families. In some cases, however, the relationship, age, sex, health, or handicap of the family members may warrant the assignment of a different unit size than that which would result from strict application

of the criteria. Such flexibility is permissible to the extent the determinations are made on the basis of such factors. Any allowable determinations of this type, however, should be fully documented in the applicant's file.

For example, an elderly, handicapped, or disabled person who requires a live-in aide may be assigned a Voucher to provide a private bedroom for the attendant in addition to the bedroom for the assisted household members who are not disabled or handicapped.

1. Smaller-Sized Units: The family may select a smaller-sized unit provided there is at least one sleeping room or living/sleeping room of appropriate size for each two persons in the household. (For example, a 3-bedroom Voucher Holder with 5 family members could select a 2-bedroom unit allowing two per room and one in the living room).

2. Larger-Sized Units: The unit size listed on a Voucher does not preclude the family from selecting a larger size unit provided the gross rent does not exceed the Rent Reasonableness limitation for the bedroom size listed on the Voucher (for example, a 2-bedroom Voucher Holder could select a 3-bedroom unit not to exceed the 2-bedroom Rent Reasonableness Limitation and the family's share of the rent and utilities does exceed 40% of their household's adjusted monthly income). A higher payment standard will not be approved in situations when a household has selected a larger unit size than the household's authorized subsidy size. The utility allowance is calculated using the "lower of" authorized subsidy size or unit size in accordance with the Federal Register Vol. 79, No. 122/June 25, 2014.

NOTE: At Initial Lease-Up for a unit, the Family Share of rent and utilities cannot exceed 40% of their Adjusted Monthly Income if the gross rent exceeds the applicable payment standard. The unit size designated on the Voucher must remain unchanged, regardless of the actual unit size selected.

Under-housed (unit too small for size of family)

If a unit does not meet HQS space standards due to an increase in family size by birth, adoption, court awarded custody or marriage, the HA will issue a Voucher upon eligibility determination for relocation.

Over-housed (unit too large for size of family)

If a participant has a decrease in the family size, the family has the option to relocate or remain in the unit they are currently renting. If the family chooses to remain in the unit, the subsidy standard will be lowered at the next annual re-examination. If the family chooses to relocate, the HA will issue a Voucher upon eligibility determination with the correct subsidy standard. The amount the family pays for rent must be affordable and the participant portion of rent and the current utility allowance cannot exceed 40% of their adjusted income at the time of lease up. The approved rent will be based on the payment standard for the number of bedrooms the family is eligible for, or the actual number of bedrooms in the unit, whichever is less. In cases where the gross rent is less than the payment standard, it will be used as the payment standard.

C. UNIT SIZE SELECTED

The family may select a different size unit than that listed on the Voucher using the HUD criteria for Payment Standards provided the unit is rent reasonable and affordable. The amount of assistance is based on the authorized or actual bedroom size, whichever is less.

Chapter 6

ELIGIBILITY FACTORS

INTRODUCTION

The accurate calculation of annual income and adjusted income will ensure that families are not paying more or less money for rent than their obligation under the regulations. This chapter defines the allowable deductions 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 and further instructions set forth in HUD Notices, Memoranda and Addenda. The formula for the calculation of TTP is specific and not subject to interpretation. The HA's policies in this chapter address those areas which allow the HA discretion to define terms and to develop standards in order to ensure consistent application of the various factors that relate to the determination of TTP.

A. HOUSEHOLD COMPOSITION

The HA must compute all applicable income of every family member, including those who are temporarily absent. In addition, the HA must count the income of the spouse/co-head or the head of the household if that person is temporarily absent, even if that person is not on the lease. If the spouse/co-head is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay that HUD may define) is counted as income.

Income of persons permanently absent will not be counted.

It is the responsibility of the head of household to report (in writing) changes in income and family composition within 10 calendar days.

The HA will evaluate absences from the unit using this 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. In cases where the family has moved out of the unit, the HA will terminate the contract and/or the assistance in accordance with appropriate termination procedures contained in this Plan. Sole members may not be absent for more than three weeks, except as an approved reasonable accommodation for persons with a disability (see absence due to medical reasons).

- Families are required to notify the HA before they move out of a unit.
- Families must notify the HA if they are going to be absent from the unit for more than three weeks.
- If it is determined that the family is absent from the unit, the HA will not continue assistance payments. "Absent" means that no family member is residing in the unit. In order to determine if the family is absent from the unit, the HA may, but is not limited to:
 - Write letters to the family at the unit
 - Telephone the family at the unit
 - Interview neighbors

- Verify if utilities are in service
- Contact the landlord
- Conduct special inspections

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

Absence of Any Member

Any member of the household will be considered permanently absent if she/he is away from the unit for 180 days in a 12 month period. 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 HA's "Absence of Entire family" policy.

Absence due to Medical Reasons

Housing Assistance Payments may continue up to 180 days when the subsidized unit is vacant due to hospitalization. However, hospitalization more than one month requires written medical verification that there is a reasonable expectation the person will be able to return to independent living within the six-month period. The participant's share of the rent must be paid during the hospitalization period.

Foster care and Absences of Minor(s)

If the family includes a minor(s) temporarily absent from the home due to placement in foster care, the HA will determine from the appropriate agency when the minor(s) will be returned to the home.

Any foster children or foster adults who are in the home at the time of initial voucher issuance, at the time of relocation or, at an annual re-examination, and are determined to be long term placement, will be considered as family members in the determination of subsidy size. For the purpose of determining subsidy size, long-term placement is defined as 12 or more months.

Temporary Caretaker for Minor(s)

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the minor(s) for an indefinite period, the HA will treat that adult as a visitor for the first 180 days.

The PHA will only approve one additional bedroom for a Caretaker or Guardian. Although a Caretaker or Guardian may have PHA-approved family member/s live with him/her in the assisted unit, no additional bedrooms will be provided for the family members of the Caretaker or Guardian. The PHA must ensure that housing quality standards (HQS) will not be violated and that there will be no more than two people per bedroom or living/sleeping space in the unit in accordance with 24 CFR § 982.401(d)(2)(ii). If the approval of additional family members of a Caretaker or Guardian would result in the violation of HQS, the additional family members of the Caretaker or Guardian may not be approved.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the HA will review the status at six month intervals. If custody or legal guardianship has not been awarded by

the court, but the action is in process, the HA will secure verification from social services staff or the attorney as to the status.

After 180 days the HA will approve a person to reside in the unit as caretaker for the minor(s), and the income will be counted pending a final disposition. The HA will transfer the Voucher to the caretaker for as long as his/her services are required. The HA will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases. When court-awarded custody or legal guardianship has been awarded to the caretaker, the Voucher will be transferred to the caretaker until the minor(s) become able to care for themselves. In no case will the caretaker be eligible to become the remaining member.

Absent Adult

If a member of the household is subject to a court order that restricts him/her from the home for more than six months then the person will be considered permanently absent.

The family will be required to notify the HA in writing within 10 calendar days when an adult family member moves out. The notice must contain a certification by the family as to whether the adult is temporarily or permanently absent.

If a nucleus member leaves the household, or moves out of the household, they will be considered permanently absent.

Visitors

Any person not included on the HUD 50058(except minors as noted below) who has been in the unit more than 14 consecutive days, or a total of 30 days in a 12-month period (unless the lease is more restrictive), will be considered to be living in the unit as an unauthorized household member.

Minors or full time students 18 or older who live away from the home and who visit up to 182 cumulative days per year will be considered eligible visitors (subject to the lease agreement), not family members, and will not be counted in determining the subsidy standard and deductions for the family. Eligible visitors must be reported to and approved by the HA prior to visiting the home.

Reporting Changes in Household Composition to Owner and HA

Reporting changes in household composition to the HA is both a HUD and a HA requirement. The family must submit a written request prior to adding household members. Any person who moves into the assisted unit without written approval from the Housing Authority will be considered an unauthorized household member. Additions to the household by birth, adoption or court-awarded custody must be reported in writing to the HA within 10 calendar days. In addition, the family must obtain prior written approval from the owner when adding members (including minors) and/or a live-in aide to the household.

If a family member leaves the household, the family must report this change to the HA, in writing, within 10 calendar days of the change and certify as to whether the member is temporarily absent or permanently absent. The HA will conduct an interim evaluation for changes in accordance with the interim policy. The HA will require verification of the family member's new address. If the head of household is unable to provide this information because the person's whereabouts are unknown, the head of household will be required to complete a Certified Statement to this effect.

B. INCOME, ALLOWANCES & MINIMUM FAMILY CONTRIBUTION 24 CFR 5.609

INCOME INCLUSIONS AND EXCLUSIONS

Reference: *Housing Choice Voucher Program Guidebook; Chapter 5: Eligibility and Denial of Assistance; (EXHIBIT 5-2)*

INCOME INCLUSIONS:

HUD regulations define incomes and allowances. The HA will include and exclude income in accordance with 24 CFR Part 5. Once the PHA has verified all income necessary to determine income eligibility and has determined that it is ready to issue the family a voucher, it must compute the family's Annual Income in accordance with HUD regulations. Income will be calculated in accordance with the procedures outlined below:

(a) *Annual income* means all amounts, monetary or not, which:

(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent)

or to any other family member; or

(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

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

(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(b) Annual income includes, but is not limited to:

(1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

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

(3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as a deduction in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

(4) The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, lotteries, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment (but see No. 13 under Income Exclusions);

(5) Payments in lieu of earnings, such as unemployment, worker's compensation, and severance pay (but see No. 3 under Income Exclusions);

(6) Welfare Assistance.

a. Welfare assistance received by the household.

b. The amount of reduced welfare income that is disregarded specifically because the family engaged in fraud or failed to comply with an economic self-sufficiency or work activities requirement.

c. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustments by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare income to be included as income shall consist of:

(i) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(ii) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage;

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling; and

(8) All regular pay, special pay, and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other person whose dependents are residing in the unit (but see paragraph (7) under Income Exclusions).

(9) For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance in excess of amounts received for tuition that an individual receives under the Higher Education

Act of 1965 (20 U.S.C. 1001 *et seq.*), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income).

(10) Compensated Work Therapy (CWT) is a Department of Veterans Affairs (VA) vocational rehabilitation program that endeavors to match and support work ready veterans in competitive jobs, and to consult with business and industry regarding their specific employment needs. In some locations CWT is also known as Veterans Industries; these designations are synonymous. This income will be counted when determining the family's income and rent (from The VASH Resource guide).

NOTE: 24 CFR 982.551(n) states that "an assisted family, or members of the family, may 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." HUD has determined that such a housing allowance as may be received under the **Post 9/11 VEAA is not considered a duplicate subsidy. However, the amount received for the housing allowance must be counted when determining the family's income and rent.**

INCOME EXCLUSIONS:

(1) Income from employment of children (including foster children) under the age of 18 years;

(2) Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone); [Note: PIH-2012-1 (HA) was issued 01/06/2012 clarified the Income Exclusion of Kinship, Kin-GAP and Other Guardianship Care Payments. The Department determined that kinship care, Kin-GAP, and similar programs funded by states serve as an alternative to foster care placements and that the

compensation to participating relatives or legal guardians is comparable to the compensation to foster care parents. Payments for the care of foster children (including foster adults) are exempt from income. Thus, during annual and/or interim reexamination of family income pursuant to 24 CFR § 960.257 for public housing and 24 CFR § 982.516 for Section 8 programs, kinship, Kin-GAP and similar state guardianship care payments are to be excluded from a household's income under 24 CFR § 5.609(c)(2).]

(3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses (but see No. 5 under Income Inclusions);

(4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

(5) Income of a live-in aide (as defined by regulation);

(6) The full amount of student financial assistance paid directly to the student or to the educational institution;

(7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

(8) (a) Amounts received under training programs funded by HUD;

(b) Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

(c) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(d) A resident service stipend. This is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the owner, on a part-time basis, that enhances the quality of life in the development. This may include, but is not limited to fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time; or

(e) Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.

(9) Temporary, nonrecurring, or sporadic income (including gifts). For example, amounts earned by temporary census employees whose terms of employment do not exceed 180 days (PIH Notices 2000-1; 2008-26; 2009-19; 2010-38).

(10) Reparations payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

(11) Earnings in excess of \$480 for each full-time student 18 years or older (excluding the head of household and spouse);

(12) Adoption assistance payments in excess of \$480 per adopted child;

(13) Deferred periodic payments of supplemental security income and social security benefits that are received in a lump-sum payment or in prospective monthly payments;

(14) Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;

(15) Amounts paid by a state agency to a family with a developmentally disabled family member

living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; [Note: Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act(42 U.S.C. 6001(5)).

