

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



ITEM: 10.2
(ID # 11448)

MEETING DATE:
Tuesday, March 10, 2020

FROM : HOUSING AUTHORITY:

SUBJECT: HOUSING AUTHORITY: Public Hearing for the Housing Authority 5-Year Plan (2020-2025), the Housing Authority Streamlined Annual Public Housing Agency (PHA) Plan (2020-2021), Administrative Plan for the Housing Choice Voucher Program, and Administrative Plan for the Homeownership Program, and Supporting Documents, 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 Agency Plans which include the Five-Year PHA Plan (2020-2025), the Streamlined Annual PHA Plan (2020-2021), Administrative Plan for the Housing Choice Voucher Program, Administrative Plan for the Homeownership Program, and supporting documents.

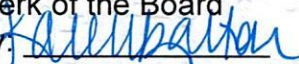
ACTION: Policy


Heidi Marshall, Managing Director of EDA 2/21/2020

MINUTES OF THE BOARD OF COMMISSIONERS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: March 10, 2020
xc: HA

Kecia R. Harper
Clerk of the Board
By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	2020/21

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 a 5-Year Plan and an Annual Plan (collectively, "PHA Plans") in accordance with the format outlined by the U.S. Department of Housing and Urban Development (HUD) under Title 24 Code of Federal Regulations (CFR) Part 903, Subpart B. The purpose of the PHA Plans is to provide a strategic planning framework for local accountability and an easily identifiable source by which 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 5-Year Plan covers fiscal years July 1, 2020 through June 30, 2025 and the Annual Plan and supporting documents prepared by the Housing Authority cover fiscal year July 1, 2020 through June 30, 2021. The PHA 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 (HCV) and Homeownership Programs. Drafts of the proposed PHA Plans, and Plans for the HCV and Homeownership Programs, are attached hereto. Final versions of the PHA Plans and supporting documents will be brought before the Board of Commissioners for review at a later date.

The proposed major revisions to the PHA plans include the following:

- (A) Under selection of families from the waiting list, the working family preference has been removed. This change was made to provide additional affordable housing opportunities to non-working Riverside County residents.
- (B) Also under selection of families from the waiting list, the extreme elderly preference has been removed and was replaced with a preference for elderly families who are homeless and are referred by Adult Protective Services (APS), a division within the County of Riverside Department of Public Social Services. This change will provide additional support and resources to Riverside County's most vulnerable elderly families.

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

The additional changes are minor technical revisions that aim 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 PHA 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:
Additional Fiscal Information**

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

ATTACHMENTS:

- Notices of Public Hearing
- Draft 5-Year and Streamlined Annual Plan
- Draft Administrative Plan for the Housing Choice Voucher Program for FY 2020-2021
- Draft Administrative Plan for the Homeownership Program for FY 2020-2021
- Resident Advisory Board Comments and Recommendations

HM:CH:MW:CH:EG

11448


Steven Atkeson

2/27/2020


Gregory E. Priarios, Director County Counsel

2/27/2020

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DECLARATION

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

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

BLACK VOICE

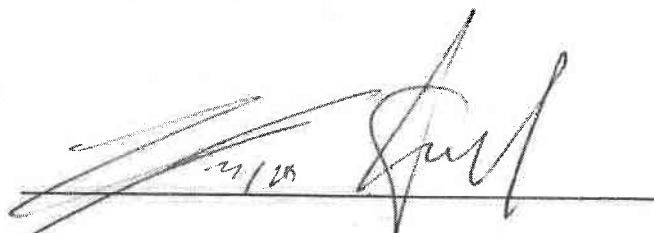
On the following dates:

01/16/2020

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

Dated at Los Angeles, California, this

3rd day of February 2020



Curtis Small

Signature

3330586

"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"



* A 0 0 0 0 0 5 3 4 5 8 1 7 *

CNS#: 3330586

NOTICE IS HEREBY GIVEN that the Housing Authority of the County of Riverside's Agency Plan, which includes the Five-Year and 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. 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 10, 2020, at 9:00 a.m., in the meeting room of the Board of Supervisors, Riverside County, Administrative Center, 4080 Lemon Street, First Floor, Riverside, CA 92501.

SE HACE DEL
CONOCIMIENTO DEL
PUBLICO que El Plan de
Agencia de la Autoridad de
Vivienda del Condado de
Riverside, cual incluye el Plan
de Cinco Años y 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 de la Autoridad de
Vivienda: www.harivco.org. Se
puede dirigir un comentario
público escrito a la Autoridad
de Vivienda 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, 10
de Marzo de 2020, a las 9:00
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.

