

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



**ITEM**  
10.1  
(ID # 6198)

**MEETING DATE:**

Tuesday, March 13, 2018

**FROM :** HOUSING AUTHORITY:

**SUBJECT:** HOUSING AUTHORITY: Public Hearing for the 2018-2019 Housing Authority Annual Agency Plan, Administrative Plan for the Housing Choice Voucher Program, and Administrative Plan for the Homeownership Program; All Districts; [\$0]

**RECOMMENDED MOTION:** That the Board of Commissioners:

1. Conduct a Public Hearing regarding the Housing Authority of the County of Riverside's annual plans and documents which include: Agency Annual Plan; Administrative Plan for the Housing Choice Voucher Program; and Administrative Plan for the Homeownership Program.

**ACTION:** Policy

Robert Field, Assistant County Executive Officer/EDA

2/14/2018

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**MINUTES OF THE BOARD OF COMMISSIONERS**

On motion of Commissioner Ashley, seconded by Commissioner Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays: None  
Absent: None  
Date: March 13, 2018  
xc: Housing Authority

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> N/A			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> 2018/19	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

The Quality Housing and Work Responsibility Act of 1998 (Act) requires a Public Housing Agency (PHA) to submit Annual 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 participants in the tenant-based and project-based rental assistance programs, 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 annual plans prepared by the Housing Authority cover fiscal year July 1, 2018 through June 30, 2019. The annual plans prepared pursuant to the Act and 24 CFR Part 903 include annual plans for the Housing Authority's various housing assistance programs, including the Housing Choice Voucher and Homeownership Programs. Drafts of the proposed annual plans are attached hereto. The revisions proposed this year are minor technical revisions to clarify current practices and procedures, delete unnecessary or obsolete language, make the language of the policy internally consistent, and correct grammatical errors.

Pursuant to Title 24 CFR Section 903.17, the Housing Authority's governing body must conduct a public hearing to discuss the Housing Authority's annual plans and invite public comment on the plans. As required, the Housing Authority published the public notice and made the proposed plans and supporting documents available to the public at least 45 days in advance of the public hearing.

**Impact on Residents and Businesses**

County of Riverside residents are generally positively impacted by the rental assistance the PHA provides. Continued HUD financing is required to assist in providing affordable housing opportunities throughout the County of Riverside.

**SUPPLEMENTAL:**



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

**Additional Fiscal Information**

There is no general fund cost associated with this agenda item.

**ATTACHMENTS:**

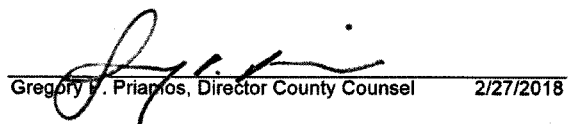
- Attachment A – Notices of Public Hearing
- Attachment B – Draft Annual Agency Plan
- Attachment C – Draft Administrative Plan for the Housing Choice Voucher Program
- Attachment D – Draft Administrative Plan for the Homeownership Program
- Attachment E – Resident Advisory Board Comments and Recommendations

HM:CH:MW:CH:EG

6198

  
Renini Basina, Principal Management Analyst

3/5/2018

  
Gregory V. Priamos, Director County Counsel

2/27/2018



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Email: [legals@thedesertsun.com](mailto:legals@thedesertsun.com)

**PROOF OF  
PUBLICATION**

**STATE OF CALIFORNIA SS.  
COUNTY OF RIVERSIDE**

CA. NEWSPAPER SVC BUREAU/CLASS  
PO BOX 60460

LOS ANGELES CA 90060

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non paret) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

01/12/18

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 12th of January 2018 in Palm Springs, California.

*Elsie J. Enciso*

**DECLARANT**

NOTICE IS HEREBY GIVEN that the Housing Authority of the County of Riverside's Agency Plan, which includes the Annual Plan, Housing Choice Voucher Administrative Plan and Homeownership Plan is available for review at offices located at 5555 Arlington Avenue, Riverside CA 92504 and 44-199 Monroe, Suite B, Indio, CA 92201. It is also located on the Housing Authority website: [www.harivco.org](http://www.harivco.org). Written public comment may be directed to the Housing Authority of the County of Riverside, Attn: Director, 5555 Arlington Avenue, Riverside, CA 92504. A public hearing to solicit public comment and feedback will be held before the Board of Commissioners on Tuesday, March 13, 2018, at 10:30 a.m., in the meeting room of the Board of Supervisors, Riverside County, Administrative Center, 4080 Lemon Street, First Floor, Riverside, CA 92501.

POR EL PRESENTE SE NOTIFICA que el Plan de Agencia del Housing Authority del Condado de Riverside, que incluye el Plan Anual, el Plan Administrativo de Vales de Opción de Vivienda y el Plan de Propiedad de Vivienda, están disponibles para revisión en las oficinas ubicadas en 5555 Arlington Avenue, Riverside, CA 92504 y 44-199 Monroe, Suite B, Indio, CA 92201. También se encuentra en el sitio web del Housing Authority: [www.harivco.org](http://www.harivco.org). Se puede dirigir un comentario público escrito al Housing Authority del Condado de Riverside, a la atención de: Director, 5555 Arlington Avenue, Riverside, CA 92504. Una audiencia pública para solicitar comentarios del público se llevará a cabo ante la Junta de Comisionados el Martes, 13 de Marzo de 2018, a las 10:30 a.m., en la sala de reuniones de la Junta de Supervisores del Condado de Riverside, Centro Administrativo, 4080 Lemon Street, Primer Piso, Riverside, CA 92501.

1/12/18  
CNS-3087851#  
THE DESERT SUN

Published: January 12, 2018



Ad#:0002652161  
P O : Annual Plan  
# of Affidavits :1



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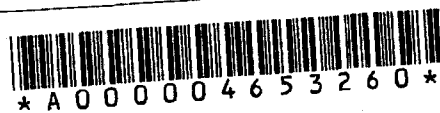
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**DECLARATION**

I am a resident of Los Angeles County, over the age of eighteen years and not a party to any or interested in the matter noticed.

The notice, of which the annexed is a printed copy appeared in the:

**EL INFORMADOR**

On the following dates:

**January 18, 2018**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Los Angeles, California, this

22nd day of January 2018



Signature

3090230

*"The only Public Notice which is justifiable from the standpoint of true economy and the public interest, is that which reaches those who are affected by it"*

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1/12/18  
CNS-3087846#  
THE PRESS ENTERPRISE



# Streamlined Annual PHA Plan (HCV Only PHAs)

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-HCV is to be completed annually by **HCV-Only PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, High Performer PHA, Small PHA, or Qualified PHA do not need to submit this form. Where applicable, separate Annual PHA Plan forms are available for each of these types of PHAs.

## 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 and 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.																																		
<p><b>A.1</b> PHA Name: <u>Housing Authority of the County of Riverside</u>            PHA Code: <u>CA027</u>            PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/01/2018</u>            PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)            Number of Housing Choice Vouchers (HCVs) <u>9651</u>            PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission</p> <p><b>Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below 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. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at the main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website.</p> <p><input type="checkbox"/> <b>PHA Consortia:</b> (Check box if submitting a joint Plan and complete table below)</p> <table border="1"> <thead> <tr> <th>Participating PHAs</th> <th>PHA Code</th> <th>Program(s) in the Consortia</th> <th>Program(s) not in the Consortia</th> <th>No. of Units in Each Program</th> </tr> </thead> <tbody> <tr> <td>Lead HA:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></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	Lead HA:																								
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<b>B.</b>	<b>Annual Plan.</b>
<b>B.1</b>	<p><b>Revision of PHA Plan Elements.</b></p> <p>(a) Have the following PHA Plan elements been revised by the PHA since its last Annual Plan submission?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> 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"/> Informal Review and Hearing Procedures.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements.</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 element(s):</p>
<b>B.2</b>	<p><b>New Activities</b></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 checked="" type="checkbox"/> <input type="checkbox"/> Project Based Vouchers.</p> <p>(b) If this activity is planned for the current Fiscal Year, describe the activities. 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><b><u>Project-based Vouchers</u></b></p> <p>HACR currently has 526 project-based vouchers at twenty-three developments; 10 units in Blythe, 52 units in Cathedral City, 67 units in Riverside, 50 units in Jurupa Valley, 65 units in Moreno Valley, 38 units in Perris, 44 units in Lake Elsinore, 14 units in San Jacinto, 14 units in Banning, 12 units in Beaumont, 39 units in Mecca, 53 units in Thermal, 41 units in Desert Hot Springs, 20 units in Indio and 7 units in Temecula. The agency proposes to expand the use of project based vouchers for FY 2018-19 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>
<b>B.3</b>	<p><b>Most Recent Fiscal Year Audit.</b></p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N N/A</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, please describe:</p>
<b>B.4</b>	<p><b>Civil Rights Certification</b></p> <p><u>Form HUD-50077, PHA Certifications of Compliance with the PHA Plans and Related Regulations</u>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>B.5</b>	<p><b>Certification by State or Local Officials.</b></p> <p><u>Form HUD 50077-SL, Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</u>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>