DEVELOPMENTAL DISABILITY-

(A) IN GENERAL. -The term "developmental disability" means a severe, chronic disability of an individual that:

- (i) is attributable to a mental or physical impairment or combination of mental and physical impairments; **114 STAT. 1684 PUBLIC LAW 106-402-OCT. 30, 2000**
- (ii) is manifested before the individual attains age 22;
- (iii) is likely to continue indefinitely;
- (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity: (I) Self-care; (II) Receptive and expressive language; (III) Learning; (IV) Mobility; (V) Self-direction; (VI) Capacity for independent living; (VII) Economic self-sufficiency; and
- (v) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) INFANTS AND YOUNG CHILDREN. -An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life]; and,

(16) Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. A notice will be published in the *Federal Register* and distributed to PHAs identifying the benefits that qualify for this exclusion. Updates will be distributed when necessary. The following is a list of income sources that qualify for that exclusion:

- a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b));
- b) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);
- c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
- d) Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
- e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
- f) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29U.S.C. 1552(b); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);
- g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub.L- 94-540, 90 Stat. 2503-04);
- h) The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);
- i) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work-study program or under the Bureau of Indian Affairs

student assistance programs (20 U.S.C. 1087uu);

j) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));

k) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent*-product liability litigation, M.D.L. No. 381 (E.D.N.Y.);

l) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);

m) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);

n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));

o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);

p) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));

q) Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);

r) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and

s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).

(17) Earned Income Disallowance for persons with disabilities [24CFR5.617]

(a) Initial Twelve Month Exclusion [24CFR5.617(C)(1)]

(b) Second Twelve Month Exclusion and Phase-In [24CFR5.617(C)(2)]

(c) Maximum Two Year Disallowance [24CFR5.617 (C) (3)]

Averaging Income

The HA may average income when the income cannot be anticipated using verified sources for a full 12 months.

Income changes from Welfare

[24 CFR 5.615 (b)]

The HA will not decrease the family's share of the rent when there is a reduction in welfare benefits that is due to fraud or failure to participate in an economic self-sufficiency program or comply with a work activities requirement.

This prohibition on reduction of assistance is applicable only if the welfare reduction is neither the result of the expiration of a lifetime time limit on receiving benefits, nor a situation where the family has complied with welfare program requirements but cannot obtain employment (e.g., the family has complied, but loses welfare because of a durational time limit such as a cap on welfare benefits for a period of no more than two years in a five year period).

Minimum Rent:

(24 CFR 5.630)

The PHA has established a Minimum Rent of \$50 monthly. Families will be required to pay minimum rent unless they request an exemption because of financial hardship. Financial hardship

includes these situations:

- (i) When the family has lost eligibility for or is awaiting an eligibility determination for a federal, State, or local assistance program, including a family that includes a member who is a non-citizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;
- (ii) When the family would be evicted because it is unable to pay the minimum rent;
- (iii) When the income of the family has decreased because of changed circumstances, including loss of employment;
- (iv) When a death of a household member (member of assisted unit) has occurred in the family;
- (v) Other circumstances determined by the PHA or HUD, specifically:
 - a) When a household is a new admission on the VASH program;
 - b) When a household is a new admission on the HCV program and is designated as "Homeless at Admission."

What happens if family requests a hardship exemption?

(A) If a family requests a financial hardship exemption, the PHA must suspend the minimum rent requirement beginning the month following the family's request for a hardship exemption until the responsible entity determines whether there is a qualifying financial hardship, and whether such hardship is temporary or long term.

(B) The PHA must promptly determine whether a qualifying hardship exists and whether it is temporary or long term.

(C) If the PHA determines that a qualifying financial hardship is temporary, the PHA must reinstate the minimum rent from the beginning of the suspension of the minimum rent. The PHA must offer the family a reasonable repayment agreement, on terms and conditions established by the PHA, for the amount of back minimum rent owed by the family.

(D) If the PHA determines there is no qualifying financial hardship exemption, the PHA must reinstate the minimum rent, including back rent owed from the beginning of the suspension. The family must pay the back rent on terms and conditions established by the PHA.

(E) If the PHA determines a qualifying financial hardship is long term, the PHA must exempt the family from the minimum rent requirements so long as such hardship continues. Such exemption shall apply from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying financial hardship.

The financial hardship exemption only applies to payment of the minimum rent (as determined pursuant to Sec. 5.628(a)(4) and Sec. 5.630), and not to the other elements used to calculate the total tenant payment (as determined pursuant to Sec. 5.628(a)(1), (a)(2) and (a)(3)).

Minimum Income

There is no minimum income requirement.

Pro-ration of Assistance for "Mixed" Families

Pro-ration of assistance must be applied to any "mixed" applicant or participant family, provided other eligibility criteria are met. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

Utility Allowance and Utility Reimbursement Payments

The Utility Allowance is not a payment issued to the family (except as noted below). It is intended

to help defray the cost of utilities not included in the rent and is included in the calculation of the family's rent to the landlord. A Utility Reimbursement payment is made to the participant family in the amount by which the HAP payment exceeds the rent to owner. When there is a Utility Reimbursement, the HA pays the full amount of rent to the owner and sends the participant family, a utility reimbursement payment. The Housing Authority has the discretion to send the utility reimbursement to the utility company should this be a viable option. This occurs only rarely, usually when a participant family has no income.

Chapter 7

VERIFICATION PROCEDURES

INTRODUCTION

HUD regulations (24 CFR 982.516(a)) require that the factors of eligibility and Total Tenant Payment (TTP) be verified by the HA. Applicants and program participants must furnish proof of their eligibility whenever required by the HA, and the information they provide must be true and complete. The HA's verification requirements are designed to maintain program integrity. This chapter explains the HA's procedures and standards for verification of preferences, income, combined assets exceeding five thousand dollars (\$5000.00), allowable deductions, family status, and changes in family members. The HA will ensure that proper authorization from the family is always obtained before making verification inquiries.

Pursuant to the Department of Housing and Urban Development Federal Register Vol. 81, No. 45, dated March 8, 2016, Final Rule for Streamlining Administrative Regulations for the Housing Choice Voucher program, the following provisions will be adopted into policy:

982.516 Family income and composition: Annual and interim examinations (a) (2) Except as provided in paragraph (a)(3) of 982.516 Family income and composition: Annual and interim examinations section, the PHA must obtain and document in the tenant file third-party verification of the following factors, or must document in the tenant file why third-party verification was not available:

(a) (3) For a family with net assets equal to or less than \$5,000, the PHA may accept a family's declaration that it has net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration.

- (i) The declaration must state the amount of income the family expects to receive from such assets; this amount must be included in the family's income.
- (ii) The PHA must obtain third-party verification of all family assets every 3 years.

(b) *Streamlined income determination.* For any family member with a fixed source of income, the PHA may elect to determine that family member's income by means of a streamlined income determination. A streamlined income determination must be conducted by applying, for each fixed-income source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.

(1) *Family member with a fixed source of income* is defined as a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources:

- (i) Social Security, Supplemental Security Income, Supplemental Disability Insurance;
 - (ii) Federal, state, local, or private pension plans;
 - (iii) Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts; or
 - (iv) Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.
- (2) A PHA must use a COLA or current rate of interest

specific to the fixed source of income in order to adjust the income amount. The PHA must verify the appropriate COLA or current rate of interest from a public source or through tenant provided, third party generated documentation. If no such verification is available, then the PHA must obtain third-party verification of income amounts in order to calculate the change in income for the source. (3) For any family member whose income is determined pursuant to a streamlined income determination, the PHA must obtain third-party verification of all income amounts every 3 years.

(c) *Interim reexaminations* (e) (2) At the effective date of a regular or interim reexamination, the PHA must make appropriate adjustments in the housing assistance payment in accordance with § 982.505.

A. RELEASE OF INFORMATION

The family will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information.

A copy of the release of information will be provided to a family member upon request.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information requested by the HA or HUD.

B. METHODS OF VERIFICATION

PIH Notice 2010-19 (HA) and extended by PIH 2015-02 (HA) & 24 CFR 5.233

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

Level Verification Technique Ranking

6) Upfront Income Verification (UIV)-Highest (Mandatory) using HUD's Enterprise Income Verification (EIV) system (not available for income verifications of applicants)

5) Upfront Income Verification (UIV) using non-HUD system-**Highest** (Optional)

4) Written third Party Verification-High (Mandatory to supplement EIV-reported income sources and when EIV has no data; Mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV reported employment and income information **and** is unable to provide acceptable documentation to support dispute)

3) Written Third Party Verification Form-Medium-Low (Mandatory if written third party verification documents are not available or rejected by the PHA; and when the applicant or tenant is unable to provide acceptable documentation)

2) Oral Third Party Verification-Low (Mandatory if written third party verification is not available)

1) Tenant Declaration-Low (Use as a last resort when unable to obtain any type of third party verification)

Third Party Verification Techniques

Upfront Income Verification (UIV) (Level 6/5): The verification of income before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals.

It should be noted that the EIV system is available to all PHAs as a UIV technique. PHAs are encouraged to continue using other non-HUD UIV tools, such as The Work Number (an automated verification system) and state government databases, to validate tenant-reported income.

****For each new admission (form HUD-50058 action type 1), the PHA is required to do the following:** **i.** Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and **ii.** Print and maintain a copy of the EIV Income Report in the tenant file; and **iii.** Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.

Written Third Party Verification (Level 4): An original or authentic document generated by a third party source dated either within the 60-day period preceding the reexamination or PHA request date. Such documentation may be in the possession of the tenant (or applicant), and is commonly referred to as tenant-provided documents. It is the Department's position that such tenant-provided documents are written third party verification since these documents originated from a third party source. The PHA may, at its discretion, reject any tenant-provided documents-and follow up directly with the source to obtain necessary verification of information.

Examples of acceptable tenant-provided documentation (generated by a third party source) include, but are not limited to: pay stubs, payroll summary report, employer notice/letter of hire/termination, SSA benefit verification letter, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices. Current acceptable tenant-provided documents must be used for income and rent determinations.

For new income sources or when two pay stubs are not available, the PHA should project income based on the information from a traditional written third party verification form or the best available information.

Written Third Party Verification Form (Level 3): Also, known as traditional third party verification (a standardized form to collect information from a third party source). PHAs send the form directly to the third party source by mail, fax, or email.

It is the Department's position that the administrative burden and risk associated with use of the traditional third party verification form may be reduced by PHAs relying on acceptable documents that are generated by a third party, but in the possession of and provided by the tenant (or applicant). Many documents in the possession of the tenant are derived from third party sources (i.e. employers, federal, state and/or local agencies, banks, etc.).

Oral Third Party Verification (Level 2): Independent verification of information by contacting the individual income/expense source(s), as identified through the UIV technique or identified by the family. PHA staff should document in the tenant file, the date and time of the telephone call, the

name of the person contacted and telephone number, along with the confirmed information.

This verification method is commonly used in the event that the independent source does not respond to the PHA's faxed, mailed, or e-mailed request for information in a reasonable time frame, i.e., ten (10) business days.

Non-Third Party Verification Technique Tenant Declaration (Level 1): The tenant submits an affidavit or notarized statement of reported income and/or expenses to the PHA. This verification method should be used as a last resort when the PHA has not been successful in obtaining information via all other verification techniques. When the PHA relies on tenant declaration, the PHA must document in the tenant file why third party verification was not available.

All original documents will be stamped (or notated) "**Viewed Original**" and imaged into the family file. Original documents will be photocopied and returned to the applicant/participant if specifically requested and at PHA discretion. When documents cannot be photocopied, staff viewing the documents will annotate the file accordingly. A faxed authentic document from the source will be considered as an original document.

C. COMPUTER MATCHING

In addition to EIV, the HA utilizes computer matching with the Department of Social Services (DPSS), and the INS SAVE system. Other computer matching agreements with federal, state, and local government agencies will be utilized if available and cost-effective.

D. ITEMS TO BE VERIFIED

All eligibility factors will be verified, such as waiting list preference, income, deductions and exclusions, combined assets exceeding five thousand dollars (\$5000.00), and household composition.

E. VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identity

In order to prevent program abuse, the HA will require applicants and members both nucleus and non-nucleus to furnish verification of legal identity for all family members.

Family Relationships

The HA will require familial relationship verification as appropriate and necessary.

Verification of Permanent Absence of Adult Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the HA will require verification of the new address.

Verification of Change in Family Composition

The HA will verify changes in family composition (either reported or unreported). Third party verification procedures will be used.

Verification of Disability

Third party verification procedures will be used to document permanent disability status.

Verification of Citizenship/Eligible Immigrant Status

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare his or her status. Citizenship is verified via an original Certified Abstract of Birth within the U.S. or its Territories, or an original Social Security Card in the absence of an original Certified Abstract of Birth. Copies do not verify Evidence of Citizenship. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the HA hearing is pending.

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

If the HA determines that a family member has knowingly permitted an individual who is not eligible for assistance to reside in the family's unit, the family's assistance will be terminated, unless the ineligible individual has already been considered in prorating the family's assistance.

Verification of Social Security Numbers

All applicants and participants are required to disclose a social security number. PHAs will not need to re-verify previously disclosed valid SSNs. PHAs may rely on documentation of the SSN provided by another government agency (federal or state). For the addition of new household members at least 6 years of age or under the age of 6 and who **has an assigned SSN**, the tenant must disclose the SSN and provide documentation of the SSN to the PHA at the time of request to add new household member or during interim re-exam. The new household member **cannot** be added to the family composition until the family has complied with SSN disclosure and verification requirements. Addition of new household members under the age of 6 **and no assigned SSN**, are included as household members and entitled to benefits and the Head of Household is given 90 days to provide documentation of the SSN. Extensions may be given due to unforeseen circumstances.