1/16/20

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San Francisco, Oakland, San Jose, Sacramento

Special Services Available in Phoenix

DECLARATION

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

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

LA PRENSA HISPANA

On the following dates:

01/17/2020

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

Dated at Los Angeles, California, this

3rd day of February 2020



IRENE ANDAL

Signature

3330588

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



* A 0 0 0 0 0 5 3 4 5 9 3 7 *

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CNS-3330588#
LA PRENSA HISPANA

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

**PROOF OF PUBLICATION
(2010, 2015.5 C.C.P)**

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: / 3330581

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

01/10/2020

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

Date: January 10, 2020
At: Riverside, California


Legal Advertising Representative, The Press-Enterprise

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Ad Copy:

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1/10/20
CNS-3330581#

THE PRESS ENTERPRISE



**5-Year PHA Plan
(for All 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-50075-5Y is to be completed once every 5 PHA fiscal years by all PHAs.

A. PHA Information.

A.1 PHA Name: Housing Authority of the County of Riverside PHA Code: CA027

PHA Plan for Fiscal Year Beginning: (MM/YYYY): 07/2020

PHA Plan Submission Type: 5-Year Plan Submission Revised 5-Year Plan Submission

Availability of Information. 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 on 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 each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.

PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)

B.2 Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years.

PHA Goal: Expand the supply of assisted housing.

Objective: Increase housing choices for families and individuals.

- Apply for additional vouchers
- Leverage private or other public funds
- 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)
- Provide excellent customer service
- Annually inspect units to meet Housing Quality Standards with the option to bi-annually inspect units that regularly pass inspection.
- Allocate project-based vouchers for qualified housing projects

PHA Goal: Increase assisted housing choices.

Objective: Encourage resident choice in rental selection

- Conduct outreach efforts to potential landlords
- Expand self-sufficiency programs for participant households
- Allocate project-based vouchers for qualified housing projects

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.

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

<p>B.5</p>	<p>Significant Amendment or Modification. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.</p> <p>For purposes of the 5-Year Plan, the Agency defines a “substantial deviation/modification” or “significant amendment” as:</p> <ol style="list-style-type: none"> 1. Changes to admissions policies, organization of the HCV tenant based and project based waiting lists, or rent determination; and 2. Any change with regard to demolition, disposition, homeownership, development, or mixed finance proposal. <p>When significant changes are proposed the Agency will adhere to a forty-five day Notice of Public Comment; solicit public comment and feedback; ensure that proposed changes are consistent with the Consolidated Plan, and submit the proposed change to the Board of Commissioners for formal approval.</p>
<p>B.6</p>	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the 5-Year PHA Plan?</p> <p>Y N <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
<p>B.7</p>	<p>Certification by State or Local Officials.</p> <p><i>Form HUD 50077-SL, Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan, must be submitted by the PHA as an electronic attachment to the PHA Plan.</i></p>

mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families and the progress made in meeting the goals and objectives described in the previous 5-Year Plan.

Public reporting burden for this information collection is estimated to average .76 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

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

DRAFT

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
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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.																																			
A.1	<p>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>07/01/2020</u> PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) Number of Housing Choice Vouchers (HCVs) <u>9744</u> PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission</p> <p>Availability of Information. 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"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Participating PHAs</th> <th style="width: 10%;">PHA Code</th> <th style="width: 25%;">Program(s) in the Consortia</th> <th style="width: 20%;">Program(s) not in the Consortia</th> <th style="width: 20%;">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> <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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Lead HA:																																				

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 75 additional Family Unification Program (FUP) Vouchers as we have fully utilized the 180 FUP Vouchers currently allocated to us. We are currently awaiting notice on whether our application was funded or not.

- Leverage private or other public funds
 - The Agency leveraged HOME, HASA and NSP funding to expand affordable housing opportunities via project-based vouchers at 13 new developments throughout Riverside County. Multi-family properties are in varying stages of development at the following locations:
 - Cedar Glen II Apartments in Riverside (49 PBV at a 50 unit development)
 - Mission Heritage Plaza in Riverside (19 PBV at a 72 unit development)
 - Mission Village II in Temecula (8 PBV at a 76 unit development)
 - Arc Village in Palm Desert (6 PBV at a 36 unit development)
 - Cedar Glenn Phase 2 in Riverside (24 PBV at a 50 unit development)
 - St. Michaels in Riverside (24 PBV at a 50 unit development)
 - Oasis Senior Villas in Riverside (46 PBV at a 95 unit development)
 - Mission Gateway Villas in Jurupa Valley (20 PBV at a 68 unit development)
 - Cathedral Palms Apts. in Cathedral City (36 PBV at a 224 unit development)
 - Monte Vista Apts. In Murrieta (8 PBV at a 63 unit development)
 - Monarch Apts. In Palm Springs (15 PBV at a 60 unit development)
 - The Aspire in Riverside (32 PBV at a 33 unit development)
 - Estrada in Riverside (16 PBV at a 65 unit development)
 - Courtyard at Cottonwood in Moreno Valley (35 PBV at a 81 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 18-19 for the 17th 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 99.5% 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 FY 18/19, the agency selected 8,182 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 has continued to do so until further notice.