**B.6 Progress Report.**

Provide a description of the PHA's progress in meeting its Mission and Goals described in its 5-Year PHA 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 18 additional project-based VASH vouchers in FY 16-17 at Community of Friends in Riverside
  - The agency applied for and received 59 additional project-based VASH vouchers in FY 16-17 at Veterans Village of Cathedral City
- 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 VASH 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)
    - Mission Heritage Plaza in Riverside (19 PBV at a 72 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 16-17 for the 15<sup>th</sup> consecutive year
- Obtain and maintain High Performer status for Public Housing management (PHAS Score)
  - On October 1, 2016, the former public housing units were fully converted over to Project Based Voucher (PBV) units and as such the agency is no longer rated under the Public Housing management assessment (PHAS) system.
- Provide excellent customer service
  - The Agency received a 98% favorable customer service rating via completed customer service surveys
- Renovate or modernize public housing units
  - As of October 1, 2016, the agency no longer owns or manages public housing units.
- 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
  - 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 2017, the agency selected over 3,000 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 applied and was selected to participate in the Family Unification Program (FUP) and Family Self Sufficiency Demonstration 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
  - See the above PHA Goal to Expand the Supply of Existing Housing.

**B.6 Progress Report Continued**

**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.hariveco.org](http://www.hariveco.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.

B.6	<p><b>Progress Report Continued</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Promoting fair housing in homeownership. FSS participants enrolled in the homeownership program receive information on fair lending practices and laws.</li> </ul> <p><b>8. Record Keeping</b> 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><b>Other PHA Goal and Objective: Implement the requirements of the Violence Against Women Act (VAWA)</b></p> <ul style="list-style-type: none"> <li>➤ 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</li> <li>➤ Undertake affirmative measures to make tenants participating in the HCV and Public Housing programs aware of VAWA requirements.</li> <li>➤ Undertake affirmative measure to make Owners participating in the HCV program aware of VAWA requirements.</li> </ul> <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>
B.7	<p><b>Resident Advisory Board (RAB) Comments.</b></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>(a) 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>

# Instructions for Preparation of Form HUD-50075-HCV

## Annual PHA Plan for HCV Only PHAs

### A. PHA Information. All PHAs must complete this section. (24 CFR §903.23(4)(e))

**A.1** Include the full PHA Name, PHA Code, PHA Type, PHA Fiscal Year Beginning (MM/YYYY), Number of 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.

**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. (24 CFR §903.11(c)(3))

#### 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."

☐ **Housing Needs and Strategy for Addressing Housing Needs.** Provide a statement addressing the housing needs of low-income, very low-income families who reside in the PHA's jurisdiction and other families who are on the Section 8 tenant-based waiting list. 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) and 24 CFR §903.7(a)(2)(i)). 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.** A statement of the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for HCV. (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 HCV funding and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support 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 rental contributions of families receiving tenant-based assistance, discretionary minimum tenant rents, and payment standard policies. (24 CFR §903.7(d))

☐ **Operation and Management.** A statement that includes a description of PHA management organization, and a listing of the programs administered by the PHA. (24 CFR §903.7(e)(3)(4)).

☐ **Informal Review and Hearing Procedures.** A description of the informal hearing and review procedures that the PHA makes available to its applicants. (24 CFR §903.7(f))

☐ **Homeownership Programs.** A statement describing any homeownership programs (including project number and unit count) administered by the agency under section 8y of the 1937 Act, or for which the PHA has applied or will apply for approval. (24 CFR §903.7(k))

☐ **Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements.** A description of any PHA programs relating to services and amenities coordinated, promoted, or provided by the PHA for assisted families, including those resulting from the PHA's partnership with other entities, for the enhancement of the economic and social self-sufficiency of assisted families, including programs provided or offered as a result of the PHA's partnerships with other entities, and activities under section 3 of the Housing and Community Development Act of 1968 and under requirements for the Family Self-Sufficiency Program and others. Include the program's size (including required and actual size of the FSS program) and means of allocating assistance to households. (24 CFR §903.7(l)(i)) Describe how the PHA will comply with the requirements of section 12(c) and (d) of the 1937 Act that relate to treatment of income changes resulting from welfare program requirements. (24 CFR §903.7(l)(iii)).

☐ **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; or b) any change with regard to homeownership programs. 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 Activity.** If the PHA intends to undertake new activity using Housing Choice Vouchers (HCVs) for new Project-Based Vouchers (PBVs) in the current Fiscal Year, mark "yes" for this element, and describe the activities to be undertaken in the space provided. If the PHA does not plan to undertake this activity, mark "no." (24 CFR §983.57(b)(1) and Section 8(13)(C) of the United States Housing Act of 1937.

☐ **Project-Based Vouchers (PBV).** Describe any plans to use HCVs for new project-based vouchers. If using PBVs, provide the projected number of project-based units and general locations, and describe how project-basing would be consistent with the PHA Plan.

- B.3 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 §903.11(c)(3), 24 CFR §903.7(p))
- B.4 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.5 Certification by State or Local Officials.** Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, including the manner in which the applicable plan contents are consistent with the Consolidated Plans, must be submitted by the PHA as an electronic attachment to the PHA Plan. (24 CFR §903.15)
- B.6 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 §903.11(c)(3), 24 CFR §903.7(r)(1))
- B.7 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)

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 Annual PHA Plan. The Annual PHA Plan provides 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 for serving the needs of low- income, very low- income, and extremely low- income families.

Public reporting burden for this information collection is estimated to average 4.5 hour 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 HOMEOWNERSHIP  
PROGRAM**

**Housing Authority of the  
County of Riverside**

Effective July 1, 20172018

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## **GENERAL PROVISIONS**

The Public Housing Reform Act of 1998 includes language that allows the United States Department of Housing and Urban Development (HUD) to assist Section 8 Housing Choice Voucher Program (HCVP) recipients to purchase a home. HUD published the Section 8 Homeownership Program Final Rule that implemented this option under Section 8(y) of the U.S. Housing Act of 1937 that authorized a public housing agency (PHA) to provide tenant-based assistance for an eligible family that purchases a home. The rule became effective on October 12, 2000. 24 CFR 982.625(c)(1)(i) enables the Housing Authority of the County of Riverside (HACR) to provide monthly homeownership assistance payments to eligible families.

The Housing Choice Voucher (HCV) Homeownership Program (HP) allows qualified participants the option to purchase a home and use the HCV Housing Assistance Payment (HAP) towards mortgage payments and other allowable housing costs.

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

The HACR's policies and practices are designed to provide assurances that all persons with disabilities will be provided reasonable accommodations so that they may fully access the housing program. Persons requiring special accommodations due to a disability must notify the HACR, in writing, of their needs. The reasonable accommodation request will be verified via a Licensed Professional and then reviewed by the HACR. The HACR will provide written notification of either the approval or denial of the reasonable accommodation request. In matters where the HACR has discretion, waivers to existing policy shall be determined by the Executive Director or designee.



## **A. FAMILY ELIGIBILITY REQUIREMENTS**

The HCV Homeownership Program (HP) of the Housing Authority of the County of Riverside (HACR) is available to qualified Housing Choice Voucher participants. Participation in the Homeownership Program is voluntary. Applicants must meet the following criteria to be considered for the HACR HP.