Verification of Reasonable Accommodation

Reasonable Accommodation requests for families will be considered when a family includes a person with disabilities. The person with a disability, or guardian or responsible party of the person with a disability, must submit a written Reasonable Accommodation request. In cases where a separate bedroom or live-in aide is requested because of reasonable accommodation, the Housing Authority will verify the need through third party verification from the patient's designated licensed professional.

The HA will approve the exception as a reasonable accommodation if the family demonstrates a nexus to the disability is present to make the program accessible to and usable by the family member with a disability. Verification of the need must be provided annually on a Housing Authority approved form. For relocations and/or changes in care provider, the verification must be current within the last 120 days. In addition, requests involving separate bedrooms for substantial medical equipment will be verified at the time of a participant's annual inspection or a special inspection may be conducted after an initial lease up to ensure that program funds are being used for the purpose in which they were intended.

If the HA determines that the accommodation for the separate bedroom is not being used for the purpose in which it was intended or the medical equipment is not substantial enough to require a separate bedroom, the HA will conduct a new re-exam giving the family a 30 day notice to lower the subsidy standard. Misrepresentation of a needed accommodation may result in a repayment agreement and/or termination.

Verification of Request for Exception to the Policy on Prohibited Criminal Activity

If a family member with criminal activity meets the requirements to be granted an exception to the Housing Authority of the County of Riverside's Policy on Prohibited Criminal Activity (see Appendix C), they may complete a Request for Exception to the Policy on Prohibited Criminal Activity form to be reviewed by an established committee. In some instances, verification such as a police report, proof of completion of diversion, etc. may be required. Victims of domestic violence, date violence, sexual assault, or stalking requesting an exception to the Policy on Prohibited Criminal Activity will be required to complete HUD Form 50066 "Certification of Domestic Violence, Date Violence, Stalking" and return it to the HA within 14 days of request.

Chapter 8

VOUCHER ISSUANCE AND BRIEFINGS

INTRODUCTION

The HA's objectives are to provide families selected to participate with the tools to help them be successful in obtaining an acceptable housing unit, and to give them sufficient knowledge to derive maximum benefit from the program and to comply with program requirements. When families have been determined to be eligible, the HA will conduct a mandatory briefing to ensure that families understand how the program works. The briefing will provide a broad description of owner and family responsibilities, HA procedures, and how to lease a unit. The family will also receive a briefing packet that provides more detailed information about the program. This chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

A. ISSUANCE OF VOUCHERS

When funding is available, the HA will issue Vouchers to new applicants who have been determined eligible and/or those who are relocating. The issuance of Vouchers must be within the dollar limitations set by the Annual Contributions Contract (ACC) budget.

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 as well as participants that utilize portability and transfer into the Housing Authority of the County of Riverside's jurisdiction (port-ins).

Briefing Packet

A briefing packet will be given to new applicants at the initial applicant briefing and to those participants who are relocating. The documents and information provided in the briefing packets for the Voucher programs will comply with all HUD requirements. The briefing packet includes owner identification documents containing private information, that once submitted to the HA, will not be considered part of the participant file. The HA may conduct other types of briefings such as relocation and portability briefings for families, and owner briefings.

Other Information to be Provided at the Briefing

Family and owner responsibilities are explained to the new applicant and/or port-in client. In addition to literature and the HA's website, applicants and owners may request specific clarification about program issues from the assigned Housing Specialist or Supervisor.

Guidance and materials are offered to assist the family in selecting a unit. Issues to be considered include: Proximity to employment, public transportation, schools, shopping and the accessibility of services. Applicants are encouraged to evaluate the prospective unit, such as the condition, whether the rent is reasonable, average utility expense, energy efficiency and security. The Housing Authority of the County of Riverside uses a web-based program which gives the family access to owners who wish to rent their properties to recipients of the program. They may also pick up listings in person at both Housing Authority offices. The family will have access to a list of

landlords willing to lease to assisted families and non-profit organizations willing to assist in the housing search. In providing this courtesy list, the HA does not endorse any particular unit or landlord. There is no guarantee that the rents listed are reasonable or approvable, nor any guarantee that the units will pass Housing Quality Standards.

The HA will provide information on the advantages to moving to areas of low poverty. The family will be encouraged to choose a unit carefully and after due consideration.

The family will receive information about the Family Self-Sufficiency program and its advantages.

Owners and participants will be instructed that side payments or any payment not approved by the HA will not be allowed. Acceptance of side payments or additional rent will be grounds for termination from program.

C. ENCOURAGING PARTICIPATION IN HIGH-OPPORTUNITY AREAS

During briefings sessions the Housing Authority encourages families to move to high opportunity areas by explaining the advantages of moving to an area that may offer high-quality housing, education and employment opportunities. To increase the available housing stock to its clients, and to facilitate the opportunity for owners and participants to gather for the purpose of leasing a unit, the HA may conduct periodic Rental Fairs at its main office. This gives current participants who are in the relocation process, as well as families newly released from the waiting list, the opportunity to become acquainted with property owners with available units. In addition, landlords are invited to list their property via the Housing Authority website through the landlord portal or may visit the Housing Authority offices to receive the property listing form. The HA offers Landlord Workshops in order to expand its network of property owners and/or managers. The purpose of these workshops is to make special efforts to provide outreach and education to landlords who may not be familiar with the Housing Choice Voucher Program.

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

The HA provides the family with the HUD Discrimination Complaint form and offers to assist in the completion of the form as well as directing the family to report suspected discrimination to the Fair Housing Council.

E. ASSISTANCE TO FAMILIES WITH DISABILITIES

The HA assists families with disabilities in locating accessible units by:

1. Providing a rental listing (which includes handicapped accessible units) of owners willing to rent to Housing Choice Voucher Program participants, and
2. Providing a listing of service agencies that provide services to help the disabled, and
3. Providing reasonable accommodation by extending the term of the voucher, if warranted.

F. SECURITY DEPOSIT REQUIREMENTS (24 CFR 982.313)

Security deposits charged by owners may not exceed those charged to unassisted tenants or the maximum prescribed by state or local law.

G. TERM OF VOUCHER

(24 CFR 982.303)

During the initial applicant briefing session, each household will be issued a Housing Choice Voucher which represents an agreement between the HA and the family specifying the rights and responsibilities of each party. It does not constitute admission to the program, which occurs when the lease and contract become effective. NOTE for Incoming portable clients: The receiving PHA must issue a voucher to the ported family that does not expire before 30 calendar days from the expiration date of the initial PHA's voucher in accordance with CFR 982.355(c)(13).

Expirations

For those families that have an initial Voucher, the term of the Voucher is 60 calendar days.

For participants who are relocating, Vouchers are also valid for a period of 60 calendar days from the last date that assistance was paid. For those families that have an initial HUD-VASH Voucher, the term of the Voucher is 120 days.

If the family needs and requests an extension of the Voucher term as a reasonable accommodation to make the program accessible to and usable by a family member with disabilities, the HA may extend the Voucher term up to the term reasonably required for that purpose. An extension of up to 60 days may be granted. An extension of the term is granted by HA notice to the family.

If the family requests an extension for the Voucher due to other good cause such as illness of a household member, death of a family member, natural disaster, disapproval of a unit by the HA (i.e. the unit that RFTA was submitted for fails to meet HQS, proof of ownership issues, proof of permits for additions/deletions) or other unforeseeable circumstances, the request will be reviewed along with the documentation provided by the family regarding the circumstances requiring the extension. An extension of the term may be granted by HA supervisor and notice to the family.

The family will not be entitled to a review or a hearing if the Voucher has expired. If the family is currently assisted, they may remain as a Housing Choice Voucher Program participant in their unit if there is an assisted contract in effect.

Suspensions

24 CFR 982.303 (c)

Effective September 21, 2015, the family's voucher term will be suspended from the time the family submits a RFTA to the time the HA notifies the family, in writing, of the RFTA denial.

H. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS (24 CFR 982.315)

Family break-up: The PHA has discretion to determine which members of an assisted family continue to receive assistance in the program if the family breaks up. If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the PHA is bound by the court's determination of which family members continue to receive assistance in the program. The factors to be considered in making this decision under the PHA policy include:

1. Whether the assistance should remain with family members remaining in the original assisted unit.
2. The interest of minor or of ill, elderly or disabled family members.
3. Whether family members are forced to leave the unit as a result or actual or threatened

physical violence against family members by a spouse or other member of the household.
(VAWA protects the victim from losing their HUD assisted housing).

4. Other factors specified by the PHA such as recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties. If documentation is not provided, the HA will terminate assistance on the basis of failure to provide necessary information.

I. REMAINING MEMBER OF TENANT FAMILY-RETENTION OF VOUCHER

To be considered the remaining member of the tenant family, the person must be an eligible immigrant, have been previously approved as part of the family by the HA and be currently living in the unit.

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

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

1. The court has to have awarded emancipated minor status to the minor, or
2. The HA has to have verified that the Department of Social Services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the minor(s) for an indefinite period.

A reduction in family size may require a reduction in the authorized payment standard.

Retention of a voucher by the remaining member currently living in the unit will only be approved as a result of the death of the Head of Household, or removal of the Head of Household to an assisted living environment, or government facility.

Chapter 9

REQUEST FOR TENANCY APPROVAL (RFTA) AND CONTRACT EXECUTION

INTRODUCTION

After a family is issued a Voucher, they may search for a unit anywhere within the jurisdiction of the HA, or outside of the HA's jurisdiction (portability). If funding is not available to support portability in a higher payment standard area whereby the jurisdiction is "billing" not "absorbing", the family may be denied portability to the higher cost area.

The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments Contract with the HA. This chapter defines the types of eligible housing, the HA's policies which pertain to initial inspections, lease requirements, owner disapproval, and the processing of RFTA's.

A. REQUEST FOR TENANCY APPROVAL (RFTA) (24 CFR 982.302)

The RFTA and a copy of the proposed lease must be submitted by the family prior to the expiration of the Voucher.

Both the owner and Voucher holder must sign the RFTA. The HA will not permit the family to submit more than one RFTA at a time.

Both the owner, or the owner's designee, and the Voucher holder must be present for the initial inspection. If the owner chooses to have his/her designee present for the inspection in lieu of himself/herself, the designee must have the written authority to sign the Housing Assistance Payments (HAP) Contract.

The following timeline must be observed for all incoming RFTAs:

- The unit must be ready for inspection **no later than** 14 calendar days from the date the RFTA is submitted. Ready for inspection means that ownership is verified, rent is negotiated (if needed) to ensure unit affordability, rent is determined reasonable, **all** utilities are in service and permits (if any) are submitted by the owner for any additions/improvements to the unit.
- The initial inspection will be conducted by HA staff within 7 business days from the date the unit is ready or from the date the RFTA is received by the HA, whichever is later or from the date ownership is verified.
- If the unit fails the initial inspection, repairs must be made within 10 calendar days and a repair inspection will be conducted by HA staff within 4 business days from the date the HA is notified that repairs are completed. For certain repairs, the HA may utilize the Certified Repair Notice (CRN) that both the owner and tenant sign acknowledging the repair has been completed in conjunction with pictures and or receipts, as an alternative for conducting a repair check.
- The unit must pass inspection **no later than** 20 calendar days from the initial inspection or the date the unit is ready, whichever is later.
- The owner must provide a signed HAP Contract and signed Lease Agreement to the HA either on the date of the passed inspection or **no later than** 7 calendar days from the date

the participant takes occupancy of the unit.

- The participant must enter into a Lease Agreement **and** take occupancy of the unit **no later than** 60 days from the date the inspection has passed.

The RFTA may be denied if:

- the unit is not ready for inspection within 14 calendar days
- the unit does not pass inspection within 30 calendar days
- the owner does not provide the signed HAP Contract and signed Lease within 7 calendar days
- the owner and/or participant do not provide all HA required information within the requested time frames.
- the participant does not take occupancy of the unit within 60 days from the date the inspection has passed, and/or
- the unit fails initial inspection after previously being an assisted unit and the contract was terminated for failing HQS.

Effective September 21, 2015, the family's voucher term will be suspended from the time the family submits a RFTA to the time the HA notifies the family, in writing, of the RFTA denial.

HUD regulations prohibit the HA from approving a unit if the owner is the parent, child, grandparent, grandchild, sister, brother of any member of the tenant family, unless the HA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. [24 CFR 982.306 (d)]

Review of the RFTA

24 CFR 982.507 and 982.508

HA staff will review the rent amount to ensure the rent is reasonable based upon current rents for comparable unassisted units. The voucher program rule requires that the HA's system for determining comparability and reasonable rent take nine factors into consideration: location, size, type, quality and age, amenities, housing services and maintenance, and utilities provided by the owner under the lease. Also, that it is affordable as determined by HUD regulations for the family. Affordable for the family means that the family's share of the rent plus the current utility allowance cannot exceed 40 percent of the household's adjusted monthly income. If the unit does not meet the affordability criteria, the HA will attempt to negotiate the rent with the owner. If the owner does not agree on the contract rent after the HA has tried and failed to negotiate a revised rent, the HA will inform the family and owner that the RFTA is disapproved. Effective September 21, 2015, the family's voucher term will be suspended from the time the family submits a RFTA to the time the HA notifies the family, in writing, of the RFTA denial.