<p>B.6</p>	<p>Progress Report Continued</p> <p>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, the Agency will take additional steps to ensure that this program is administered in a manner that affirmatively furthers fair housing. This includes:</p> <p>Whenever a FSS coordinator position is available and advertised, the Agency 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 Agency employees. Consideration will be given to qualified applicants who have experience in fair housing issues, housing counseling, and/or are bi-lingual.</p> <p>The FSS program will be marketed to all eligible persons, including persons with disabilities and persons with limited English proficiency. The Agency 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, the Agency employs several bi-lingual staff members who regularly provide assistance to Spanish speaking participants.</p> <p>Promoting fair housing in homeownership. FSS participants enrolled in the homeownership program receive information on fair lending practices and laws.</p> <p>8. Record Keeping</p> <p>The Agency will maintain a record of the following information for all participants: the race, ethnicity, familial status, and disability status of program participants; any reasonable accommodation requests and the disposition of each; and the employment status of all participants. Program information will be reviewed on an ongoing basis for program reporting and planning.</p> <p>Other PHA Goal and Objective: Implement the requirements of the Violence Against Women Act (VAWA)</p> <ul style="list-style-type: none"> ➤ Protect certain victims of criminal domestic violence, dating violence, sexual assault, or stalking (as well as members of the victims' immediate families) from losing their HUD assisted housing as a consequence of abuse of which they were the victim ➤ Undertake affirmative measures to make tenants participating in the HCV and Public Housing programs aware of VAWA requirements. ➤ Undertake affirmative measure to make Owners participating in the HCV program aware of VAWA requirements. <p>In order to meet this goal, the denial of assistance to an applicant or termination of assistance of a participant for criminal activity are subject to the provisions of the Violence Against Women Act of 2005 and reviewed by a committee on a case by case basis, with supporting documentation (including form HUD 50066).</p>
<p>B.7</p>	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the PHA Plan?</p> <p>Y N <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(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>

- 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 HOUSING CHOICE
VOUCHER PROGRAM**

**Housing Authority of the
County of Riverside**

Effective July 1, 2020

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Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

1.1 INTRODUCTION

The Housing Choice Voucher (Section 8) Program (“HCV Program” or “HCV”) 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”, “HACR”, and “PHA” 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.

1.11 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 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 at www.harivco.org.

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.

2.2.2 Live-In Aide

(24 CFR 5.403 and 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 3rd party verification to the specified 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.

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 2008-2, 2009-22, and 2010-51 (HA) for live-in aide provisions.

Occasional, intermittent, multiple or rotating care givers do not meet the definition of a live-in aide since 24 CFR Section 982.402(b)(7) implies live-in-aides must reside with a family permanently for the family unit size to be adjusted in accordance with the subsidy standards established by the PHA. Therefore, regardless of whether these caregivers spend the night, an additional bedroom should not be approved (PIH 2008-20 (HA), PIH 2009-22, and PIH 2010-51 (HA)).

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:

waiting list with their original registration date and the family will be selected again in the future if eligible.

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). If a participant is adding a 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 such new household member or during the 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, Subpart E, Restrictions on Assistance to Noncitizens)

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.

The HA must deny or terminate assistance for failure to submit evidence or failure to establish citizenship or eligible immigration status in accordance with 24 CFR PART 5 Subpart E – Restrictions on Assistance to Noncitizens and within the framework of HA's policy and procedure.

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.

2.5.5 Eligible Immigration Status

The definitions and requirements for eligible immigration status are set forth in Section 214 of the Housing and Community Development Act of 1980, as amended [42 U.S.C. 1436a(a)] and in 24 CFR PART 5, Subpart E – Restrictions on Assistance to Noncitizens. Eligible immigration status is verified by documents designated by the United States Citizenship and Immigration Services (USCIS).

Chapter 3

APPLYING FOR ADMISSION

3.1 INTRODUCTION

The Housing Choice Voucher (Section 8) Program 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 HCV Application and Eligibility Questionnaire, 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 to 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 through the Continuum of Care 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 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 newspaper paper of general circulation, minority newspapers and other media and the HA's website at www.harivco.org.

Outreach and advertisement notices include:

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

Any family asking to be placed on the waiting list for the HCV Program must complete a registration form using the HA's web-based waiting list at www.harivco.org or submit an application in hard copy form to HA Administrative Office (5555 Arlington Avenue, Riverside, CA 92504 or Workforce Development Center (44199 Monroe Street, Suite B, Indio, CA 92201). 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.

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.

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. Upon conducting an informal review, if the HA determines that the applicant has experienced a change of income (within 30 days of the denial notice) which now makes them income eligible, the HA will return the family to the waiting list with their original registration date and the family will be selected again in the future if eligible.

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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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) Elderly family who is homeless and is referred by Adult Protective Services (APS), a division within the County of Riverside Department of Public Social Services, 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 (or under contract/Memorandum of Understanding (MOU) with) the Housing Authority of the County of Riverside for a minimum of a six (6) month term and no longer require supportive services; or
- 6) Participants transitioning or “moving up” who have been assisted through a Permanent Supportive Housing Program administered by a partnering agency and no longer require intensive supportive services; or
- 7) Non-elderly persons at least 18 years of age and less than 62 years of age with disabilities who are transitioning out of institutional and other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless.