### **1. First-Time Homeowner**

An eligible Section 8 HCVP family must be considered a first-time home buyer. A first-time home buyer means that no member of the household has had any interest or ownership in any residence during the three years before applying for homeownership assistance or at the commencement of participation in the homeownership program. The purchaser must sign a sworn application attesting that they have not owned a home or have been included on a home loan. In addition, the last three years tax returns will be reviewed to ascertain that no mortgage interest or real estate tax deductions have been claimed.

Single parents or displaced homemakers who owned a home while married or resided in a home owned by a spouse also qualify as first time homebuyers provided that three years have passed since homeownership ended.

### **2. Minimum Income Requirements**

Calculation of income-eligibility for the purpose of admission to the HCV Homeownership Program will be conducted under the guidelines for HCV rental assistance as noted in this Administrative Plan.

The head of household, spouse and/or other adult member(s) of the household that will hold title to the home must have a combined annual gross income of not less than 50% of the Area Median Income (AMI) adjusted for the family size.

A family whose income does not meet the 50% AMI requirement, but does meet all other HP requirements, may request admission provided the family can demonstrate that the annual income is not less than the HUD minimum requirement established below:

- a. In the case of a disabled family, the monthly Federal Supplemental Security Income (SSI) benefit for an individual living alone (or paying his or her share of food and housing costs) multiplied by twelve; or
- b. In the case of other families, the Federal minimum wage multiplied by 2,000.

In addition, a family that meets the applicable HUD minimum income requirement described above, but not the HACR minimum income limit of 50% AMI, shall be considered to satisfy the minimum income requirement only if:

- a. The family demonstrates that it has been pre-qualified or pre-approved for financing;
- b. The pre-qualified or pre-approved financing meets any HACR established requirements under 24 CFR 982.632 for financing the purchase of the home (including qualifications of

- lenders and terms of financing); and
- c. The pre-qualified or pre-approved financing amount is sufficient to purchase housing that meets HQS in the HACR's jurisdiction.

Welfare assistance may not be included in the minimum gross annual income above, except for elderly or disabled families. Welfare assistance includes payments from Cal Works/TANF (Cash Aid for needy families), Supplementary Security Income (SSI) that is subject to an income eligibility test, food stamps, general assistance (GA); or other welfare assistance as specified by HUD.

### **3. Minimum Employment Requirements**

One or more adult members of the household that will hold title to the home must be currently employed and working not less than an average of 30 hours per week and has been so continuously employed for one year prior to execution of the sales agreement.

Once escrow has closed, employment by the adult member of the household that holds title to the home must continue at least 30 hours per week. Should an event arise that the homeowner loses employment a 90 day grace period will be granted for them to regain fulltime employment.

Employment requirements do not apply to elderly or disabled families that otherwise qualify for HP. A family with a member with disabilities may request an exemption from the work requirements if needed as a reasonable accommodation for the disabled family member. HACR and HUD minimum income requirements still apply.

The HACR's Executive Director and/or designee may also consider whether and to what extent an employment interruption is considered permissible in satisfying the employment requirement. The Executive Director and/or designee may also consider successive employment during the one-year period and self-employment in a business.

The family must still meet the overall minimum income requirements outlined in Section 2.

### **4. Minimum Down Payment Requirements**

- a. The family must demonstrate the ability to provide a minimum of three percent (3%) down payment on the home.

- b. At least three percent (3%) of the down payment must come from the family's personal resources. 24 CFR 982.625(g)(1)

- c. FSS participants may use FSS escrows towards this requirement. Families with an Individual Development Account (IDA) may also count these funds towards the minimum down payment.

### **5. Other Program Requirements**

- a. The family must be under HCV rental assistance in Riverside County for the most recent 12 consecutive months prior to application for HCV Homeownership.
- b. The family must have completed an initial HCV lease term and completed the family's

- first annual recertification in the HCV Program. The family must terminate a current lease agreement in compliance with the lease when transitioning into homeownership.
- c. The family must verify that no family member has previously defaulted on a mortgage loan assisted under the HCV HP.
- d. All families will be required to complete a series of 15 workshops through Community Action IDA Program and provide verification of workshop completion. Working families will be required to complete the application process to gain entry into the IDA Program so they may earn a 2:1 match of savings. Workshops may include the following:
- First Time Home Buyers Information
  - Lenders Language and Procedures
  - Home Safety: Fire and Earthquake
  - Selecting a Realtor and the Right Home
  - Basic Repair & Maintenance
  - Budgeting
  - Balancing Your Checkbook
  - Understanding Credit & Credit Cards
  - Credit Repair
  - Debt Management
  - Financial Planning
  - Borrowing Basics (basic concepts of loans)
- e. The head of household and any adult member that will hold title to the home must successfully complete a HUD approved 8 hour homeownership and housing counseling program. At a minimum, the counseling will cover the following:
- Home Maintenance
  - Budgeting and money management
  - Credit Counseling
  - Financing
  - Locating a home
  - Fair housing, predatory lending
  - Truth in lending, RESPA
- f. Family members may not owe any debt to the HACR or other Housing Authority. EIV will be run to determine if the family has/had owed any debts to any Housing Authority. If it is found that the family owes money to any Housing Authority, they will be disqualified from utilizing this program.
- g. The family must maintain good tenant standing with its landlord and the HACR. The family must provide a letter from their landlord when entering this program. The letter must certify that the family has paid rent on time for the past 12 months, is current with rent and has kept the rental unit in good repair (ie: no damage beyond normal wear and tear).
- h. The designated Head of Household must actively participate in the Family Self-Sufficiency (FSS) program with homeownership as one of the established goals.
- i. The family must also:
- Comply with HUD Family Obligations under the HCV Program. If the HA has mailed out one or more pre-termination appointments within the past 3 years for either failing to provide and/or other program violations, the family will be disqualified from utilizing the homeownership program until such time that this requirement is met;

- Adhere to the requirements of their lease agreement;
- Not have outstanding debts to the landlord or to any utility company;
- Report all Household Income;
- Pass the most recent Housing Quality Standards (HQS) inspection with no tenant-caused failure items.

#### **6. Other Program Requirements After Admission**

- Supply any information, certification, release or other documentation required by the HACR. For homeownership families, this specifically includes information about any mortgages and/or defaults, and sale or transfer of the home, and refinance.
- Comply with the HCV Administrative Plan, Administrative Plan for the Homeownership Program and 24 CFR 982.551 Obligations of Participant. Any references to the Owner is replaced with the Lender, except for any reference listed under the inspection is replaced with the Homeowner.
- Comply with any other requirements by the PHA, such as any requirements to attend and complete ongoing homeownership and housing counseling.

#### **B. Eligible Units**

HCV Homeownership assistance may be used to purchase units within the jurisdiction of the HACR that are under construction or already existing at the time the family is approved for homeownership. The family unit size will be determined as it is for the Housing Choice Voucher rental program.

##### **1. Unit Types**

- One unit property (single family residence).
- A single dwelling unit in a cooperative, condominium or planned use development.
- A manufactured home with a permanent foundation, if the family has the right to occupy the same site for a period of at least forty (40) years.
- The unit must be seller occupied or vacant for at least ninety (90) days; an exception is where the tenants are purchasing the unit in which they have been residing.
- The unit must pass HQS.

Depending on the unit size selected by the family, the HACR may approve the purchase of a unit up to one bedroom size larger than the authorized payment standard the family qualifies for and the unit must be deemed affordable (the family's portion cannot be higher than 50% of gross income).

##### **2. HCV Housing Quality Standards**

The unit must be inspected by the HACR and satisfy the Housing Quality Standards (HQS) for the HCV Program before HP assistance can begin. The HQS inspection will be completed prior to the



independent inspection to prevent the family from the added expense of an inspection in the event the home has major damage or necessary repairs that the Seller will not agree to repair and/or the buyer, made aware of the repairs, no longer wishes to purchase the home.

The HACR will conduct a HQS inspection once annually and reserves the right to inspect the unit more often if the subject property receives a public complaint after escrow closes or is visibly in disrepair. If the unit passes HQS inspection at the first visit by HACR staff (i.e. did not fail inspection at a prior visit that year) the unit may be inspected once every other year (biannually).