The HA will recalculate the voucher term to add the time the voucher was suspended and issue another RFTA to the family.

Owners must submit their own lease with the HUD lease addendum attached and a property management agreement (if applicable). The HA may review the lease to ensure compliance with HUD regulations, state and local laws. Responsibility for utilities, appliances and optional services must correspond to those provided on the RFTA.

If the HA determines that the RFTA cannot be approved for any reason (see above paragraph A of this section) the RFTA will be disapproved and the landlord and the family will be notified in

writing. Effective September 21, 2015, the family's voucher term will be suspended from the time the family submits a RFTA to the time the HA notifies the family, in writing, of the RFTA denial. The HA will recalculate the voucher term to add the time the voucher was suspended and issue another RFTA to the family.

If the HA determines that the RFTA is approvable, staff will schedule and perform the initial inspection within 7 business days from the date the RFTA is received provided the unit is ready for inspection, or within 7 days from the unit ready date or from the date ownership is verified. Any variance from this time frame will be documented in the family's file.

Residence Limitations

Interest in Unit: The owner may not reside in the assisted unit. The owner may reside in a unit in which a voucher family is participating in a "shared housing" type of assistance. However, the owner may not be a resident owner if the Housing Choice Voucher participant is related to the owner.

Relative Owner: The HA must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the HA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities (24 CFR 982.306 (d)). In cases where a reasonable accommodation is requested, the rental unit may not be larger than the authorized voucher/subsidy size.

B. INFORMATION TO OWNERS

The HA is required to provide prospective owners with the address of the applicant and the names and addresses of the current and previous landlords if known. The HA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

The HA will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. They will be encouraged to screen applicants for rent payment history, eviction history, damage to units, and other factors related to the family's suitability as a tenant.

C. OWNER DISAPPROVAL

For purposes of this section, "owner" includes a principal or other interested party. The HA will disapprove the owner for the reasons stated in Chapter 16 of this Plan.

D. CONTRACT EXECUTION PROCESS

24 CFR 982.305

The HA prepares the Housing Assistance Payment Contract for execution. The family and the owner will execute the lease agreement, and the owner and the HA will execute the HAP Contract with the owner within 60 days or the contract is null and void. Copies of the documents will be furnished to the parties who signed the respective documents.

E. CHANGE IN OWNERSHIP

The HA requires written documentation of any change in ownership. A copy of the recorded grant deed is acceptable documentation. In addition, if the new owner wants to continue receiving Housing Assistance Payments, they must sign a new HAP Contract and provide the Housing Authority a signed lease and/or rental agreement.

Chapter 10

HOUSING QUALITY STANDARDS AND INSPECTIONS

INTRODUCTION

24 CFR 982.404

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS inspections are required both at initial occupancy and annually during the term of the lease.

At the HACR's discretion, pursuant to the 2014 Appropriations Act, the HA may conduct HQS inspections on a biennial basis (once every two years) using a consistent methodology plan (i.e. streamlined annual files and high performing landlords with 75% units that pass inspection at the 1st HQS visit). Also pursuant to the 2014 Appropriations Act, in lieu of conducting an HQS inspection for existing voucher-assisted units, the HACR may use Alternate Inspection Methods for annual inspections if the alternative inspection uses an equivalent or higher standard. HQS inspections apply to the building and premises, as well as the unit. Reasonable business hours to conduct housing inspections are between 8:00 a.m. and 5:00 p.m.

These minimum standards may be enhanced by the HA, provided that by doing so the HA does not overly restrict the number of units available for lease under the program. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and HA requirements. This chapter describes the HA's procedures for performing HQS and other types of inspections, and standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners.

A. TYPES OF INSPECTIONS

Efforts will be made at all times to encourage owners to provide housing that meets or exceeds the HQS minimum standards. All utilities and appliances must be in service before the unit will pass HQS.

There are five types of inspections the HA will perform:

1. Initial/Move-in: Conducted within 7 business days of receipt of Request for Tenancy Approval or as soon as possible from the date the unit will be ready for inspection.
2. Annual: Must be conducted within 12 months of the last inspection date.
3. Special/Complaint: At the request of an owner, family, agency or third-party.
4. Move-Out/Vacate: At the HA's discretion, the HA may conduct a move-out inspection if damage is a result of the tenant not meeting their obligations and such damage would cause tenant to lose their assistance.
5. Quality Control: Quality control inspections are conducted in an amount necessary to meet HUD requirements.

B. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS

The HA adheres to the acceptability criteria in the program regulations and HUD Inspection Manual.

Additions to HQS:

- Modifications or adaptations to a unit must meet applicable HQS and building codes i.e., must provide copy of signed off final city building permit for additions and/or removed structures.
- All emergency systems must be operable (i.e., pull cords for elderly/disabled complexes).
- Security bars/window bars in rooms that can be used for sleeping must have a quick release mechanism. Such devices shall be releasable or removable from the inside without the use of a key, tool, special knowledge, or force greater than that which is required for normal operation of the escape and rescue opening. *The release mechanism shall be maintained operable at all times* (Chapter 3 – Building Planning of the 2010 California Residential Code, Section R310, Emergency Escape and Rescue Openings).
- Two Earthquake straps (one in the top third and one in the bottom third) are required for all hot water heaters. An exception would be in the case of electric water heaters located inside a cupboard, typically under a countertop and commonly referred to as 30 gallon stubbies (which are half the size of a normal water heater). In these instances, one earthquake strap is preferred but Plumbers tape may be used to secure the water heater.
- A functional cooling system must be in all units located east of, and including Palm Springs.
- One good screen is required on one window in each room.
- All exterior doors must have working deadbolts (inside cannot be keyed – must be keyless) and a doorknob.
- Certified Carbon Monoxide Detectors must be installed in, all dwellings (1 per floor level) having a fossil fuel burning heater or appliance (such as a gas stove, or oven), fireplace or attached garage. (SB183)

C. INSPECTIONS

[24 CFR 982.405 (a)]

The HA conducts an inspection in accordance with Housing Quality Standards at least annually, but no sooner than 120 days prior to the anniversary month of the contract. Special or Quality Control inspections may be scheduled between anniversary dates.

The landlord must correct HQS deficiencies that cause a unit to fail unless the fail item is one for which the participant is responsible. HAP payments will not be made on units that do not meet HQS. The family is responsible for breaches of HQS that are caused by any of the following:

- The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid for by the tenant;
- The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or
- Any member of the household or guest damages the dwelling unit or premises (damage beyond ordinary wear and tear).
- The family fails to allow the HA to inspect the unit at reasonable times with reasonable notice.
- If the family does not contact the HA to reschedule the inspection (with good cause), or if the family misses one inspection appointment, the HA will consider the family to have violated a family obligation, and their assistance may be terminated in accordance with the termination procedure in this Plan.

Time Standards for Repairs**[24 CFR 985.3 (f)]**

1. Emergency items that endanger the family's health or safety must be corrected within 24 hours of notification.
2. For non-emergency items, all repairs must be completed as specified by the HA, not to exceed 30 days.
3. For major repairs, the Housing Specialist may approve an extension beyond 30 days.

In accordance with the Notice to Repair or Certified Repair Notice, the contract will be terminated if the unit is not in compliance with HQS. If the tenant is the responsible party, a Pre-termination of Assistance Appointment letter will be sent. No payments will be made to the owner after the contract has been terminated.

D. EMERGENCY REPAIR ITEMS**[24 CFR 982.404 (a) (3) (b) (2)]**

The following items are considered of an emergency nature and must be corrected by the owner or participant (whoever is responsible) within 24 hours of notice by the Housing Specialist.

- Lack of security for the unit
- Waterlogged ceiling in imminent danger of falling
- Major plumbing leaks or flooding
- Natural gas leak or fumes
- Electrical problem which could result in shock or fire
- Utilities not in service
- No running hot water
- Broken glass where someone could be injured
- Obstacle which prevents tenant's entrance or exit
- Lack of at least one functioning toilet
- Any other item deemed an immediate health or safety hazard

In those cases where there is leaking gas or a potential of fire or other threat to public safety, and the responsible party cannot be contacted, the proper authorities will be notified by the HA.

E. INITIAL HQS INSPECTION

An Initial Inspection will be conducted to:

- Determine if the unit and property meet the HQS as defined by HUD regulations and this Plan.
- Determine if the Rent to Owner is reasonable and document the information to be used in that determination.

Also see Chapter 9, paragraph A, for Initial HQS inspection guidelines and timelines.

F. SPECIAL/COMPLAINT INSPECTIONS

If at any time a family, owner, agency, or third party notifies the HA that the unit does not meet Housing Quality Standards, the HA will conduct an inspection. Move-Out/Vacate: As a courtesy to the owner, the HA may conduct a move-out inspection at the landlord's written request, if damage is a result of the participant not meeting their obligations and such damage would cause participant to lose their assistance.

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

The Housing Supervisor or designee will perform Quality Control inspections, in an amount necessary to meet HUD requirements. The purpose of Quality Control inspections is to ascertain that Housing Specialists/Program Assistants are conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in the application of HQS.

Chapter 11

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

INTRODUCTION

The HA is responsible to ensure that the rents charged by owners are reasonable based upon comparable unassisted units in the rental market. When the HA has determined that the unit meets the minimum HQS, that the lease is approvable, and that the rent is reasonable, it will enter into a Housing Assistance Payment Contract with the owner. This chapter explains the HA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the payment standards, and rent adjustments.

A. OWNER PAYMENT IN THE VOUCHER PROGRAM

The Housing Choice Voucher formula for determining maximum subsidy is the lower of the Payment Standard or the Gross rent (contract rent plus current utility allowance) for the unit minus the family's Total Tenant Payment.

- The maximum subsidy for each family is determined by the payment standard for the Voucher size issued to the family (or the gross rent as stated above), less 30 percent of the family's monthly adjusted income. The actual subsidy level could be less if the family is required to pay the minimum total tenant payment (10 percent of the family's monthly income).
- The Voucher size issued to the family is based on the HA's subsidy standards. The payment standard for the family is based on the lesser of the payment standard for the Voucher size issued or the payment standard for the number of bedrooms of the selected unit.
- The housing assistance payment to the owner is the lesser of the subsidy described above or the rent charged by the owner.

B. LATE PAYMENTS TO OWNERS

The HA must pay the Housing Assistance Payment (HAP) promptly when due to the owner in accordance with the HAP contract. Late payments to owners shall be the lesser of 1) the late payment as stated in the lease between the owner and the tenant, or 2) \$50.00. However, the HA shall not be obligated to pay any late payment penalty if HUD determines that late payment by the HA is due to factors beyond the HA's control. Direct deposit is required to assist in the prompt receipt of HAP payments.

The HA may only use the following sources to pay a late payment penalty from program receipts under the consolidated ACC: administrative fee income for the program or the administrative fee reserve for the program. The HA may not use other program receipts for this purpose.

C. MAKING PAYMENTS TO OWNERS

Once ownership is verified and the HAP Contract is executed, the HA begins processing monthly payments to the landlord. The HAP to owners will be processed by the Housing Authority Accounting Department.

D. EXCEPTION PAYMENT STANDARD

The HUD field office may approve an exception payment standard up to 120% of the FMR for all units of a given size leased by families in an exception area.

An area exception payment standard may not exceed 120% of the FMR. An area exception payment standard will not be approved unless HUD determines that an exception rent is needed either:

- To help families find housing outside areas of high poverty; or
- Because Voucher holders have trouble finding housing for lease under the program within the term of the Voucher

The HA may approve an exception payment standard up to 110% of the FMR when it has determined that it is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability.

E. ENHANCED PAYMENT STANDARDS (PIH Notice 2001-41 and PIH Notice 2016-02)

Enhanced vouchers are primarily provided in the case of preservation prepayments and Section 8 project-based contract opt-outs.

Enhanced voucher assistance under Section 8(t) of the United States Housing Act of 1937 is calculated differently from regular housing choice voucher assistance if the family remains in the project. **A higher “enhanced” payment standard is used** to determine the amount of the monthly subsidy in cases where the gross rent of the unit exceeds the normally applicable PHA payment standard. In such instances, the gross rent for the unit is used in the monthly subsidy calculation instead of the normally applicable payment standard

The housing assistance payment calculation for an enhanced voucher family remaining in the project is the gross rent of the unit minus the greatest of (a) 30 percent of adjusted monthly income; (b) 10 percent of monthly income; (c) the welfare rent in as-paid states; (d) the enhanced voucher minimum rent (see HUD Notice PIH 2001-41, section II.c.3 for further details); or (e) such other minimum rent established by the PHA (see 24 CFR §5.630).

When an enhanced voucher holder moves out of the project, the voucher reverts to a regular HCV household and normal payment standard rules apply. The family is no longer an enhanced voucher household.