SECOND LEVEL

- 1) County of Riverside Residency Preference, and
- 2) Families with minors or Elderly Families or Disabled Families

THIRD LEVEL

- 1) County of Riverside Residency Preference, and
- 2) Families without minors

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

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 H C V Program Application and Eligibility Questionnaire up until voucher issuance.

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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	Minimum Number	Maximum Number
0	1	2
1	1	2
2	3	4
3	5	6
4	7	8
5	9	10
6	10	12

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 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 and/or UPCS-V, the additional family members of the live-in aide may not be approved. **PIH 2010-51 (HA) and), as extended pursuant to PIH 2012-33 (HA) and as cross-reference in 2014-25 (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 separate bedroom for sleeping, 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

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.

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.

additional family members of the Caretaker or Guardian may not be approved.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the HA will review the status at six month intervals. If custody or legal guardianship has not been awarded by the court, but the action is in process, the HA will secure verification from social services staff or the attorney as to the status.

After 180 days, the HA will approve a person to reside in the unit as caretaker for the minor(s), and the income will be counted pending a final disposition. The HA will transfer the Voucher to the caretaker until the first re-examination following the 18th 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 18th birthday of oldest minor. 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.

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 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 cumulative 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 of a newborn, 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

(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 5.609)

(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.

(Consistent with 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). **(Consistent with 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; provided, however the amount received for the housing allowance must be counted when determining the family's income and rent.**

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

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

(15) Amounts paid by a state agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

(16) Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under 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,

- (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.

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]

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

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 USCIS Systematic Alien Verification for Entitlements Program (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 USCIS. 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.

the SSN disclosure and documentation requirement, **only if** the PHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family. Examples include but are not limited to: delayed processing of SSN application by SSA, natural disaster, fire, death in family, etc. The child is to be included as part of the assisted household and is entitled to all the benefits of being a household member during the allotted time for the family to comply with the SSN disclosure and documentation requirements. The PHA is required to generate an ALT ID. [PIH 2010-3 (HA) and 2018-24 (HA)] Upon expiration of the provided time period, if the family has not complied with the SSN disclosure and documentation requirements, the PHA **must** terminate the entire family's tenancy or assistance, or both.

SSN Documentation. The PHA must request the applicant and participant (including each member of the household), who are not exempt under paragraph a. of this Section 7.6.7 to provide documentation of each disclosed SSN. Acceptable evidence of the SSN consists of:

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

7.6.8 Verification of Reasonable Accommodation

Reasonable Accommodation requests for families will be considered when a family includes a person with disabilities. The family must demonstrate a nexus to the disability is present to make the program accessible to and usable by the family member with a disability. 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 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.

Requests involving separate bedrooms for sleeping and/or substantial medical equipment will be verified through third-party verification from the patient's designated licensed professional on an annual basis. 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

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 other resources willing to assist in the housing search. In providing

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 or elderly family (i.e. 62 years or older), 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. [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. (*VAWA*)

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 should 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 should 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** 30 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**

the request to rent the “shared housing” unit. If Shared Housing is granted as a reasonable accommodation, approval will remain in place until the family relocates or is no longer eligible for assistance; however the owner may not be a resident owner if any member of the participant family 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.

Reasonable accommodations granted to rent from a relative that were approved at initial occupancy will remain in effect as long as the participant family resides in the unit; however, the owner may not be a resident owner if any member of the participant family is related to the owner.

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 calendar 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 may provide the Housing Authority a signed lease and/or rental agreement.

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 2016 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.
-
- 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 calendar days prior to the anniversary month of the contract. Special or Quality Control inspections may be scheduled between anniversary dates.

For inspection of HA owned units the HA must obtain the services of an independent entity to perform all HQS inspections in cases where an HCV family is receiving assistance in a HA-owned unit. An HA-owned unit is defined as a unit in a project that is owned by the HA, owned by an entity wholly controlled by the HA, or owned by an LLC or limited partnership in which the HA or entity wholly controlled by the HA holds a controlling interest in the managing member or general partner [Federal Register (FR) notice (82 FR 5458) published on January 18, 2017, as revised by FR notice 82 FR 32461 published on July 14, 2017]. The independent agency must communicate the results of each inspection to the family and the HA. The independent agency must be approved by HUD, and may be the unit of general local government for the HA jurisdiction (unless the HA is itself the unit of general local government or an agency of such government).

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).

determining the amount of floor space in the SRO unit. The SRO unit must contain at least one hundred ten square feet of remaining floor space after subtracting the amount of the deficiency in minimum closet space.

(D) Exterior doors and windows accessible from outside an SRO unit must be lockable.

(3) Access.

(i) Access doors to an SRO unit must have locks for privacy in proper operating condition.

(ii) An SRO unit must have immediate access to two or more approved means of exit, appropriately marked, leading to safe and open space at ground level, and any means of exit required by State and local law.

(iii) The resident must be able to access an SRO unit without passing through any other unit.