### **3. Independent Inspection**

The unit must be inspected by a certified independent inspector designated and paid by the family, and pre-approved by the HACR. The inspector must be a member of the California Real Estate Inspectors Association, the American Society of Home Inspectors, or the International Conference of Building Officials. This inspection must cover, at a minimum, all major building systems and components including:

- Foundation and structure
- Housing interior and exterior
- Roofing
- Plumbing
- Electrical systems
- Heating systems

The HACR must receive and approve a copy of the inspection report before HP assistance will commence. The HACR may disapprove a unit for assistance under HP because of information obtained through the inspection report, even if the unit passes the HQS inspection. If the HACR or 3<sup>rd</sup> party (such as entity providing down payment assistance) calls out additional repairs, the buyer will be required to pay a re-inspection fee to the certified inspector who completed the original home inspection.

### **4. Other Requirements for Eligible Units**

The seller of the home may not be on the HUD list of debarred and suspended contractors, or subject to a limited denial of participation under 24 CFR 24.1.

### **C. Homeownership Confirmation Letter**

Once approved for participation in the HCV HP, the family will be issued a confirmation letter subject to the following requirements:

- The family must execute a statement in which the family agrees to comply with all family obligations under the Homeownership Option.
- **Selection Period:** The family will be given **90 calendar days** to locate a home to purchase. Within two weeks prior to the end of the selection period, if the family has not yet selected a home, the family may submit a written request to the HACR for **one 30 day extension**. The extension request must include the reason for the extension and outline the family's

search efforts. The extension request will be reviewed and verified by the HACR and if an extension is granted, the family will receive a revised Confirmation Letter with the new Selection Period expiration date. Any extension granted is at the discretion of the HACR and the availability of funds to provide monthly mortgage assistance.

- After a home is chosen during the 90 day Selection Period, the family will be given **90 calendar days to open and close escrow**. The *opening* of escrow must occur no later than the last day of the Selection Period.
- It is the family's responsibility to find a home that meets the criteria for voucher homeownership assistance.
- The HACR may require families unable to locate a suitable unit during the Selection Period to wait for a period of one (1) year to re-apply for HP.
- The family must report its progress towards locating and purchasing a unit if requested by the HACR.

If the family is unable to locate an acceptable unit for purchase during the Selection Period, the HACR may, at its discretion, allow the family to remain leased up under the HCV rental voucher.

If the family submits a purchase contract to the HACR that is not approved due to reasons other than the family's lack of compliance, the family may request an extension using the process outlined above in this paragraph under Selection Period.

#### **D. Purchase Agreement**

Prior to execution of the offer to purchase, or the Purchase Agreement, the financing terms must be provided by the family to the HACR for approval.

The Purchase Agreement must include the following:

- Specify the price and other terms of the sale by the seller to the purchaser.
- Provide that the purchaser will arrange for a certified inspection of the unit by an independent certified inspector selected by the purchaser.
- State that the purchaser is not obligated to purchase the unit unless such inspections are satisfactory to both the HACR and purchaser.
- Provide that the purchaser is not obligated to pay for any necessary repairs.
- Provide that the purchaser is not obligated to purchase if the mortgage financing terms, or any other terms, are not approved by the HACR, and
- Contain a seller certification from the HACR that the seller has not been debarred, suspended, or subject to a limited denial of participation in accordance with 24 CFR 24.1

#### **E. Affordability**

The purchase price of the home must be affordable to the family, as determined by the HACR and the Lender. The price shall be considered affordable if the monthly homeownership expenses payable by the family do not exceed fifty percent (50%) of the family's total monthly gross income.

## **F. Financing**

1. The family must allow the HACR to review the terms of the mortgage secured to purchase the property before close of escrow. The HACR may disapprove proposed financing, refinancing or other debt if the HACR determines that the debt is unaffordable to the family or if the HACR determines that the lender or the loan terms do not meet HACR or HUD qualifications. The family must locate and qualify for a mortgage that meets the following requirements:
  - a. The mortgage must be determined to be affordable by the HACR. The HACR may take into account expenses such as interest, taxes and insurance when determining affordability. The family's portion of the monthly homeownership expenses may not exceed (50%) of the family's total monthly gross income.
  - b. Short-term mortgages with large final "balloon payment" will not be allowed.
  - c. Interest only mortgages will not be allowed.
  - d. Only fully amortized, fixed rate mortgages will be allowed.
  - e. The family may not obtain private first mortgage financing from a family member or any other private source.
  - f. The mortgage must be provided, insured, or guaranteed by the State or Federal government and comply with secondary mortgage market underwriting requirements.

## **2. Refinancing**

In addition to the requirements stated above under "Financing" the family must meet the following requirements:

- a. The refinanced loan cannot exceed the original purchase price of the home.
- b. There must be a minimum of a 1% reduction in the interest rate.
- c. If you have additional loans on your home such as a second and/or a third, you are required to contact the lender to review the subordination guidelines. You must submit a written documentation from that lender that states what the subordination guidelines are to the HACR upon submission of the refinancing documents.
- d. You do have the option to pay the second and/or the third loan off in full upon refinancing. This must be specified in the refinance documents.
- e. Principal, interest, taxes and insurance (PITI) and mortgage insurance/private mortgage insurance (MI/PMI), if applicable on initial mortgage debt and any refinancing of such debt.
- f. Real estate taxes may not exceed 2%.
- g. A Home Equity loan may be considered by the HACR as long as the funds are used only for major home repairs. The amount of the home equity loan along with the first loan cannot exceed the original purchase price of the home. In addition the family's portion of both loans cannot exceed 50% of the family's total monthly gross income. The HACR must ensure that this will be a third loan and will not interfere with the first and/or second loan.

## **G. Calculation of Homeownership Assistance Payment**

Calculation of income for the purpose of determining income eligibility for admission to the program and/or determining the family's total tenant payment will be conducted under the guidelines for the HCV rental assistance program except as otherwise noted in this section.

### **1. Occupancy of Home**

The HAP will only be paid while the family resides in the home. If the family moves out of the home, the HACR will discontinue payment of the HAP commencing with the month after the family moves out.

- a. Amount of monthly homeownership assistance payment. While the family is residing in the home, the HACR shall pay a monthly homeownership assistance payment on behalf of the family that is equal to the lower of the payment standard minus the total tenant payment; or the family's monthly homeownership expenses minus the total tenant payment.
- b. Initial Payment Standard. The initial payment standard for a family is the lower of the payment standard for the family unit size (Voucher size); or the payment standard for the size of the home.
- c. Payment Standard for subsequent reexaminations. Reexaminations (interims and annual reexaminations) will use a Payment Standard that is the greater of the payment standard as determined in accordance with the initial payment standard at the commencement of homeownership assistance; or the Payment Standard in effect at the time of the reexamination as determined using the requirements of Section G (1) (b) of this plan. At no time will the HACR use a Payment Standard less than the initial Payment Standard at the close of escrow.
- d. The HACR will use the same Payment Standard schedule, Payment Standard amounts, and Subsidy Standards for the HP as for the rental voucher program.
- e. Exception rent areas. If the home is located in an exception payment standard area, the HACR must use the appropriate payment standard for the exception payment standard area.
- f. Affordability of housing costs. Total monthly homeownership expenses payable by the family, as defined in (g) below, must be less than (50%) of the family's total gross income.
- g. Homeownership expenses. The HACR will use the following expenses to determine the total homeownership expense for calculation of the HAP:
  - Principal, interest, taxes and insurance (PITI) and mortgage insurance/private mortgage insurance (Mi/PMI), if applicable on initial mortgage debt and any refinancing of such debt,
  - Real estate taxes may not exceed 2%.
  - Utility allowance for the home as determined by the HACR.
- h. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the HACR has determined that allowance of such costs as homeownership expenses is needed as a reasonable accommodation for the disabled family.

### **2. Cooperative and Condominiums**



For cooperative members only (owners of condos) the following cooperative charges will also be used toward the homeownership expense:

- a. Charges included in the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home;
- b. Cooperative or condominium operating charges or maintenance fees assessed by the condominium or cooperative homeowner association.