*If the family continues to reside at the covered project, at such time that an enhanced voucher household resides in a unit where the actual number of bedrooms exceeds the family unit size for which the family qualifies under the HA subsidy standards, the family will become what PIH Notice 2016-02 refers to as an “**over-housed family**”. When a family becomes over-housed, the family must transfer to another unit in the project of appropriate size, as outlined in PIH Notice 2016-02 (which strikes the obsolete policy stated in PIH Notice 2001-41).*

The HA will follow the transfer requirements for over-housed families as outlined in PIH Notice 2016-02 according to the following guidelines:

1. Issue the voucher based on PHA subsidy standards, and grant additional bedrooms if required as a reasonable accommodation in order to make the rental assistance program accessible to a person with disabilities
2. If the household occupies a unit larger than they are authorized they are “over-housed”
3. If, at any time, the over-housed family chooses to move from the project the normal tenant-based voucher program rules apply to the subsidy calculation for the new unit
4. Once the PHA determines the family is over-housed, the PHA must inform the family and explain the requirements of moving to a unit of appropriate size
5. If the family indicates it wishes 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
6. The PHA must provide the owner with the bedroom size for which the family actually qualifies under the PHA subsidy standards (i.e. the appropriate size unit).
7. The owner must then identify all appropriate size units available in the project
8. If an appropriate size unit *does not physically exist* at the project, the term “appropriate size unit” also includes an available bedroom size unit that is smaller than the family’s current unit but is not smaller than the appropriate size unit for which the family qualifies under the PHA subsidy standards.
9. 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.
10. If an over-housed 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 for the regular voucher program and the family is responsible for any amount of the gross rent not covered by the housing assistance payment.
11. If a unit of appropriate size does not physically exist at the covered project and the family wishes to remain at the project with enhanced voucher assistance but a bedroom size unit is available that is smaller than the family’s current unit (but not smaller than the unit size for which the family qualifies under the PHA subsidy standards) the family must move to the smaller bedroom size unit within a reasonable time but not to exceed 30 days. The Housing Authority of the County of Riverside has determined that 30 days is a reasonable time. The enhanced voucher subsidy calculation is the gross rent for the smaller bedroom size (the smaller bedroom size refers to the reduced bedroom unit, not the appropriate size unit that does not physically exist).
12. If a unit of appropriate size is not available at the covered project, the PHA will execute a voucher HAP contract for the over-sized unit, provided rent is reasonable and the unit complies with all other voucher program requirements such as HQS. The enhanced voucher housing subsidy calculation is based on gross rent for the over-sized unit and will continue as such (including rent increases) until an appropriate size unit in the project becomes available for occupancy.
13. The PHA must maintain a record of enhanced voucher families living in over-sized units and monitor the availability of appropriate size units at the project **by contacting the owner once a quarter.**
14. **The owner must** immediately inform the PHA and the family with an appropriate size unit will become available in the project. The owner is subject to possible financial penalties or other enforcement actions if the owner fails to notify the PHA immediately.
15. When the PHA is informed that an appropriate size unit is available, the PHA must

immediately notify the over-housed family of the availability of the unit and the family must move to the appropriate size unit in a reasonable time, but not to exceed 30 days, in order to continue to receive enhanced voucher assistance. The HACR has determined that 30 days is a reasonable time for the family to move to the new unit. The PHA will execute a new contract with the owner and the family will enter into a new lease with the owner for the appropriate size unit. The enhanced voucher subsidy calculation is based on the gross rent for the appropriate size unit.

16. The PHA may grant an extension beyond the 30 days if it is a hardship for the family to move because of medical reasons and/or as a reasonable accommodation for a person with disabilities. Hardship extensions must be submitted by the family in writing within 10 calendar days from the date the family is notified in writing by the PHA that an appropriate size unit is available. The extension request will be verified and reviewed by the PHA Reasonable Accommodation panel. If approved, **up to** an additional 30 days may be granted to the family to move to the unit of appropriate size.
17. If the family does not move to the appropriate size unit within 30 days, or any extension granted, the PHA shall notify the owner that the unit may be re-leased to a family chosen by the owner. The over-housed family's subsidy is recalculated as described below.
18. If an over-housed enhanced voucher family refuses to move to the appropriate size unit or does not move within the established timeframe determined by the PHA, the PHA will recalculate the family's housing assistance payment for the oversized 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)(d)). The family will be responsible for any amount of the gross rent not covered by the housing assistance payment.
19. If more than one over-housed enhanced voucher family residing at the project qualifies for the same size unit under the PHA's subsidy standards, and the number of appropriate size units that become available at any given time is less than the number of units necessary to accommodate the number of over-housed families, the PHA will offer the units to the families using the following method:
 - Families living in over-sized units for the longest period of time will be offered the appropriate sized units first.
20. If, as a result of a decrease in family size or change in family composition, an enhanced voucher family subsequently becomes over-housed, the family must move to an appropriate size unit in accordance with the above-outlined over-housed process.
21. The PHA will ensure effective communication with individual with disabilities through the use of auxiliary aids and services, as determined necessary for the family.
22. If the PHA learns of available units at the project for which the owner failed to notify the PHA, the PHA must report such information to HUD by sending an email to OverhousedEVs@HUD.gov (with a cc to the local field office director) with the subject line Over-Housed Enhanced Voucher Families. Within the email, the PHA must provide the following:
 - PHA code
 - Name and address of the project
 - Name of the project owner, if known
 - The approximate date the appropriate size units became available
 - Whether the units are currently leased to market rate or voucher families.

F. RENT REASONABLENESS DETERMINATIONS (24 CFR 982.507)

Rent reasonableness determinations are made when units are placed under HAP Contract for the first time, before any increase in rent to the owner, if there is a 5% decrease in the published FMR, and if directed by HUD.

The HA determines rent reasonableness through using GoSection8, a database of unassisted rental units in all bedroom sizes throughout the county. Newspapers, rental magazines, calls to property owners and managers and the Internet are some of the sources used to add comparables to the database.

The HA will consider comparable unassisted units preferably within a ½ mile radius, but census tract and/or zip code may also be considered to include the location, quality, size, unit type, age of the unit, amenities, services, maintenance and utilities provided by the owner in determining rent reasonableness. With supervisor approval, exceptions may be considered in remote areas where a ½ mile radius is not sufficient.

A printout showing the rental amount of comparable units in the area is imaged to the family's file, signed and dated by the Housing Specialist, documenting the data used to determine rent reasonableness.

G. PAYMENT STANDARDS AND ADJUSTMENTS (24 CFR 982.503)

The subsidy amount is based on a Payment Standard set by the HA. The HA will review the Payment Standard annually to determine whether an adjustment should be made for some or all unit sizes. The Payment Standard will be reviewed according to HUD's requirements and this Plan, and if an increase is warranted, the Payment Standard will be adjusted within 90 percent to 110 percent of the current HUD-published Fair Market Rent. However, should a HUD waiver be granted to an amount that falls outside the basic range of 90-110%, the HA will adopt the new range as needed to meet funding allocations.

The HA may approve an exception Payment Standard up to 110% of the FMR when it has determined that it is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability. In accordance with PIH 2013-18 (HA), "Exception payment standards **must** remain in effect until or unless a higher payment standard is warranted, requested, and subsequently approved." The unit size may not exceed the authorized subsidy size for the family. The HA may apply to HUD Headquarters to approve a Payment Standard up to 120% of the FMR if it determines that the increase is needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8.

The HA may use some or all of the measures below in making a determination whether an adjustment should be made to the Payment Standards.

- **Lowering of the Payment Standard**

Statistical analysis may reveal the Payment Standard should be lowered, in which case the Payment Standard should not be less than 90 percent of the current FMR. If the FMR is lowered, the Payment Standard will be decreased in accordance with HUD regulations.

- **Financial Feasibility**

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

For this purpose, the HA will compare the number of families who could be served under higher Payment Standards with the number assisted under current Payment Standards.

H. RENT INCREASES

(24 CFR 982.507)

Owners may not request rent increases to be effective prior to the expiration of the initial term of the lease. An owner request for a rent increase must be in accordance with the lease, state law, HAP contract and HUD regulations. The owner must notify the PHA of any changes in the amount of the rent to the owner at least **60 (sixty) days** before any such changes go into effect (see HAP Contract 15-d). The requested rent increase must be reasonable for market conditions. If the rent comparisons are determined to be lower than the current contract rent, regulations state that at no time can the rent to owner exceed the reasonable rent (i.e. rent comparable/s) most recently determined by the PHA. For this reason, the PHA must complete an interim to lower the contract rent to the new amount as determined by the rent comparisons. If the HA disapproves the owner's request for a rent increase because the rent is not reasonable, both the participant and the owner will be notified in writing and the family may request that the HA issue the family a Voucher to enable them to relocate.

Chapter 12

REEXAMINATIONS

INTRODUCTION

HUD requires the HA to re-certify the income, assets and household composition of all families at least annually. In addition, the HA is required to inspect the assisted unit at least annually, and to process requests for rent adjustments. These activities must be coordinated to ensure that they are completed in accordance with the regulations. It is a HUD requirement that families report all changes in household composition and income at the annual reexamination. The HA decides what other changes must be reported, and the procedures for reporting all income. This chapter defines the HA's policy for conducting annual reexaminations and coordinating the annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ANNUAL RECERTIFICATION/REEXAMINATION (24 CFR 982.516)

Requirement to Attend

All household members are required to attend scheduled appointments. Failure to appear for a scheduled interview is cause to terminate assistance for failure to comply with the family obligation of providing information to the HA.

Documents Required from the Family

Failure to provide documents required by the HA is a violation of a family obligation and grounds for termination of assistance. The family will be given 10 calendar days to provide requested information and/or documents.

The HA may make exceptions to these policies if the family is able to document an emergency situation that prevented them from attending a scheduled appointment or providing requested information.

Tenant Rent Increases

If the tenant portion of rent increases, a notice of at least 30 days is mailed to the family prior to the effective date of the change whenever possible. If the owner has served the tenant with a Rent Increase Notice, that notice shall serve as the notice to the tenant of the increase in their rent.

If there has been a misrepresentation or a material omission by the family, the family may be terminated and/or required to repay any overpaid HAP to the HA.

Tenant Rent Decreases

If the tenant portion of rent decreases, it will be effective on the first day of the month after the written notification of the change. If the family causes a delay in the processing of the reexamination, the rent change will be effective on the first day of the month following completion of the reexamination.

B. REPORTING INTERIM CHANGES

The HA requires program participants to report all changes in household composition or income in writing within 10 days of the change to the HA. This includes additions due to marriage, birth, adoption and court-awarded custody. The family must obtain HA and owner approval prior to all other additions to the household.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim unless the change takes place during the regular reexamination.

Interim Reexamination Policy

Participants must report all changes in income, assets, and family household composition in writing within 10 days of change. Changes will be processed if they are anticipated to continue for sixty (60) or more days.

If it has been determined that a participant has misrepresented any information to the PHA that causes the PHA to pay a higher HAP amount, the participant will be required to repay the excess HAP paid on their behalf. If the PHA determines that the participant has been subsidized through the participant's willful misrepresentation of income, assets, or family composition, the PHA shall notify the participant that rental assistance will be terminated and excess HAP repaid and the participant has the right to request a Hearing.

Decreases in Income

The HA will process the change if the decrease in income is **\$100 monthly** or more and anticipated to continue for sixty (60) or more days.

Increases in Income

The HA will conduct interim reexaminations for participants who have an increase in income of **\$100 monthly** or more.

ZERO INCOME FAMILIES:

Families reporting less than \$100 in gross monthly household income will be asked how the family pays for necessary living expenses and the family will be required to complete, sign and date the Certification of Income Form. Such families will be required to provide documentation to the HA every 30 days until such time that the family has no Utility Reimbursement Payment (URP). Families with \$100 or less in gross monthly income will be re-evaluated every 30 days to determine if there are any new sources of income. Failure to provide required information may be cause for termination of rental assistance. HUD excluded income that is designated for a specific purpose (i.e. food stamps, etc.) does not count toward the calculation of gross income.

HA Errors

When the HA finds that an error has been made, an interim reexamination will be conducted to correct the error. A minimum of thirty (30) days' notice will be given to participant and owner if the correction results in a decrease in the HAP payment.

Administrative Errors and Omissions: It is crucial that the PHA establish and maintain a high degree of accuracy in administering its program. From time to time minor administrative errors or omissions may be discovered which require immediate PHA action. Administrative errors, omissions, or mistakes made by PHA staff, owners, or participant may include:

1. PHA Errors and Omissions (examples):
 - a. Errors in calculations of Assistance levels;
 - b. Inappropriate determinations of family eligibility;
 - c. Miscalculation of gross rents; or,
 - d. Approval of gross rents above allowable limitations.
2. Owner Errors and Omissions (examples):
 - a. Not informing the PHA that the participant has vacated the unit.
 - b. Not informing the PHA that an error in contract rent has occurred within 10 days of receiving a rent change notification.
3. Tenant Errors and Omissions (examples):
 - a. Omission of a particular asset or income because of lack of information;
 - b. Miscalculation of income; or,
 - c. Misinformation regarding family composition.

Changes in family size/subsidy standards

A larger bedroom size will not be issued if a member of the nucleus family moves out and returns as an adult. In these cases, the HA will not approve the addition of household members if it results in overcrowding according to HQS.