(4) ***Sprinkler system.*** A sprinkler system that protects all major spaces, hard wired smoke detectors, and such other fire and safety improvements as State or local law may require must be installed in each building. The term “major spaces” means hallways, large common areas, and other areas specified in local fire, building, or safety codes.

10.4.1 Time Standards for Repairs

[24 CFR 985.3 (f)] and 24 CFR 982.404

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 calendar days.
3. For major repairs, a Senior Development Specialist (SDS) or above may approve an extension beyond 30 calendar days.

In accordance with the Notice to Repair or Certified Repair Notice, the HAP 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 HAP contract has been terminated.

10.5 EMERGENCY REPAIR ITEMS

[24 CFR 982.404 (a (3) and (b) (2))]

The HA must not make any housing assistance payments for a dwelling unit that fails to meet HQS, unless the Owner corrects the defect within the period specified by the HA and the HA verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. If a HQS breach is caused by the family and is life threatening, the family must correct the defect within no more than 24 hours.

Life threatening is defined as conditions that present imminent probability of serious injury.

- Large and/or sharp enough to cut and/or puncture the skin, resulting in profuse bleeding,
- Cause an injury that would damage part of the body rendering it useless or unable to be used as intended, and
- Allow exposure to toxic substances or other health hazards that can shorten life or cause substantial reduction in physical or mental efficiency.

Emergency items are defined as conditions that do not present an imminent probability of serious injury, but if left unchecked for 24 hours, would most likely lead to a health and safety condition directly affecting the tenant.

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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.

- 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

11.7 RENT REASONABLENESS DETERMINATIONS

[24 CFR 982.507(a)(2)(ii), 983.302(a)(2), and 983.303(b)(1) and PIH 2018-01]

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 10% decrease in the published FMR, and/or if directed by HUD.

The HA determines rent reasonableness 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 additional 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 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 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

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 calendar 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.

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 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.

12.5 NOTIFICATION OF RESULTS OF REEXAMINATIONS

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

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 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 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.
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

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 secured email or 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.

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.

Pursuant to Federal Regulations 24 CFR 982.552(c)(1) *Authority to deny admission or terminate assistance grounds for denial or termination of assistance*, The PHA may at any time deny program assistance for an applicant or terminate program assistance for a participant, for any of the grounds set forth in 24 CFR 982.552(c)(1)(i) through (xi), including but not limited to, 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 of nonrenewal of the contract." *Wasatch Property Management v. Degrate* (2005) 35 Cal.4th 1111 [29 Cal.Rptr.3d 262].

If the owner terminates the tenancy unlawfully or for other than good cause, the family will be provided a tenant-based voucher. In the event the aforementioned occurs, the HA will immediately remove the unit from the HAP contract by means of a contract amendment.

14.3.1 Evictions

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

- A. Serious or repeated violation of the terms and conditions of the lease;
- B. Violations of Federal, State, or Local Law which imposes obligations on the participant in connection with the occupancy or use of the dwelling unit and surrounding premises; or,
- C. Other good cause as provided in the lease including, but not limited to, the following:
 - 1. Failure by the family to accept the offer of a new lease by the owner;
 - 2. A family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or property;
 - 3. Criminal activity by family members involving crimes of physical violence to persons or property and any illegal drug activity;
 - 4. The Owner's desire to utilize the unit for personal or family use or for a purpose other than for use as a residential rental unit; or,
 - 5. A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to rent the unit at a higher rental rate).

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.

Chapter 15

DENIAL OR TERMINATION OF ASSISTANCE

15.1 INTRODUCTION [24 CFR 982.552 (c)(1)(iii)]

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

The HA may impose, as a condition of continued assistance for other family members, a requirement that other family members who participated in or were culpable for the action or failure to act will not reside in the unit [24 CFR 982.552(c)(2)(ii)]

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

15.2 GROUND FOR DENIAL OF ASSISTANCE (24 CFR 982.552-553)

The HA shall have the right to deny or terminate assistance for a family pursuant to the authority set for in 24 CFR 982.552.

15.2.1 Form of Denial of Assistance

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

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

15.2.2 Mandatory Denial of Assistance

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

1. If any member of the family fails to sign and submit HUD or HA required consent forms for obtaining information.
2. The applicant is a student enrolled at an institution of higher education, is under the age of

so, it will result in the denial of assistance and the family's name being removed (withdrawn) from the waiting list.

6. If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
7. If the family breaches an agreement with the HA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
8. If the family has engaged in or threatened abusive or violent behavior toward HA personnel "Abusive or violent behavior towards HA personnel" include verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial. "Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence. Actual physical abuse or violence will always be cause for termination.
9. If the family has been engaged in criminal activity or alcohol abuse as described in 24 CFR 982.553.
10. If the HA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the admission: i) Drug-related criminal activity; ii) Violent criminal activity; iii) other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or iv) other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the HA (including a HA employee or HA contractor, subcontractor, or agent). For purposes of this prohibition, a household member is "currently engaged in" criminal activity if that person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current.
11. If the HA determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

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

15.3.1 Form of Termination of Assistance

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

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

15.3.2 Mandatory Termination of Assistance

The HA must terminate program assistance for the following reasons:

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

others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant, and such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by federal, state, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing. Neither the authority nor the procedures under any other law is necessary to bifurcate or otherwise remove an individual from the lease. Furthermore, this federal statutory authority to bifurcate a lease or otherwise remove an individual takes precedence over any federal, state, or local law to the contrary.