### **3. HAP Payment**

- a. The HACR will pay the HAP according to the terms established in the agreement the HACR and Lender have entered into. If the assistance payment exceeds the amount due to the lender, the excess will be paid directly to the family.
- b. The HACR will provide the lender with notice of the amount of the HAP and amount of the family's portion of the total homeownership expenses prior to close of escrow.
- c. Procedure for termination of homeownership assistance.
  - The family shall be entitled to the same termination notice and informal hearing procedures set forth in this Administrative Plan for participants in the HCV rental assistance program.
- d. Automatic termination of HAP.
  - Homeownership assistance for a family terminates automatically 180 calendar days after the last HAP paid on behalf of the family. The HACR has the discretion to grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the family.

### **4. Income Changes**

- a. Changes in income must be reported in writing within 10 days of the occurrence. Changes for income *decreases* will be processed if they are anticipated to continue for sixty (60) or more days and is a monthly decrease of \$100 or more. Changes for income *increases* will be processed if the increase of income is \$100 monthly or more. Once these changes have been verified, the HACR will process an interim to be applied, the first of the following month the change was reported *for decreases* and the first of the next month *for increases* (giving a 30 day notice of the increase).

### **H. Maximum Term of Homeownership Assistance**

The time limits below apply to all family members having an ownership interest in the unit during the time that homeownership payments are made; and, the spouse of any member of the household who has an ownership interest in the unit during the time that homeownership payment are made. Except in the case of a family that qualifies as an elderly or disabled family, all families, including families that become elderly during the term of the homeownership assistance are subject to the following maximum terms:

- Initial mortgage term of twenty (20) years or longer. The maximum term of homeownership assistance will be fifteen (15) years. In all other cases, the maximum term of homeownership assistance will be ten (10) years.

If, during the course of homeownership assistance, the family ceases to qualify as elderly or

disabled, the maximum term as defined in 24 CFR 982.634(c) Section G will become applicable from the date homeownership assistance commenced. The HACR will provide a family at least six (6) months of homeownership assistance after the maximum term becomes applicable provided the family is otherwise eligible to receive homeownership assistance in accordance with 682.634.

The initial maximum term limit applies if the family receives assistance for more than one home purchase, even if received from another housing authority.

In accordance with PIH 2012-3 (HA), the value of the home will not be counted as an asset for the first 10 years after the purchase date of the home. After 10 years the value will be counted as an asset. The methodology the HACR will use is as follows:  $\text{Equity} - \text{Expenses to Convert to Cash} = \text{Net Cash Value}$  or, incorporating the Equity formula from above;  $\text{Market Value} - \text{Loan (Mortgage)} - \text{Expenses to Convert to Cash} = \text{Net Cash Value}$ . If the Net Cash Value is a negative number, the PHA should not make an adjustment to new family assets for this asset.

## **I. Portability**

The HACR will permit portability of the homeownership assistance (the HACR's portion) to another jurisdiction, provided the receiving jurisdiction operates a similar homeownership program for which the applicant qualifies and for which the receiving PHA is accepting new homeownership families.

### **1. Incoming Portable Families**

- a. May purchase a unit within the jurisdiction of the HACR, provided the HACR is accepting new homeownership families at the time of the purchase.
- b. Must be under HCV rental assistance in Riverside County for the most recent 12 consecutive months prior to application for HCV Homeownership.
- c. Must meet the education, counseling, and all other HP requirements of the HACR.
- d. Must be certified by initiating Housing Authority that the family is in good standing with that HA and Landlord.

The HACR must promptly notify the initial HA if the Family has purchased an eligible unit under the program, or if the family is unable to purchase a home within the maximum time established by the HACR.

### **2. Outgoing Portable Families**

Outgoing portable families need to adhere to the following:

- a. Purchase a unit within the receiving jurisdiction, provided they operate a homeownership program and they are accepting new homeownership families at the time of the purchase.
- b. Must meet the education, counseling, and all other HP requirements of the receiving Housing Authority.
- c. Must be certified by the initiating HACR that the family is in good standing with the Housing Authority and Landlord.

- d. The initiating HACR must promptly notify the HA, if the Family has purchased an eligible unit under the program, or if the family is unable to purchase a home within the maximum time established by the HA.

#### **J. Move with Continued Tenant-Based Assistance**

A family receiving HACR homeownership assistance may purchase and move to a new unit with continued voucher homeownership assistance as long as no family member owns any title or other interest in the prior home. A family receiving homeownership assistance may move to a new unit with continued voucher homeownership assistance no more than once every five (5) years and the total of such assistance terms is subject to the maximum term described in this paragraph.

##### **1. Purchase of a new unit**

A family receiving homeownership assistance may purchase and move to a new unit with continued assistance, provided that the family fulfills all requirements of the HP at the time of the purchase of the new unit. The following applies to a family purchasing a new unit under the HP:

- a. The family will not be eligible to move with continued assistance for a period of Five (5) years after the initial purchase.
- b. The HACR may, at its discretion, require the family to complete a new housing counseling program or receive additional counseling prior to close of escrow.
- c. The requirement that the family must be a first time homebuyer is not applicable.
- d. The HACR may deny permission to move with continued assistance in the case of lack of funding or if the HACR has denied or terminated assistance to the family under section N below.

##### **2. Sale of Original HP Unit and Return to Tenant-Based Rental Assistance**

The HACR may, at its discretion, allow a family to return to tenant-based rental assistance. The following applies to a family returning to tenant-based rental assistance:

- a. The HACR may deny permission to move with continued assistance in the case of lack of funding or if the HACR has denied or terminated assistance to the family as defined under Section K of this plan.
- b. The HACR will not commence continued tenant-based assistance for occupancy of a rental unit so long as any family member owns any title or other interest in the home previously assisted through the HP. In addition, Eighteen (18) months must have passed since the family's receipt of the down-payment assistance grant.

#### **K. Denial or Termination of Assistance**

The HACR shall deny or terminate homeownership assistance for the family in accordance with the following:

- Failure to report all household income.
- Failure to comply with Housing Authority County of Riverside HCV Homeownership Program requirements.

- Failure to comply with any HUD Family Obligations.
- Failure to meet the Housing Authority of the County of Riverside's Policy on Prohibited Criminal Activity
- The family defaults on the mortgage(s).

**L. Recapture**

The HACR will not recapture any Homeownership Voucher payments unless there was an act of fraud or misrepresentation of material facts in order to obtain a benefit. The HCV HP recapture provision does not apply to any other program funds that may be used in the transaction.

**M. Program Size and Waiver or Modification of Homeownership Policies**

The Executive Director (ED) of the HACR, and/or designee shall have the discretion to waive or modify any provision of the Homeownership Program or policies not governed by statute or regulation for good cause or to comply with changes in HUD regulations or directives. The ED and/or designee may limit homeownership assistance to families in accordance of 24 CFR 982.626 (b).

For fiscal year ~~2016-17~~2018-2019, the HACR has established a homeownership assistance limit of no more than ~~8-7~~ families.

## **Attachment E – Resident Advisory Board Comments and Recommendations**

### **Resident Advisory Board PHA Plan Comments**

1. Suggestion: Expand housing options in Corona and Riverside for those that need to be in Riverside County.
2. The other suggestions and comments that were received from those that attended the Resident Advisory Board were regarding their specific rental units.

### **PHA Resident Advisory Board (RAB) NARRATIVE**

The PHA received RAB comments in writing and responded to each household individually.

1. Response: The Housing Authority of the County of Riverside (HACR) strives to make housing opportunities available throughout Riverside County and not just only Corona and Riverside. The HACR conducts quarterly 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. Exception Payment Standards are reviewed on a case by case basis in order to determine if a reasonable accommodation may be granted in order to make the housing voucher program more accessible to voucher holders.
2. Response: These suggestions and comments were forwarded to the landlord for the residential units for response.





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

**Housing Authority of the  
County of Riverside**

**Effective July 1, 2018<sup>7</sup>**

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## Chapter 1

### STATEMENT OF POLICIES AND OBJECTIVES

#### 1.1 INTRODUCTION

The Housing Choice Voucher (Section 8) Program ("Program" or "program") was enacted as part of the Housing and Community Development Act of 1974 (Act), 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", "Housing Authority", and "HACR" herein) 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 (County) and the County of Riverside Consolidated Plan.

#### 1.2 PURPOSE OF THE PLAN

The purpose of this Administrative Plan for the Housing Choice Voucher Program (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 for the Housing Choice Voucher Program (Plan).