For additions to the family in the following cases, the HA will issue the family a relocation Voucher when the change causes overcrowding according to HQS:

- Additions by marriage
- Addition of a minor who is a member of the nucleus family who had been living elsewhere
- Addition of a HA-approved live-in aide
- Addition due to birth, adoption or court-awarded custody
- Addition of long term placement foster care minor(s) or adults

Family Member moves out

Families are required to notify the HA in writing within 10 days if any family member leaves the assisted household. When the family notifies the HA, they must furnish the following information:

- The date the family member moved out
- The new address, if known, of the family member
- A statement as to whether the family member is temporarily or permanently absent

C. TIMELY REPORTING OF CHANGES IN INCOME AND ASSETS

Families who do not report required changes within time frames established by the HA are considered in violation of a family obligation, and are subject to termination of assistance.

D. NOTIFICATION OF RESULTS OF REEXAMINATIONS

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

Chapter 13

MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

INTRODUCTION

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

A family may move (relocate) to a new unit when the owner has given the family a notice to vacate and the family is eligible for continued assistance or when the family has given proper notice of lease termination and is eligible for continued assistance (see A. Allowable Moves for additional information).

A family may request to move once annually and a notice to vacate may be extended once. The owner must approve any extension in writing. If a family exercises the one month extension and does not vacate after the one extension notice expires, they must either obtain agreement from the landlord to rescind the notice to vacate, or vacate the unit as planned while they search for a new unit. More than one extension will not be granted unless as a reasonable accommodation to make the program accessible to a person with disabilities.

A. ALLOWABLE MOVES

A family may move to a new unit if:

1. The assisted lease for the old unit has terminated because the HA has terminated the HAP contract due to owner breach.
2. The HA has terminated the HAP contract because the family is no longer eligible for the current number of bedrooms.
3. The owner has given the family a notice to vacate and the family is eligible for continued assistance.
4. The family has given proper notice of lease termination and is eligible for continued assistance.
5. The family:
 - a. Has an income change that will result in a zero HAP at the new assisted unit. In these cases, the contract with the owner will be for a six-month period only (180 days).
 - b. Is currently at zero HAP and must relocate because the current assisted unit is either in foreclosure or up for sale. In these cases, the new contract will only be for the remaining time period left of the original 180 days since the last HAP paid (i.e. the 180 day time period at zero HAP does not restart).
6. A mutual agreement has been signed by both the Owner and participant. This applies when a participant is requesting to move before the expiration of the lease term or the owner wishes a participant to move before the expiration of the lease term.

NOTE: To determine whether the family is eligible for continued assistance, a full reexamination will be done prior to approval of any relocation, unless the Eligibility Questionnaire and

verifications in the file are dated within the last 60 days. A household may request one extension of the notice to vacate and it must be approved by the landlord.

B. RESTRICTIONS ON MOVES

Families will not be permitted to move during the initial term of the lease. Families will not be permitted to move more than once in a 12-month period unless a 6 month lease is in place according 24 CFR 982.309 (a). The HA will deny permission to move if:

- The family owes the HA money
- The family has violated a Family Obligation
- The family is in violation of their lease

The HA may make exceptions to these restrictions if there is an emergency or safety reason for the move or as a reasonable accommodation for a disabled family member.

C. PORTABILITY

Portability applies to families moving out of or into the HA's jurisdiction within the United States and its territories. Under portability, families are eligible to receive assistance to lease a unit outside of the initial HA's jurisdiction.

D. OUTGOING PORTABILITY

Fed Reg Vol. 80 No. 161 - 8/20/2015

When a family requests to move outside of the HA's jurisdiction, the request must specify the area to which the family wants to move. The initial PHA must contact the receiving PHA prior to approving the family's request to move to determine if the receiving PHA will bill or absorb. The receiving PHA must respond to the initial PHA's request in writing [24 CFR 982.355(c)(3)]. If the receiving PHA fails to respond to the initial PHA's request within 2 business days, the family's portability request will be denied. Portability outside of HACR's jurisdiction will be approved if the family is eligible for continued assistance and if funding is available. The HA may deny a family's request to move under portability if the PHA does not have sufficient funding for continued assistance to support the move in accordance with CFR 982.314 (e)(1) and PIH 2012-42. If funding is not available, the family may be denied moving to a higher cost jurisdiction if the receiving agency is "billing" and not "absorbing".

If a family, within two (2) weeks of the voucher effective date, requests to transfer their rental assistance (exercise portability) to another jurisdiction, for mailing purposes a full sixty five (65) day voucher term will be granted. The receiving PHA must issue a voucher to the ported family that does not expire before 30 calendar days from the expiration date of the initial PHA's voucher. The receiving PHA must contact the initial PHA if the family's voucher expires before the family arrives at the receiving PHA to determine whether the initial PHA will extend the voucher [24 CFR 982.355(c)(13)]. A reasonable accommodation for a voucher extension may be requested by the family, and approved by the HA, if a nexus between the disability and the request is present and may require verification by a licensed professional.

The Violence Against Women Act of 2005 provides that the family may receive a voucher and move in violation of the lease under the portability procedures if the family has complied with all other obligations of the voucher program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by

harm from further violence if he or she remained in the assisted dwelling unit.

E. INCOMING PORTABILITY

Fed Reg Vol. 80 No. 161 - 8/20/2015

Absorption or Administration

The HA will accept a family with a valid voucher from another jurisdiction and either administer or absorb the voucher. When administering assistance for the family, a Portability Voucher will be issued with the same start date as the initial HA. The initial HA may grant extensions in accordance with Federal Regulations. All port-in supporting documents are to be received by mail and EIV's must be in a sealed envelope for confidential purposes to ensure HUD compliance. The receiving PHA must issue a voucher to the ported family that does not expire before 30 calendar days from the expiration date of the initial PHA's voucher. The receiving PHA must contact the initial PHA if the family's voucher expires before the family arrives at the receiving PHA to determine whether the initial PHA will extend the voucher [24 CFR 982.355(c)(13)]. Initially, the HA will issue a subsidy based on the family composition listed in the initial PHA's 50058. The subsidy issued will be based on the receiving HA's current subsidy standards (HACR). If the receiving PHA (HACR) is not absorbing, any changes must be approved by the initial PHA.

Suspensions

24 CFR 982.303 (c)

Effective September 21, 2015, the family's voucher term will be suspended from the time the family submits a RFTA to the time the HA notifies the family, in writing, of the RFTA denial.

Administrative Fee

The initial PHA must reimburse the receiving PHA for the lesser of 80% of the initial PHA's administrative fee or 100% of the receiving PHA's administrative fee. If administrative fees are pro-rated for the HCV Program due to insufficient administrative fee funding, the pro-ration will apply to the amount of the administrative fee for which the receiving PHA may bill the initial PHA.

Chapter 14

CONTRACT TERMINATIONS

INTRODUCTION

The Housing Assistance Payments (HAP) Contract is the contract between the owner and the HA which defines the responsibilities of both parties. This chapter describes the circumstances under which the contract can be terminated by the HA and the owner, and the policies and procedures for such terminations.

A. CONTRACT TERMINATION

The term of the HAP contract is the same as the term of the lease. The contract between the owner and the HA may be terminated by the HA, or by the owner terminating the lease.

No future subsidy payments on behalf of the family will be made by the HA to the owner after the month in which the contract is terminated. The owner must reimburse the HA for any subsidies paid by the HA 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 entire contract rent.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit will be effective once the unit has passed inspection and the tenant has taken occupancy of the new unit.

B. TERMINATION OF LEASE BY OWNER

Upon proper notice, the lease may provide for termination without cause after the initial term of the lease or may terminate by mutual consent between the owner and participant during the initial lease term. In the event that the participant passes away and there are no remaining nucleus family members, the Housing Assistance Payment (HAP) will be paid in full (through the end of the month) in which the participant becomes deceased. An owner is not eligible to retain any portion of HAP for any time period beyond the month in which the participant became deceased.

If it is during the initial lease term, or subsequent lease term, the owner must provide the participant a written notice specifying the grounds for the termination of tenancy. A copy of the notice to vacate and verification of the participant violations must be provided to the HA. If it is not during a lease term, the owner must provide a written notice for a time period that is compliant with the lease or rental agreement that was signed with the participant (i.e. 30 days in most cases). A copy must be provided to the HA. "Good cause" does not need to be demonstrated when the tenant is not in a lease term. If the participant does not vacate based on the owner's notice, the owner must follow state/local laws to evict the participant.

The HA will continue to pay a HAP until the participant vacates the unit or the eviction is concluded, whichever occurs first. In no instance will the HAP be paid for any period beyond the contract termination date, or for the month following the month the tenant vacates the unit.

Federal Regulations *24CFR 982.552 (c) Authority to deny admission or terminate assistance (1)*

Grounds for denial or termination of assistance states, “The PHA may at any time deny program assistance for an applicant or terminate program assistance for a participant, for any of the following grounds: (ii) If any member of the family has been evicted from federally assisted housing in the last five years”.

EVICTIIONS

The Contract and lease shall provide that the owner shall not terminate the tenancy except for:

- A.** Serious or repeated violation of the terms and conditions of the lease;
- B.** Violations of Federal, State, or Local Law which imposes obligations on the participant in connection with the occupancy or use of the dwelling unit and surrounding premises; or,
- C.** Other good cause as provided in the lease including, but not limited to, the following:
 - 1. Failure by the family to accept the offer of a new lease by the owner;
 - 2. A family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or property;
 - 3. Criminal activity by family members involving crimes of physical violence to persons or property and any illegal drug activity;
 - 4. The Owner's desire to utilize the unit for personal or family use or for a purpose other than for use as a residential rental unit; or,
 - 5. A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to rent the unit at a higher rental rate).
- D.** The Owner must give the PHA a copy of any Eviction Notices served to the participant.
- E.** Family Eligibility for Continued Assistance: Termination of tenancy is not automatically termination of assistance:
 - 1. If the family is evicted and owes money to the landlord (i.e., unpaid rent), the PHA will determine the family ineligible for issuance of another voucher.
 - 2. If the family is determined to be ineligible for continued assistance at the time of Termination of Tenancy, the PHA is required to notify the family and provide an Informal Hearing.

Please note: A stipulation is still considered an eviction.

C. TERMINATION OF THE CONTRACT BY HA

The term of the HAP contract terminates when the lease terminates, when the family vacates the unit, or when the owner has breached the HAP contract.

The HA may also terminate the contract if:

- The HA terminates assistance to the family
- The family is required to move from a unit which is under-occupied or is overcrowded
- Funding is no longer available under the ACC
- The participant has requested their assistance be terminated
- The participant passes away and there are no remaining nucleus family members

The contract will terminate automatically if 180 days have passed since the last HAP paid (24 CFR 982.455).

In the event that funding is no longer available under the ACC, the HA will implement a “first on,

first off” policy on terminating families, meaning that those families who have benefited the longest will be the first to be terminated, excluding any disabled and/or elderly families. All efforts will be made to give a family no less than a 90 day notice in order to allow them substantial time to prepare. This policy is consistent with Fair Housing guidelines.

D. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS

There must be at least one member with eligible immigration status. If no family members have eligible immigration status, the HA will follow HUD rules for terminations due to ineligible immigration status.

Chapter 15

DENIAL OR TERMINATION OF ASSISTANCE

INTRODUCTION

(24 CFR 982.552 (c)(1)(iii))

The HA may deny assistance for an applicant or terminate assistance for a participant because of the family's action or failure to act. The HA has determined that an applicant who was previously a participant in the Housing Choice Voucher (HCV) program and whose assistance was terminated by **any** Housing Authority may not receive HCV assistance for a minimum of **five** (5) years. This applies to **all members** of the previously assisted household, not just those who were adult members at the time of termination. For members who were minors at the time of termination, or as a reasonable accommodation for persons with disabilities, the HA may allow participation if the member was not involved in the action that led to the termination.- The HA will consider all relevant circumstances 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. If the termination was due to fraud, the applicant/participant is ineligible for a lifetime. This applies to **all members** of the previously assisted household, not just those who were adult members at the time of termination. For members who were minors at the time of termination, or as a reasonable accommodation for persons with disabilities, the HA may allow participation if the member was not involved in the action that led to the termination.

The HA will provide families with a written description of the family obligations under the program, the grounds under which the HA can deny or terminate assistance, and the HA's informal hearing procedures. This chapter describes when the HA is required to deny or terminate assistance, and the HA's policies for the denial of assistance.