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

15.4.1 VAWA EMERGENCY TRANSFER PLAN

The Housing Authority of the County of Riverside is concerned about the safety of its participants, and such concern extends to participants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), HACR allows participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the participant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.

The ability of HACR to honor such request for participants currently receiving assistance, however, may depend upon a preliminary determination that the participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HACR has another dwelling unit that is available and is safe to offer the participant for temporary or more permanent occupancy. This plan identifies participants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to participants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that the Housing Choice Voucher Program, the Moderate Rehabilitation Program and the Project Based Voucher Program is in compliance with VAWA.

Eligibility for VAWA Emergency Transfers

A participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR Part 5, subpart L is eligible for an emergency transfer, if: The participant reasonably believes that there is a threat of imminent harm from further violence if the participant remains within the same unit. If the participant is a victim of sexual assault, the participant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer. A participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Participants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section, however, the request may not be approved if they have serious

VAWA Emergency Transfer Request Documentation

To request an emergency transfer, the participant shall notify HACR's management office and submit a written request for a transfer to their assigned caseworker at 5555 Arlington Avenue; Riverside, CA 92504 or their assigned caseworker at 44199 Monroe, Suite B; P.O. Box 1747; Indio, CA 92201. HACR will provide reasonable accommodations to this policy for individuals with disabilities. The participant's written request for an emergency transfer should include either:

1. A statement expressing that the participant reasonably believes that there is a threat of imminent harm from further violence if the participant were to remain in the same dwelling unit assisted under HACR's program; OR
2. A statement that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the participant's request for an emergency transfer.

(1) In response to a written request to the applicant or tenant/participant from HACR, the applicant or tenant may submit, as documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, any one of the following forms of documentation, where it is at the discretion of the tenant or applicant which one of the following forms of documentation to submit:

- (i) The certification form described in 24 CFR 5.2005(a)(1)(ii); or
- (ii) A document:
 - (A) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;
 - (B) Signed by the applicant or tenant;and
 - (C) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under § 5.2003; or
- (iii) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (iv) At the discretion of HACR, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation:

The time period to submit documentation is 14 business days from the date that participant receives a written request from HACR asking that participant provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. HACR may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period within 14 business days that participant receives a written request from HACR. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by HACR, HACR does not need to grant the participant any of the VAWA protections.

(2) If HACR receives documentation under paragraph (1)(ii) of this section that contains conflicting information (including certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator),

Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking:

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 (www.thehotline.org) or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact Riverside County Coalition for Alternatives to Domestic Violence, 1-800-339-7233; 951-320-1370 (www.alternativestodv.org) and/or Shelter From the Storm, 1-800-775-6055 (www.shelterfromthestorm.com) and/or Safe Alternatives for Everyone, 951-587-3900 (www.safefamiliesca.org) and/or Riverside County Victim Services, 951-955-5450 (www.rivcoda.org/opencms/victimwitness) and/or National Teen Dating Helpline at 1-866-331-9474 (www.loveisrespect.org).

For participants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center> and/or The California Victim Compensation Board, 1-800-777-9229 (www.vcgcb.ca.gov/victims).

For help regarding sexual assault, you may contact Riverside Area Rape Crisis Center, 1-888-686-7273 (www.rarcc.org); 951-686-7273 and/or the National Sexual Assault Hotline, 1-800-656-4673 (www.rainn.org) and/or The California Victim Compensation Board 1-800-777-9229 (www.vcgcb.ca.gov/victims).

Victims of stalking seeking help may contact Victims of Crime Resource Center, 1-800-842-8467 and/or National Center for Victims of Crime Resource Center, 202-467-8700 (www.Victimsofcrime.org/our-programs/stalking-resource-center) and/or Victim Connect Helpline, 855-484-2846 (www.victimconnect.org).

15.5 FAMILY SELF-SUFFICIENCY (FSS)

The HA will not terminate assistance for FSS families who fail to comply with the FSS Contract of Participation unless participation in FSS is a requirement or condition of the program under which the family was admitted. By statute, housing assistance for Family Unification Program (FUP) Foster Care Youth is limited to 36 months except for Foster Care Youth who sign a FSS Contract of Participation (Form HUD-52650) prior to the expiration of the 36 month time limit, in which case they will maintain their housing assistance for the entire length of the FSS Contract of Participation for a period not exceeding the length of the FSS Contract of Participation. In most cases, this limit will be no more than 5 years; however, if the FSS Contract of Participation is extended [in accordance with 24 CFR 984.303(d)], the FUP Youth voucher can be extended no more than 2 years beyond the initial 5 year expiration date] If a FUP youth participating in this demonstration fails to comply with the terms and conditions of the FSS Contract of Participation without good cause and is terminated from the FSS program, the FUP youth is no longer considered a participant in this demonstration. With FSS termination, the FUP youth is subject to the statutory time limit of 36 months, beginning from the time the first HAP contract is signed. If the FUP youth has been assisted for more than 36 months, the PHA terminates assistance to the FUP youth household. Prior to termination, the PHA will offer an informal hearing to a FUP youth wishing to appeal a PHA decision to terminate.