The HA is responsible for complying with all changes in HUD regulations pertaining to these programs. Capitalized terms not defined within the Plan may have the meaning ascribed to such terms in Appendix A "Glossary" attached hereto and incorporated herein by this reference. If such changes conflict with this Plan, HUD regulations will have precedence.

#### 1.3 SERVICE POLICY/ACCOMMODATIONS

The policies discussed herein are 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 Executive Director or designee.



#### **1.4 TRANSLATION OF DOCUMENTS**

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

#### **1.5 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 HA's website at [www.harivco.org](http://www.harivco.org) and by other suitable means (such as distributing information to non-profit agencies within the County).

#### **1.6 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.

#### **1.7 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.

#### **1.8 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 aforementioned special housing types.

#### **1.9 RULES AND REGULATIONS**

The purpose of this Plan is to set forth and 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 applicable federal regulations, HUD memos, notices and guidelines, or other applicable law.

#### **1.10 JURISDICTION**

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

#### **1.11 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 HA's objective to receive the highest rating from HUD using the Section 8-Eight Management Assessment Program (SEMAP).

The HA will monitor Housing Quality Standards [(HQS and/or Uniform Physical Condition Standard-V (UPCS-V)] 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.

#### **1.12 PROGRAM INTEGRITY MONITORING (PIM)**

The Housing Authority of the County of Riverside administers Program Integrity Monitoring (PIM). The purpose of PIM 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 Chapter 20)

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 also available through the internet web site, and HA newsletters.

#### **1.13 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.

#### **1.14 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.

#### **1.15 CODE OF CONDUCT**

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



## Chapter 2

### ELIGIBILITY FOR ADMISSION

#### 2.1 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.

#### 2.2 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

##### 2.2.1 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.

### **2.2.2 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. The Housing Authority will verify whether a live-in aide is required by sending a 3<sup>rd</sup> party verification to the specified licensed professional. If the licensed professional indicates on the 3<sup>rd</sup> party that the need for a live in aide is permanent, the verification will be renewed every 5 years at the annual recertification. If the 3<sup>rd</sup> party indicates that the need for a live-in aide is temporary, the verification will be renewed annually. Note: At time of relocation, in either case, staff will need to determine if a new verification is required in order to be compliant with the timeframes above.

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 HA as the PHA. Therefore, regardless of whether these caregivers spend the night, an additional bedroom should not be approved (PIH 2009-22).

The Housing Authority may only approve one additional bedroom for a live-in aide. Although a live-in aide may have 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 HA must ensure that housing quality standards (HQS and/or UPCS-V) 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.

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 Head of Household (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 has lived in the unit as a household member within the last 12 months; or
8. The person is under 18 years of age and is not emancipated.

### **2.2.3 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.

### **2.3 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 24 CFR 248.101;
- 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 24 CFR 248.173.

Under no circumstance will a family be admitted if they are over the HUD published 50% Area Median Income Limit. 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 withdrawn from the waiting list and sent a denial letter, notifying them of their right to an informal review.

#### **2.4 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. The HA will not need to re-verify previously disclosed valid Social Security Numbers (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 HA 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.

#### **2.5 CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS (24 CFR Part 5)**

##### **2.5.1 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.

##### **2.5.2 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.

##### **2.5.3 Non-citizen students**

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

##### **2.5.4 Appeals**

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

#### **2.6 SUITABILITY OF FAMILY**

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

#### **2.7 CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT**

Changes that occur after the issuance of a Housing Choice Voucher, but before the execution of a lease and contract must be processed so reviewed to ensure 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 and the voucher will be withdrawn [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 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 to 50% of the area median income, the family's income will be updated and they will be returned to the waiting list and notified in writing and 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.

## **2.8 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. Families who are returned to the waiting list for not meeting preferences are not entitled to an informal review as they have not been found ineligible.

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## Chapter 3

### APPLYING FOR ADMISSION

#### 3.1 INTRODUCTION

The Housing Choice Voucher (Section 8) Program admission waiting list is currently open and accepting 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.

#### 3.2 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 Executive 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).**

#### 3.3 WAITING LIST REGISTRATION

Outreach is conducted on a continual basis through 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 HA's website at [www.harivco.org](http://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

Any family asking to be placed on the waiting list for the Housing Choice Voucher Program must complete a registration form using the HA'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 1<sup>st</sup> and December 31<sup>st</sup> 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.

#### **3.4 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 any forms 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.

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## Chapter 4

### SELECTION OF FAMILIES FROM WAITING LIST

#### 4.1 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.

#### 4.2 WAITING LIST PREFERENCES

The HA has implemented the following preferences for drawing names from the waiting list. In accordance with California State Law [Health and Safety Code Section 34322.2 (b)], at each level of preference, families meeting the definition of a veteran according to either the United States Code, Title 38 (38 U.S.C.), Section 101 or the 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 Housing Assistance Payments (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 applicable 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 but not more than 50% 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 and the family will be eligible for a future release between 30% and 50% of the income limits (very low income).

#### 4.2.1 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); Referrals from the "HomeConnect", County of Riverside Continuum of Care Coordinated Entry System Lead Agency, Behavioral Health, for those who are not eligible for HUD funded long-term housing and are able to live independently with minimal support (the "HomeConnect" system assesses a person's vulnerability in order to direct them to the best housing option that meets their needs); 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 administered by the Housing Authority of the County of Riverside for a minimum of a one (1) year six (6) month term and no longer require supportive services, or
- 6) ~~Homeless families with minor children residing in shelters (transitional living does not meet this preference).~~

#### SECOND LEVEL

- 1) County of Riverside Residency Preference, and
- 2) Working Families (see Working Families definition in Appendix A) 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.

#### **4.2.2 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 inform the HA of changes in family composition, income, and address, as well as any changes in the preference status using the Housing Authority's web-based portal.

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.

#### **4.3 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.

#### **4.4 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 Program

#### **4.5 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.

#### **4.6 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 calendar days. Applicants may exercise other rights if they believe they have been discriminated against.

#### **4.7 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 U.S. 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 1<sup>st</sup> and December 31<sup>st</sup> 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.

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## Chapter 5

### SUBSIDY STANDARDS

#### 5.1 INTRODUCTION

HUD guidelines require that HA's establish subsidy standards for the determination of the Housing Choice Voucher bedroom size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used for the Housing Choice 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.

#### 5.2 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 Amendment Act (FHAA) of 1988 (Pub. L. 100-430 Approved Sept. 13, 1988 and effective March 12, 1989) 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. Adding additional non-nucleus members will not be approved if it causes the family to be under-housed (over-crowded). 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 status, 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 the member returns back home within 180 days of moving out or to offer a reasonable accommodation for a disabled family member. Any change in payment standard will apply at the next annual re-examination or relocation. 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 (overcrowded).

Exceptions may be approved 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~~ ~~Housing quality~~ ~~Quality standards~~ ~~Standards~~ (HQS ~~and/or~~ UPCS-V) 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 ~~and/or~~ UPCS-V, 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.

### **5.3 CHANGES IN VOUCHER SIZE**

#### **5.3.1 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:

#### **5.3.2 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. Final determination whether to increase or decrease the subsidy standard will be made by an established committee.

**Medical equipment** -- An additional subsidy for medical equipment must be verified 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.

**Live-in aide** -- If the licensed professional indicates on the 3<sup>rd</sup> party that the need for a live in aide is permanent, the verification will be renewed every 5 years at the annual recertification. If the 3<sup>rd</sup> party indicates that the need for a live-in aide is temporary, the verification will be renewed annually. Note: At time of relocation, in either case, staff will need to determine if a new verification is required in order to be compliant with the timeframes above. The HA may only approve one additional bedroom for a live-in aide. Although a live-in aide may have HA-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 must report this change in writing within 10 calendar days. 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 HA must ensure that ~~housing~~ Housing quality-Quality standards-Standards (HQS and/or UPCS-V) 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 and/or UPCS-V, the additional family members of the live-in aide may not be approved. **PIH 2010-51 (HA).**

### **5.3.3 Subsidy Standards Flexibility:**

**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). The amount of assistance is based on the authorized or actual bedroom size, whichever is less.

**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. 24 CFR 982.305(a)(5) & 24 CFR 982.508

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

If a unit does not meet HQS and/or UPCS-V 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.

### **5.3.5 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 monthly 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.