A. GROUNDS FOR DENIAL OF ASSISTANCE

(24 CFR 982.552-553)

Form of Denial of Assistance

Denial of assistance for an applicant may include any or all of the following:

1. Denial for placement on the HA waiting list
2. Denying or withdrawing a Voucher
3. Refusing to enter into a HAP contract or approve a lease
4. Refusing to process or provide assistance under portability procedures

Mandatory Denial of Assistance

The HA must deny assistance to applicants for the following reasons:

1. If any member of the family fails to sign and submit HUD or HA required consent forms for obtaining information.
2. The applicant is a student enrolled at an institution of higher education, is under the age of 24, is not a veteran, unmarried and does not have a dependent child, is individually ineligible for Section 8 assistance, or the student's parents are, individually or jointly, ineligible for assistance, as specified in 24 CFR 5.612.
3. If an applicant or any household member has been evicted from federally assisted housing for drug-related criminal activity within three years [see 982.553(a)(1)] unless the PHA determines:

- a. That the evicted household member who engaged in the drug-related criminal activity has successfully completed a supervised drug rehabilitation program; or,
 - b. That the circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
4. If the HA determines that any household member is currently engaging in illegal use of a drug.
 5. If the HA determines that it has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
 6. 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.
 7. If any member of the household (including minors) is subject to a registration requirement under a State sex offender registration program. (In this screening of applicants, the HA must perform criminal history background checks necessary to determine whether any household member is subject to a sex offender registration requirement in the State where the housing is located and in other States where the household members are known to have resided.)
- Registered Sex Offender Notice:** The California Department of Justice, sheriff's departments, police departments serving jurisdictions of 200,000 or more and many other law enforcement authorities maintain for public access a data base of locations of persons required to register pursuant to paragraph (1) of subdivision (a) of Section 290.4 of the Penal Code. The data base is updated on a quarterly basis and is a source of information about the presence of these individuals in any neighborhood. Notice: Pursuant to Section 290.46 of the Penal Code, information about specified registered sex offenders is made available to the public via an Internet Web site maintained by the Department of Justice at www.nsopw.gov. Depending on an offender's criminal history, this information will include either the address at which the offender resides or the community of residence and zip code in which he or she resides.

Permissive Grounds for Denial of Assistance

The HA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the reasons listed below.

1. If the family violates any family obligation under the program.
2. If any member of the family has been evicted from federally assisted housing in the last five years.
3. If a PHA has ever terminated assistance under the program for any member of the family.
4. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
6. If the family currently owes rent or other amounts to the HA or to another PHA in connection with Section 8 or Public Housing Assistance under the 1937 Act. The family may be given an opportunity to repay the balance in full within 10 calendar days. If the family fails to do so, it will result in the denial of assistance and the family's name being removed (withdrawn) from the waiting list.
7. If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
8. If the family breaches an agreement with the HA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
9. If the family has engaged in or threatened abusive or violent behavior toward HA personnel

“Abusive or violent behavior towards HA personnel” include verbal as well as physical abuse or violence. 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 or denial. “Threatening” refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence. Actual physical abuse or violence will always be cause for termination.

10. If the family has been engaged in criminal activity or alcohol abuse as described in 24 CFR 982.553.
11. If the HA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the admission: i) Drug-related criminal activity; ii) Violent criminal activity; iii) 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 iv) 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 HA (including a HA employee or HA contractor, subcontractor, or agent). For purposes of this prohibition, a household member is “currently engaged in” criminal activity if that person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current.
12. If the HA determines that it has reasonable cause to believe that a household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

B. GROUNDS FOR TERMINATION OF ASSISTANCE (24 CFR 982.552-553)

Form of Termination of Assistance

Termination of assistance for a participant may include any or all of the following:

1. Refusing to enter into a HAP contract or approve a lease.
2. Terminating housing assistance payments under an outstanding HAP contract.
3. Refusing to process or provide assistance under portability procedures.

Mandatory Termination of Assistance

The HA must terminate program assistance for the following reasons:

1. If a family is evicted from housing assisted under the program for serious violation of the lease.
2. If any member of the family fails to sign and submit HUD or HA required consent forms for obtaining information.
3. If a single-person household is a student enrolled at an institution of higher education, is under the age of 24, is not a veteran, unmarried and does not have a dependent child, is individually ineligible for section 8 assistance, or the student’s parents are, individually or jointly, ineligible for assistance, as specified in 24 CFR 5.612.
4. If the HA determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

Permissive Grounds for Termination of Assistance

The HA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the reasons listed below.

1. If the family violates any family obligation under the program.

2. If any member of the family has been evicted from federally assisted housing in the last five years.
3. If a PHA has ever terminated assistance under the program for any member of the family.
4. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
5. If the family currently owes rent or other amounts to the HA or to another PHA in connection with Section 8 or Public Housing Assistance under the 1937 Act.
6. If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease
7. If the family breaches an agreement with the HA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
8. If the family has engaged in or threatened abusive or violent behavior toward HA personnel
“Abusive or violent behavior towards HA personnel” include verbal as well as physical abuse or violence. 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 or denial. “Threatening” refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence. Actual physical abuse or violence will always be cause for termination.
9. If any household member is currently engaged in any illegal use of a drug; or if a pattern of illegal use of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
10. If the HA determines that any family member has violated the family’s obligation under 24 CFR 982.551 not to engage in any drug-related criminal activity.
11. If an applicant or family violates the Policy on Prohibited Criminal Activity.

C. Violence Against Women Act (VAWA) of 2005

Denial of assistance to an applicant or termination of assistance of a participant for criminal activity are subject to the provisions of the Violence Against Women Act of 2005 as described below:

1. Being a victim of domestic violence, dating violence, or stalking (see glossary for legal definitions) is not a basis for denial of assistance or admission to public or assisted housing if the participant/applicant otherwise qualifies for assistance or admission
2. Incidents or threats of abuse will not be construed as serious or repeated violations of the lease or other “good cause” for termination of the assistance, tenancy, or occupancy rights of a victim of abuse
3. Criminal activity directly relating to abuse, 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 immediate member of the tenant’s family is the victim of that abuse
4. Notwithstanding the restrictions that VAWA places, the HA may “bifurcate” a lease without regard to whether a household member is a signatory to the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant, and such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by federal, state, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing. Neither the authority nor the

procedures under any other law is necessary to bifurcate or otherwise remove an individual from the lease. Furthermore, this federal statutory authority to bifurcate a lease or otherwise remove an individual takes precedence over any federal, state, or local law to the contrary.

5. The HA has authority to terminate voucher assistance for certain family members while permitting other members of a participant family to continue receiving assistance (providing the culpable family member will no longer reside in the unit). The HA's right to exercise this administrative discretion is not dependent on a bifurcated lease or other eviction action by the owner against an individual family member.
6. Certification of Abuse: The HA will request that the victim complete the HUD form 50066 -- Certification of Domestic Violence, Dating Violence or Stalking. This form must be provided within 14 business days from the date the HA requests it. Without the certification, the HA may terminate assistance.

Family Self Sufficiency (FSS)

The HA will not terminate assistance for FSS families who fail to comply with the FSS Contract of Participation unless participation in FSS is a requirement or condition of the program under which the family was admitted. By statute, housing assistance for FUP Foster Care Youth is limited to 18 months except for Foster Care Youth who sign a FSS Contract of Participation (Form HUD-52650) prior to the expiration of the 18 month time limit, in which case they will maintain their housing assistance for the entire length of the FSS Contract of Participation for a period not exceeding the length of the FSS Contract of Participation. In most cases, this limit will be no more than 5 years; however, if the FSS Contract of Participation is extended [in accordance with 24 CFR 984.303(d)], the FUP Youth voucher can be extended no more than 2 years beyond the initial 5 year expiration date] If a FUP youth participating in this demonstration fails to comply with the terms and conditions of the FSS Contract of Participation without good cause and is terminated from the FSS program, the FUP youth is no longer considered a participant in this demonstration. With FSS termination, the FUP youth is subject to the statutory time limit of 18 months, beginning from the time the first HAP contract is signed. If the FUP youth has been assisted for more than 18 months, the PHA terminates assistance to the FUP youth household. Prior to termination, the PHA will offer an informal hearing to a FUP youth wishing to appeal a PHA decision to terminate.

D. FAMILY OBLIGATIONS

(24 CFR 982.551)

1. The family must supply any information that the HA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR Part 5). "Information" includes any requested certification, release or other documentation.
2. The family must supply any information requested by the HA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
3. The family must disclose and verify Social Security numbers and must sign and submit consent forms for obtaining information in accordance with HUD regulations.
4. Any information supplied by the family must be true and complete.
5. The family is responsible for an HQS breach caused by the family or their invitees.
6. The family must allow the HA to inspect the unit at reasonable times and after reasonable notice.
7. The family may not commit any serious or repeated violation of the lease.
8. The family must notify the PHA and the owner before the family moves out of the unit or terminates the lease on notice to the owner.

9. The family must give the HA a copy of any owner eviction notice in writing within 10 days of occurrence.
10. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
11. The composition of the assisted family residing in the unit must be approved by the HA. The family must inform the HA in writing within 10 days of occurrence of the marriage (or the addition of a co-head), birth, adoption or court-awarded custody of a child. The family must request HA approval to add any family member as an occupant of the unit. No other person may reside in the unit (except for a foster child or live-in aide).
12. The family must notify the HA in writing within 10 days of occurrence if any family member no longer resides in the unit.
13. If the HA has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or HA approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.
14. Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.
15. The family must not sublease or let the unit.
16. The family must not assign the lease or transfer the unit.
17. The family must supply any information or certification requested by the HA to verify that the family is living in the unit, or relating to family absence from the unit, including any HA-requested information or certification on the purposes of family absences. The family must cooperate with the HA for this purpose. The family must promptly notify the HA of absence from the unit.
18. The family must not own or have any interest in the unit.
19. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.
20. The members of the family may not engage in alcohol or 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.
21. An assisted family, or members of the family, may 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.
22. The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises.

Explanations and Terms

The term "promptly" when used with the family obligations always means "within 10 calendar days."

Housing Authority Discretion

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the HA may consider all relevant circumstances 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, the length of time since the violation occurred and more recent record of compliance, and the effects of denial or termination of assistance on other

family members who were not involved in the action or failure to act. All denials or terminations of assistance will be consistent with fair housing and equal opportunity provisions.

The HA may impose, as a condition of continued assistance for other family members, a requirement that other family members who participated in or were culpable for the action or failure will not reside in the unit.

In determining whether to deny admission or terminate assistance for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the HA may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, the HA may require the applicant or participant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

If the family includes a person with disabilities, the HA will determine if such action is subject to consideration of reasonable accommodation.

Lease Violations

In determining whether a serious or repeated violation of the lease will cause a termination of assistance, the HA will consider all circumstances including whether the owner terminates tenancy through court action for serious or repeated violation of the lease, the tenant's statements and documents, verifications provided by either the owner or the tenant, and any reports of lease violations, neighborhood complaints or other third party information.

HQS Breach

The HA will determine if an HQS breach as identified in HUD Regulations is the responsibility of the family. Families may be given extensions to cure HQS breaches by the HA in accordance with HUD regulations.

Denial of Additions to the Household

Proposed additions to the family may be denied to:

- Persons who have been evicted from public housing.
- Persons who engage in or have engaged in, alcohol or drug-related criminal activity or violent criminal activity.
- Persons who do not meet the HA's definition of family.
- Persons who commit or have committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- Persons who currently owe rent or other amounts to the HA or to another HA in connection with Section 8 or Public Housing Assistance under the 1937 Act.
- Persons who have engaged in or threatened abusive or violent behavior toward HA personnel.

E. PROCEDURES FOR NON-CITIZENS

Termination due to Ineligible Immigrant Status

Assistance may not be terminated while verification of the participant family's eligible immigration

status is pending. Participant families in which all members are neither U.S. citizens nor eligible immigrants must have their assistance terminated; however, they will be given an opportunity for a hearing.

False or Incomplete Information

When the HA has clear, concrete, or substantial documentation (such as permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual given an opportunity to present relevant information.

If the individual is unable to verify their citizenship, the HA may give him/her an opportunity to provide a new declaration as an eligible immigrant or to elect not to contend their status. The HA will then verify eligible status, deny, terminate, or prorate as applicable. The HA will deny or terminate assistance based on the submission of false information or misrepresentations.

F. ZERO HOUSING ASSISTANCE PAYMENT FOR TENANTS **24 CFR 982.455**

The HAP contract terminates automatically 180 calendar days after the last housing assistance payment to the owner. If within the 180 day time frame, the Total Tenant Payment causes the family to be eligible for a housing assistance payment, the HA will resume assistance payments for the family.

G. MISSED APPOINTMENTS AND DEADLINES

It is a family obligation to supply information, documentation, and certification as needed for the HA to fulfill its responsibilities. The HA schedules appointments and sets deadlines in order to obtain required information. The obligations also require that the family allow the HA to inspect the unit and appointments are made for this purpose.

If an applicant or participant does not keep an appointment, does not supply information required by a deadline or does not allow the HA to inspect the unit, the HA may deny or terminate assistance. The family will be given information about the requirement to keep appointments as specified in this Plan.

Appointments may be scheduled and time requirements will be imposed for the following events and circumstances:

- Eligibility for Admissions
- Verification Procedures
- Voucher Issuance and Briefing
- Housing Quality Standards and Inspections
- Re-certifications
- Appeals

Procedure when Family Obligations are not met

When the participant family fails to fulfill their obligations within the time frames established by the HA, a “Pre-Termination of Assistance” appointment will be scheduled for the family. The appointment notice shall inform the family of the obligation not met and the necessary remedy. If

the obligation is still not met, a Notice of Intent to Terminate Assistance will be issued. If the family corrects the breach within the time frame allowed for requesting a hearing, the notice may be rescinded. The HA will consider whether the family has a history of non-compliance in making determinations to terminate assistance.