15.6 PARTICIPANT FAMILY OBLIGATIONS

(24 CFR 982.551)

1. The family must supply any information that the HA or HUD determines is necessary in the

22. The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises.

15.6.1 Explanations and Terms

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

15.6.2 Housing Authority Discretion

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the HA may consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, the length of time since the violation occurred and more recent record of compliance, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure to act. All denials or terminations of assistance will be consistent with fair housing and equal opportunity provisions.

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

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

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

15.6.3 Lease Violations

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

15.6.4 HQS and/or UPCS-V Breach

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

15.6.5 Denial of Additions to the Household

Proposed additions to the family may be denied to:

- Persons who have been evicted from public housing.
- Persons who engage in or have engaged in, alcohol or drug-related criminal activity or violent criminal activity or any other criminal activity that violates the Policy on Prohibited Criminal Activity.

- Re-certifications
- Appeals

15.9.1 Procedure when Family Obligations are not met

When the participant family fails to fulfill their obligations within the time frames established by the HA, a “Pre-Termination of Assistance” appointment will be scheduled for the family. The appointment notice shall inform the family of the obligation not met and the necessary remedy. If the obligation is still not met, a Notice of Intent to Terminate Assistance will be issued. If the family corrects the breach within the time frame allowed for requesting a hearing, the notice may be rescinded. The HA will consider whether the family has a history of non-compliance in making determinations to terminate assistance.

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

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

16.3 OWNER RESTRICTIONS AND PENALTIES

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

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

16.4 OTHER REMEDIES FOR OWNER VIOLATIONS

16.4.1 Overpayments

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

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

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17.3 DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION

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

17.3.1 Program Fraud

Families who owe money to the HA due to program fraud will be required to repay in accordance with the guidelines in the Repayment Section of this chapter and will be terminated from the housing assistance program and ineligible for a lifetime. The reason for termination and the amount owed will be added to the Enterprise Income Verification (EIV) Debts Owed Module under the Head of Household however, all adult members at the time of termination are financially responsible for the debts owed.

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

17.4 OWNER DEBTS TO THE HA

If the HA determines that the owner has retained Housing Assistance Payments the owner is not entitled to, the HA may reclaim the amounts from future Housing Assistance Payments owed the owner for any units under contract. The HA will make every effort to collect monies owed to the HA. If future Housing Assistance Payments are insufficient to reclaim the amounts owed, the HA will use a variety of collection tools to recover debts including, but not limited to:

- Requiring the owner to pay the amount in full within a maximum of 12 months
- Pursuing collections through the court system
- Requesting lump sum payments
- Civil suits
- Repayment agreements
- Abatements
- Collection agencies
- Credit bureaus
- Restrict the owner from future participation
- or any other available method

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UPCS-V.

7. HA determination that the unit is not in accordance with HQS and/or UPCS-V because of the family size or composition.

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

18.5 INFORMAL HEARING for PARTICIPANT

[24 CFR 982.555(a)(1)]

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

1. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
2. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the HA utility allowance schedule.
3. A determination of the family unit size under HA subsidy standards.
4. A determination to terminate assistance for a participant family because of the family's action or failure to act.
5. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under HA policy and HUD rules.
6. A determination to terminate assistance of a Family Unification Program (FUP) youth participating in the Family Unification Program and Family Self Sufficiency Demonstration if the participant fail to comply with the terms and conditions of the FSS Contract of Participation without good cause and is terminated from the FSS program, the FUP youth is no longer considered a participant in this demonstration. With FSS termination, the FUP youth is subject to the statutory time limit of 36 months, beginning from the time the first HAP contract is signed. If the FUP youth has been assisted for more than 36 months, the PHA terminates assistance to the FUP youth household. Prior to termination, the PHA will offer an informal hearing to a FUP youth wishing to appeal a PHA decision to terminate.

In accordance with 24 CFR 982.555(a)(2) in the cases described in clauses 4, 5 and 6 of this Section 18.5 above, the PHA must give the opportunity for an informal hearing before the PHA terminates housing assistance payments for the family under an outstanding HAP contract. Note: In the event the unit fails to meet HQS and/or UPCS-V, no Housing Assistance Payment (HAP) will be made after the specified termination date.