**5.4 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.

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## Chapter 6

### ELIGIBILITY FACTORS

#### 6.1 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.

#### 6.2 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.

##### 6.2.1 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; conducting the following checks:
  - 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.

#### **6.2.2 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.

#### **6.2.3 Absence due to Medical Reasons**

Housing Assistance Payments (HAP) 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 and any utilities that the tenant is responsible for according to the lease and HAP Contract must be paid during the hospitalization period.

#### **6.2.4 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.

#### **6.2.5 Temporary Caretaker for Minor(s)**

If neither parent (or legal guardian) are able to care for the child 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 Housing Authority 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 Housing Authority must ensure that housing quality standards (HQS and/or UPCS-V) 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 and/or UPCS-V, 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,

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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 until the first re-examination following the 18<sup>th</sup> birthday of oldest nucleus minor. 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 first re-examination following the 18<sup>th</sup> birthday of oldest minor. ~~the minor(s) become able to care for themselves. This procedure will be applied until no remaining minor nucleus members exists.~~ In no case will the caretaker be eligible to become the remaining member.

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#### **6.2.6 Absent Adult**

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 member of the household is away from the home for more than six months 180 days then the person will be considered permanently absent.

#### **6.2.7 Visitors**

Any person not included on the Form 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.

#### **6.2.8 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 and the family will be in violation of their household obligations. 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.

### 6.3 INCOME, ALLOWANCES & MINIMUM FAMILY CONTRIBUTION 24 CFR 5.609

#### 6.3.1 INCOME INCLUSIONS AND EXCLUSIONS

**Reference:** *Housing Choice Voucher Program Guidebook; Chapter 5: Eligibility and Denial of Assistance*

#### 6.3.2 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 (b)(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 [pursuant to PIH 2012-29 NOTE: HACR is using the current national rates established by the Federal Deposit Insurance Corporation (FDIC)];

(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 payments.

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

- (A) Qualify as assistance under the TANF program definition at 45 CFR 260.31; and  
(B) Are not otherwise excluded under paragraph (c) of this section.
- (ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
- (A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus  
(B) 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 and any other required fees and charges 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). (24 CFR 5.520)  
(A) Expenses related to attending an institution of higher education must **not** be included as tuition. Examples of these expenses include, but are not limited to, room and board, books, supplies, meal plans, transportation and parking, student health insurance plans, and other non-fixed sum charges. **(Excerpt from Page 3 of 5 of PIH 2015-21)**  
(B) PHAs must include amounts of financial assistance an individual receives in excess of tuition and other required fees and charges when determining annual income in accordance with 24 CFR 5.609(b)(9). **(Excerpt from Page 4 of 5 of PIH 2015-21)**  
(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 Veterans Educational Assistance Act of 2008 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.**

### 6.3.3 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 persons with disabilities, unrelated to the tenant family, who are unable to live alone); [Note: PIH-2012-1 (HA) was issued and 01/06/2012 clarified the Income Exclusion of Kinship, Kin-GAP and Other Guardianship Care Payments. HUD 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 § 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 (except as provided in paragraph (b)(5) of section); (b)(5) in this sentence refers to (b)(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 in 24 CFR 5.403);
- (6) Subject to paragraph (b)(9) above: For persons over the age of 23 with dependent children 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) (i) Amounts received under training programs funded by HUD;
- (ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
- (iii) 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;
- (iv) Amounts received under a resident service stipend. A resident service stipend 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. Such services may include, but are 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
- (v) 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/co-head);

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

(13) [Reserved]

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

(15) 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;

(16) 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; or

(17) Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. 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 by HUD 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 and 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.A. 5506);
- 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) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub.L- 94-540, 90 Stat. 2503-04);
- g) 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);
- h) 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. 1087u-1);
- i) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056g);
- j) 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*, PL 101-201, December 6, 1989, 103 Stat. 1795;
- k) 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);
- l) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));
- m) 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, October 10, 1978, 92 Stat. 1047);

- n) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
  - o) 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);
  - p) 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
- (17) Earned Income Disallowance for persons with disabilities [24 CFR 5.617] See also 81 FR Vol. 81, No. 45, March 8, 2016
- (a) Initial Twelve Month Exclusion [24 CFR 5.617(C)(1)]
  - (b) Second Twelve Month Exclusion and Phase-In [24 CFR 5.617(C)(2)]
  - (c) Maximum Two Year Disallowance [24 CFR 5.617(C)(3)]

#### 6.3.4 **Averaging Income**

The HA may average income when the income cannot be anticipated using verified sources for a full 12 months. [Refer to 24 CFR 5.609 (d) Annualization of income. If it is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income), or the HA believes that past income is the best available indicator of expected future income, the HA may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

#### 6.3.5 **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).

#### 6.3.6 **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 and are approved for 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 HA 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 HA 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 24 CFR 5.628(a)(4) and 24 CFR 5.630), and not to the other elements used to calculate the total tenant payment [as determined pursuant to 24 CFR 5.628(a)(1), (a)(2) and (a)(3)].

**6.3.7 Minimum Income**

There is no minimum income requirement.

**6.3.8 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.

**6.3.9 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

#### 7.1 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 PIH Notice 2016-05 (HA) and 24 CFR 982.516, the following provisions will be adopted into policy:

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:

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.

- 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.
- The PHA must obtain third-party verification of all family assets every 3 years.

*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.

*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:

- Social Security, Supplemental Security Income, Supplemental Disability Insurance;
- Federal, state, local, or private pension plans;
- Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts; or
- 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.

*Interim reexaminations.* At the effective date of a regular or interim reexamination, the PHA must make appropriate adjustments in the housing assistance payment in accordance with 24 CFR 982.505.

## **7.2 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.

## **7.3 METHODS OF VERIFICATION**

[PIH Notice 2010-3 (HA), PIH Notice 2010-19 (HA) and extended by PIH 2015-02 (HA) & 24 CFR 5.233]

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

### **7.3.1 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)

### **7.3.2 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.

#### **7.4 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.

#### **7.5 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.

#### **7.6 VERIFYING NON-FINANCIAL FACTORS**

##### **7.6.1 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.

##### **7.6.2 Family Relationships**

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

##### **7.6.3 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.

##### **7.6.4 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.

##### **7.6.5 Verification of Disability**

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

##### **7.6.6 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.

#### **7.6.7 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.

#### **7.6.8 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. If the licensed professional indicates on the 3rd party that the need for a live in aide is permanent, the verification will be renewed every 5 years at the annual recertification. If the 3rd party indicates that the need for a live-in aide is temporary, the verification will be renewed annually. Note: At time of relocation, in either case, staff will need to determine if a new verification is required in order to be compliant with the timeframes above.

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 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.

**7.6.9 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, dating 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, Dating Violence, Stalking" and return it to the HA within 14 days of request.

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## **Chapter 8**

### **VOUCHER ISSUANCE AND BRIEFINGS**

#### **8.1 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.

#### **8.2 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.

#### **8.3 BRIEFING TYPES AND REQUIRED ATTENDANCE (24 CFR 982.301)**

##### **8.3.1 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).

##### **8.3.2 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.

##### **8.3.3 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 GoSection8, a web-based program which gives the family access to owners who wish to rent their properties to participants 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/UPCS-V.

The HA will provide information on the advantages to moving to high opportunity areas. 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.

#### **8.4 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 better 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 on GoSection8, 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.

#### **8.5 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.

#### **8.6 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.

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#### **8.7 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.

#### **8.8 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 24 CFR 982.355(c)(13).

#### **8.8.1 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. An extension of up to 60 days may be granted. For those families that have an initial HUD-Veterans Affairs Supportive Housing (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 written 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 Request for Tenancy Approval (RFTA) was submitted for fails to meet HQS and/or UPCS-V, 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.~~ [24 CFR 982.554(c)(4); 24 CFR 982.555(b)(4)].

#### **8.8.2 Suspensions (Tolling Time) 24 CFR 982.303 (c)**

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.

### **8.9 VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS (24 CFR 982.315)**

**8.9.1 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 of actual or threatened physical violence against family members by a spouse or other member of the household. *(AWA 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~~-required information.

#### **8.10 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 or foster child/foster adult, 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.

The Housing Authority will only approve one additional bedroom subsidy 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 subsidies will be provided for the family members of the Caretaker or Guardian.