At the same time that the family is notified of a breach in their obligations, a “Conditional Termination of Contract” notice will be sent to the owner. This notice will inform the owner that should the family fail to comply with their obligations, the contract will end.

Chapter 16

OWNER DISAPPROVAL AND RESTRICTIONS

INTRODUCTION

It is the policy of the HA to recruit owners to participate in the program, and to provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the HA. The regulations define when the HA must disallow an owner participation in the program, and they provide the HA 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

The owner does not have a right to participate in the program. For purposes of this section, “owner” includes a principal or other interested party.

The HA will disapprove the owner for the following reasons:

- HUD has informed the HA that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.
- HUD has informed the HA 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 HA that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements
- The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
- The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.
- The owner has engaged in any drug-related criminal activity or any 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.
- HA has received evidence that owner is requesting and accepting side payments for rent.
- 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 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 health or safety of, or the right to peaceful enjoyment of the premises by other residents
 - Threatens the health or safety of other residents, or employees of the HA, or of owner employees or other persons engaged in management of the housing
 - Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises
 - Engages in drug-related criminal activity or violent criminal activity

- HUD regulations prohibit the HA from approving a unit if the owner is the parent, child, grandparent, grandchild, sister, brother, uncle, aunt, of any member of the tenant family, unless the HA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities.

B. OWNER RESTRICTIONS AND PENALTIES

If an owner commits fraud or abuse or is guilty of frequent or serious contract violations, the HA will restrict the owner from future participation in the program. The HA may also terminate some or all contracts with the owner.

Before imposing a penalty against an owner, the HA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

C. OTHER REMEDIES FOR OWNER VIOLATIONS

Overpayments

If the landlord has been overpaid as a result of fraud, misrepresentation or violation of the Contract, the HA may terminate the Contract and arrange for restitution to the HA and/or family as appropriate.

The HA will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited from future payments in order to repay the HA or the tenant, as applicable. The HA will take court action to recover overpayments when other means fail to result in such collection.

Chapter 17

OWNER OR FAMILY DEBTS TO THE HA

INTRODUCTION

This chapter describes the HA's policies for the recovery of monies which have been overpaid to an owner on behalf of an assisted family. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the HA'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.

The HA will make every effort to collect monies owed to the HA. The HA will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil suits
- Repayment agreements
- Abatements
- Collection agencies
- Credit bureaus
- Income tax set-off programs

A. REPAYMENT AGREEMENT FOR FAMILIES

A Repayment Agreement as used in this Plan is a document entered into between the HA and a person who owes a debt to the HA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of repayment, any special provisions of the agreement, and the remedies available to the HA upon default of the agreement.

The maximum amount the Housing Authority will enter into a repayment agreement with a family is \$4800.00. The maximum length of time the HA will enter into a repayment agreement with a family is 24 months. The family will be required to make monthly payments of \$200.00 for a period not to exceed 24 months until paid in full. If the family owes more than \$4800.00, the portion that exceeds \$4800.00 must be paid in full immediately as the Housing Authority will not enter into an agreement for more than \$4800.00. Furthermore, 10% of the Repayment Agreement, regardless of whether it exceeds \$4800.00 or not must be paid in full immediately. The HA reserves the right to modify the terms of the repayment agreement on a case by case basis. Signing a Repayment Agreement does not guarantee continued assistance.

Late Payments

A payment will be considered to be in arrears if it is two months in default and if the payment has not been received by the close of the business day on which the payment was due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If the family's repayment agreement is in arrears, the HA may require the family to pay in full. If the family requests a move to another unit and has a repayment agreement in place, the family will be required to pay the balance in full prior to the issuance of a Voucher.

B. DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION

HUD's definition of program fraud and abuse is a single act or pattern of actions that constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead.

Program Fraud

Families who owe money to the HA due to program fraud will be required to repay in accordance with the guidelines in the Repayment Section of this chapter and may be terminated from the housing assistance program.

If a family owes \$5,000 or more as a result of program fraud, the case may be referred to the HUD Inspector General. Where appropriate, the HA may refer the case for criminal prosecution.

C. OWNER DEBTS TO THE HA

If the HA determines that the owner has retained Housing Assistance Payments the owner is not entitled to, the HA may reclaim the amounts from future Housing Assistance Payments owed the owner for any units under contract.

If future Housing Assistance Payments are insufficient to reclaim the amounts owed, the HA may:

- Require the owner to pay the amount in full within a maximum of 12 months
- Pursue collections through the court system, the Internal Revenue Service (IRS), Franchise Tax Board (FTB), or any other available method
- Restrict the owner from future participation

Chapter 18

COMPLAINTS AND APPEALS

INTRODUCTION

The informal hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of the HA. This chapter describes the policies, procedures and standards to be used when families disagree with a HA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the HA to ensure that all families have the benefit of all protections due to them under the law.

A. COMPLAINTS TO THE HA

The HA will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. The HA prefers that all complaints be put in writing, however, they may be reported by telephone. Complaints that cannot be substantiated will be so noted.

Complaints from families, owners, or the general public will be referred to the Housing Specialist first. Unresolved complaints or those involving a staff member will be referred to a Housing Supervisor or Program Integrity Monitoring (PIM).

Any complaints of racial, ethnic or sexual harassment involving staff will be handled according to County personnel policies. Any complaints regarding racial, ethnic or sexual harassment not involving staff will be documented, referred to Fair Housing and/or Legal Aid, and will be reviewed by supervisory staff.

B. NOT MEETING PREFERENCES

When it is verified by the HA that an applicant does not meet a preference that they self-certified they did, they will be returned to the waiting list and will be notified in writing of the specific reason.

C. INFORMAL REVIEW

The HA must give an **applicant** an opportunity for an informal review of the HA decision denying assistance to the applicant. Once an applicant has received a denial letter, they have 30 days from the date of their denial letter to request a review in writing. After review, the applicant will be furnished with a written final decision including a statement of the reasons for the final decision.

The HA is not required to provide the applicant an opportunity for an informal review for any of the following:

1. Discretionary administrative determinations by the HA.
2. General policy issues or class grievances.
3. A determination of the family unit size under the HA subsidy standards.
4. An HA determination not to approve an extension or suspension of a voucher term.
5. An HA determination not to grant approval to lease a unit under the program or to approve a proposed lease.

6. HA determination that a unit selected by the applicant is not in compliance with HQS.
7. An HA determination that the unit is not in accordance with HQS because of the family size or composition.

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizenship or eligible immigration status, the applicant is entitled to an informal hearing.

D. INFORMAL HEARING

The HA must provide **participants** with the opportunity for an informal hearing for decisions related to any of the following:

1. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
2. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the HA utility allowance schedule.
3. A determination of the family unit size under HA subsidy standards.
4. A determination to terminate assistance for a participant family because of the family's action or failure to act.
5. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under HA policy and HUD rules.
6. A determination to terminate assistance of a FUP youth participating in the Family Unification Program and Family Self Sufficiency Demonstration fails to comply with the terms and conditions of the FSS Contract of Participation without good cause and is terminated from the FSS program, the FUP youth is no longer considered a participant in this demonstration. With FSS termination, the FUP youth is subject to the statutory time limit of 18 months, beginning from the time the first HAP contract is signed. If the FUP youth has been assisted for more than 18 months, the PHA terminates assistance to the FUP youth household. Prior to termination, the PHA will offer an informal hearing to a FUP youth wishing to appeal a PHA decision to terminate.

The HA will give the family prompt notice of such determinations which will include:

- The proposed action or decision of the HA.
- The date the proposed action or decision will take place.
- The family's right to an explanation of the basis for the HA's decision.
- The procedures for requesting a hearing if the family disputes the action or decision.
- The time limit for requesting the hearing.
- To whom the hearing request should be addressed.

The HA is not required to provide a participant family an opportunity for an informal hearing for any of the following:

1. Discretionary administrative determinations by the HA.
2. General policy issues or class grievances.
3. Establishment of the HA schedule of utility allowances for families in the program.
4. An HA determination not to approve an extension or suspension of a Voucher term.
5. An HA determination not to approve a unit or lease.
6. An HA determination that an assisted unit is not in compliance with HQS. However, the HA

must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in 24 CFR 982.551.

7. An HA determination that the unit is not in accordance with HQS because of the family size.
8. A determination by the HA to exercise or not to exercise any right or remedy against the owner under a HAP contract.

E. INFORMAL REVIEW/HEARING PROCEDURES

It is the HA's objective to resolve disputes at the lowest level possible. Informal reviews are granted to applicants and informal hearings are granted to participants. The HA will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

Notification of Review/Hearing

When the HA determines that an applicant is denied assistance, and for participants, other specified actions, the family must be notified in writing. The notice must contain:

- The reason(s) the action is being taken,
- The procedure for requesting an informal review/hearing if the applicant/participant does not agree with the decision, and
- The time limit for requesting a review/hearing.

A request for an informal review/hearing must be received in writing by the close of the business day, no later than 10 calendar days from the date of the HA's notification of denial of assistance or intent to terminate assistance. For informal hearings, the information packet must be submitted to the hearing officer by the HA within 10 calendar days of receipt of the request for hearing. An appointment will be scheduled and a letter will be sent by the hearing officer within 5 business days from the date the information packet is received and the informal hearing will be conducted no more than 14 calendar days from the date the appointment letter is sent. For informal reviews, the review must be performed within 14 calendar days from the date the review is requested and the results sent to the applicant by mail within 10 business days after the review. The review will be performed in person unless the applicant requests either a review by phone or letter. The informal review/hearing shall be conducted by the review/hearing officer appointed by the HA who is neither the person who made nor approved the decision, nor a subordinate of that person. The HA appoints a review/hearing officer who is a staff person at the Housing Specialist II level or above, or an individual from outside the HA.

The review/hearing shall concern only the issues for which the family has received the opportunity for a review/hearing. Evidence presented at the review/hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The applicant/participant will be given the opportunity to present oral or written objections to the decision. Both the HA and the family may present evidence and witnesses. Both the HA and the family may use an attorney or other representative to assist them at their own expense.

A representative with written authorization to act on behalf of the applicant/participant may conduct an informal review/hearing in the absence of the applicant/participant, unless the representative has an interest in the rental assistance, i.e., the owner of the assisted unit.

When the hearing officer receives an information packet for an informal hearing, an informal hearing date will be scheduled and the notification will contain:

1. The date and time of the hearing.
2. The location where the hearing will be held.
3. The family's right to bring evidence, witnesses, legal or other representation at the family's expense.
4. The right to view any documents or evidence in the possession of the HA upon which the HA based the proposed action, and to obtain a copy of such documents prior to the review/hearing. Such documents or evidence must be sent to the family no later than 7 days before the review/hearing date.
5. A notice to the family that the HA will request a copy of any documents or evidence the family will use at the review/hearing. Such documents or evidence must be received by the HA no later than 7 days before the review/hearing date.

After a review/hearing date is scheduled, the family may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

Family rights:

- Examine the documents in the file which are the basis for the HA's action, and all documents submitted to the Hearing Officer.
- The family must be allowed to copy any such document at the family's expense.

If the HA does not make the document available for examination on request of the family, the HA may not rely on the document at the hearing.

HA rights:

- Examine at HA offices before the HA hearing any family documents that are directly relevant to the hearing.
- The HA must be allowed to copy any such document at the HA's expense.

If the family does not make the document available for examination on request of the HA, the family may not rely on the document at the hearing.

The review/hearing officer will **determine** whether the action, inaction or decision of the HA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the review/hearing.

A notice of the review/hearing findings shall be provided in writing to the HA and the family within 10 business days and shall include a clear summary of the decision, reasons for the decision, and the amount of any money owed, if applicable.

When the HA is not bound by review/hearing decisions:

- Concerning matters in which the HA is not required to provide an opportunity for a hearing.

- Which conflict with or contradict HUD regulations or requirements.
- Which conflict with or contradict federal, state or local laws.
- Which exceed the authority of the person conducting the review/hearing.

The HA shall send a letter to the applicant/participant if it determines the HA is not bound by the review/hearing officer's determination within 21 calendar days. The letter shall include the HA's reasons for the decision with a copy to the review/hearing officer. All requests for a review/hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

F. HEARING AND APPEAL PROVISIONS FOR RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS

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 of the INS appeal. Assistance to a family may not be terminated or denied while the informal hearing is pending but assistance to an applicant may be delayed pending the informal hearing.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the HA notifies the applicant or participant within 10 calendar days of their right to appeal to the INS within 30 calendar days or to request an informal hearing with the HA either in lieu of or subsequent to the INS appeal.

If the family appeals to INS, they must give the HA a copy of the appeal and proof of mailing or the HA may proceed to deny or terminate. The time period to request an appeal may be extended by the HA for good cause.

The request for an HA hearing must be made within 10 calendar days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within 10 calendar days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in this plan for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members, the HA will deny the applicant family. If there are eligible members in the family, the HA will offer to prorate assistance or give the family the option to remove the ineligible members.

If any family member fails to provide documentation or certification of eligible citizenship/immigration as required by the regulation, that member is treated as ineligible. If all family members fail to provide documentation or certification, the family will be denied or terminated.

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 the right to a hearing regarding determinations of tenant rent and total tenant payment.