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## Chapter 9

### REQUEST FOR TENANCY APPROVAL (RFTA) AND CONTRACT EXECUTION

#### 9.1 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.

#### 9.2 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 **finalized** 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.

**9.2.1 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.

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.

The RFTA may be denied if the:

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

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.

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)]

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.

**9.2.2 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, as a reasonable accommodation for a person with disabilities, and there must be a nexus between the disability and



the request to rent the "shared housing" unit. 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. There must be a nexus between the disability and the request to rent from a relative.

### **9.3 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.

### **9.4 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.

### **9.5 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.

### **9.6 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

#### 10.1 INTRODUCTION

24 CFR 982.404

Housing Quality Standards (HQS and/or UPCS-V) are the HUD minimum quality standards for tenant-based programs. HQS and/or UPCS-V 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 and/or UPCS-V 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 1<sup>st</sup> HQS and/or UPCS-V visit). Also pursuant to the 2014 Appropriations Act, in lieu of conducting an HQS and/or UPCS-V 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 and/or UPCS-V 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 and/or UPCS-V" 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/or UPCS-V 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 and/or UPCS-V requirements for both families and owners.

#### 10.2 TYPES OF INSPECTIONS

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

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.

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#### 10.3 ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS and/or UPCS-V

The HA adheres to the acceptability criteria in the program regulations and HUD Inspection Manual. Additions to HQS and/or UPCS-V:

- Modifications or adaptations to a unit must meet applicable HQS and/or UPCS-V 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)

#### 10.4 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 and/or UPCS-V 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 and/or UPCS-V. The family is responsible for breaches of HQS and/or UPCS-V 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.

#### **10.4.1 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, a Senior Development Specialist (SDS) or above 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 and/or UPCS-V. 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.

#### **10.5 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 Authority.

- 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.

#### **10.6 INITIAL HQS and/or UPCS-V INSPECTION**

An Initial Inspection will be conducted to:

- Determine if the unit and property meet the HQS and/or UPCS-V 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 Section 9.2, for Initial HQS and/or UPCS-V inspection guidelines and timelines.

#### **10.7 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 and/or UPCS-V 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.

**10.8 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 and/or UPCS-V.

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## Chapter 11

### OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

#### 11.1 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 and/or UPCS-V, 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.

#### 11.2 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 (the higher of 10 percent of the family's monthly income or \$50 minimum rent).
- 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.

#### 11.3 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.

#### 11.4 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.



### 11.5 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~~120% 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.

### 11.6 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 ~~approved~~ 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 and/or UPCS-V. 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 when 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 HA has determined that 30 days is a reasonable time for the family to move to the new unit. The HA 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 an 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](mailto: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.

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#### **11.7 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 one (1) 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 one (1) 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.

#### **11.8 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 (FMR). 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~~120% 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 exceeding~~ 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.

##### **11.8.1 Increasing of the Payment Standard**

Statistical analysis may reveal the Payment Standard should be increased. In accordance with 24 CFR 982.505(c)(4), the increased payment standard amount shall be used to calculate the monthly housing assistance payment for the family beginning at the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard amount.



#### **11.8.2 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.

#### **11.8.3 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.

#### **11.9 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 [Refer to Civil Code Section 827(b)], HAP contract and HUD regulations. The owner must notify the PHA in writing 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 owner must provide the HA with a copy of the rent increase notice that was served to the tenant(s). 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.

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## Chapter 12

### REEXAMINATIONS

#### 12.1 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.

#### 12.2 ANNUAL RECERTIFICATION/REEXAMINATION (24 CFR 982.516)

##### 12.2.1 Requirement to Attend

All adult 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.

##### 12.2.2 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.

##### 12.2.3 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.

##### 12.2.4 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.

### **12.3 REPORTING INTERIM CHANGES**

The HA requires program participants to report all changes in household composition, assets or income in writing within 10 calendar 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.

#### **12.3.1 Interim Reexamination Policy**

Participants must report all changes in income, assets, and family household composition in writing within 10 calendar 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.

#### **12.3.2 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.

#### **12.3.3 Increases in Income**

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

#### **12.3.4 ZERO-Zero INCOME Income FAMILIES 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.

#### **12.3.5 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.

**12.3.6 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.

**12.3.7 Changes in family size/subsidy standards**

A larger bedroom subsidy 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 and/or UPCS-V.

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 and/or UPCS-V:

- 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

**12.3.8 Family Member moves out**

Families are required to notify the HA in writing within 10 calendar 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 (if temporary, indicate date of expected return) or permanently absent

**12.4 TIMELY REPORTING OF CHANGES IN HOUSEHOLD COMPOSITION, 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.

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**12.5 NOTIFICATION OF RESULTS OF REEXAMINATIONS**

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

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## Chapter 13

### MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

#### 13.1 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.

#### 13.2 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 underhoused (overcrowded) in accordance with HQS/UPCS-V.
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-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.
- 6-7. The family or a member of the family, is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), and the move is needed to protect the health or safety of the family or family member, or if any family member has been the victim of a sexual assault that occurred on the premises during the 90-



calendar-day period preceding the family's request to move. A PHA may not terminate assistance if the family, with or without prior notification to the PHA, moves out of a unit in violation of the lease, if such move occurs to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was threatened with imminent harm from further violence if he or she remained in the dwelling unit. However, any family member that has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's move or request to move is not required to believe that he or she was threatened with imminent harm from further violence if he or she remained in the dwelling unit.

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.

### **13.3 RESTRICTIONS ON MOVES (INCLUDING OUTGOING PORTABILITY)**

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 to 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

At any time, the PHA may deny permission to move in accordance with 24 CFR 982.552 (grounds for denial or termination of assistance).

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.

### **13.4 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.

### **13.5 OUTGOING PORTABILITY**

(24 CFR 982.355)

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 982.354 (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 Reauthorization Act of 2013 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.

### **13.6 INCOMING PORTABILITY**

24 CFR Part 982

#### **13.6.1 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. The receiving PHA (HACR) will absorb the incoming portability voucher if the family is a current participant in the FSS program and is enrolled in HACR's FSS Program, regardless of whether HACR is billing for non-FSS participating families.

#### **13.6.2 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.

#### **13.6.3 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.

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## Chapter 14

### CONTRACT TERMINATIONS

#### 14.1 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.

#### 14.2 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.

#### 14.3 TERMINATION OF LEASE BY OWNER

The lease may provide for termination without cause after initial term of the lease upon advanced 90 day written notice of termination by owner to participant with a copy to the HA. The lease may terminate by mutual written consent between the owner and participant during (or after) 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.

For owner termination notices of less than 90 days during the initial lease term, or subsequent lease term, (including month-to-month tenancies after the initial 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 and state law (see note below). The owner and participant may mutually agree to a shorter period by written consent between the owner and participant. The HAP contract terminates automatically if the lease is terminated by the owner or the tenant. A copy must be provided to the HA. After the initial lease term "Good cause" does not need to be demonstrated if the termination occurred during month to month tenancy, however at least 90 days advance notice must be provided to participant with a copy to the HA. 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".

Please note: California Civil Code 1954.535 states, "Where an owner terminates or fails to renew a contract or recorded agreement with a governmental agency that provides for rent limitations to a qualified tenant, the tenant or tenants, who were the beneficiaries of the contract or recorded agreement shall be given at least 90 days' written notice of the effective date of the termination and shall not be obligated to pay more than the tenant's portion of the rent, as calculated under the contract or recorded agreement to be terminated, for 90 days following receipt of the notice of termination or nonrenewal of the contract." *Wasatch Property Management v. Degrate* (2005) 35 Cal.4th 1111 [29 Cal.Rptr.3d 262].

#### 14.3.1 EVICITIONSEvictions

The Contract-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).

The Owner must give the PHA a copy of any Eviction Notices served to the participant.

Family Eligibility for Continued Assistance: Termination of tenancy is not an automatic termination of assistance unless the family is:

- 1. Evicted and owes money to the landlord (i.e., unpaid rent), the PHA will determine the family ineligible for issuance of another voucher.
- 2. 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.

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**Please note:** A stipulation is still considered an eviction.

#### **14.4 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 Annual Contributions Contract (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.

#### **14.5 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.

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