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

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

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

1. Discretionary administrative determinations by the HA.

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

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

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

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

Family rights:

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

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

HA rights:

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

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

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

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

If the decision to terminate assistance is upheld, the HA will mail out the Informal Hearing Upheld

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

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In addition, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA), PHAs may be required to make reasonable accommodations in PHA policies and practices for youth with disabilities.

For FUP Foster Care Youth lack of adequate housing means youth is:

- a) living in substandard or dilapidated housing;
- b) homeless;
- c) in imminent danger of losing their housing;
- d) displaced by domestic violence;
- e) living in an overcrowded unit; or
- f) living in housing not accessible to the youth or the youth's disabled child or children, due to the nature of the disability.

For additional details on youth eligibility, including definitions for the terms used to define lack of adequate housing, see the 2010 FUP Notice of Funding Availability (NOFA) at <http://archives.hud.gov/funding/2010/fupsec.pdf>.

19.3 CONTRACT OF PARTICIPATION

The participant (including FUP Foster Care Youth) must sign a five-year Contract of Participation, which states all the agreed upon terms between the participant and the Housing Authority (HA). Participants are expected to complete their goals within five years, though the Contract of Participation may be extended up to two years for good cause. To qualify for an extension, the participant must make the request in writing and include justification for the need for additional time. Contract extensions will be evaluated on a case by case basis. Program participants with a FUP Youth Voucher who sign a FSS Contract of Participation (Form HUD-52650) prior to the expiration (36 month time limit from initial voucher issue date) of their FUP Youth Voucher will be afforded the full length of the FSS Contract of Participation without regard to the amount of time remaining on their original 36 month time limit and will maintain their housing assistance for a period not exceeding the length of the FSS Contract of Participation. The requirements of compliance and consequences for not complying with the terms and conditions of the FSS Contract of Participation are reviewed with the FUP Youth at the time the FSS Contract of Participation is signed.

The requirements of compliance and consequences for not complying with the terms and conditions of the FSS Contract of Participation are reviewed with the FUP youth at the time the FSS Contract of Participation is signed.

*Termination: By statute, housing assistance for FUP Foster Care Youth is limited to 36 months except for Foster Care Youth who sign a FSS Contract of Participation (Form HUD-52650) prior to the expiration of the 36 month time limit, in which case they will maintain their housing assistance for the entire length of the FSS Contract of Participation for a period not exceeding the length of the FSS Contract of Participation. In most cases, this limit will be no more than 5 years; however, if the FSS Contract of Participation is extended [in accordance with 24 CFR 984.303(d)], the FUP Youth voucher can be extended no more than 2 years beyond the initial 5 year expiration date. If a FUP youth participating in this demonstration fails to comply with the terms and conditions of the FSS Contract of Participation without good cause and is terminated from the FSS program, the FUP youth is no longer considered a participant in this demonstration. With FSS termination, the FUP youth is subject to the statutory time limit of 36 months, beginning from the time the first HAP contract is signed. If

community agencies for additional services to support their self-sufficiency efforts. For FUP Foster Care Youth PCWA requirements remain unchanged under this demonstration and the PCWA must offer FUP youth services for the first 18 months of their participation in FUP. A list of services the PCWAs must offer FUP youth is found in the 2010 FUP Notice of Funding Availability under Part III section C(1)(b)(5) under clause (f) of header "The MOU must clearly address at a minimum the following:" <http://archives.hud.gov/funding/2010/fupsec.pdf>.

19.6 ESCROW ACCOUNTS

In general, as a family's earned income increases, the amount the family must pay for rent increases. When this happens and earned income exceeds the household earned income that was in effect on initial FSS contract start date and family's current adjusted income is greater than the HUD's published Applicable Lower Income Limit the family would not qualify for an Escrow credit. If the family is eligible for a monthly escrow credit, HACR takes a portion of the rent subsidy and places it in an interest-bearing escrow account on a monthly basis. The account is held for the family until they have completed all goals set in the Self-Sufficiency Plan. Once the family has met its goals and become independent of government assistance [ex: Aid to Families with Dependent Children (AFDC), Gainful Activity (GA), etc.] for a minimum of one year, they may cash out the escrow account. A participant must put their request to graduate from the program and cash out the escrow account in writing. If a family is unable to complete their goals in the prescribed time period the escrow account will be forfeited and the funds will be returned to HACR.

If a family moves into homeownership, they will be declared an FSS graduate. Any accrued escrow funds will be awarded, and the family will end its participation in the FSS program.

If a family graduates from the FSS program and is awarded any accrued escrow funds, that family will be eligible to re-enroll in the FSS program in the future (after a one-year waiting period), but will not be eligible to earn and receive another FSS escrow account.

If a family has their FSS Contract of Participation (see Section 19.3 above) expire or terminate, and no escrow funds have been paid, that family will be eligible to re-enroll in the FSS program after a one-year waiting period.

A family enrolled in FSS is eligible to graduate from the program and receive the full amount that has accrued in the escrow account when it has completed all of its obligations under the Contract of Participation before the expiration of the Contract. These obligations include the two required goals of suitable employment for the Head of Household and being free from welfare cash assistance for at least the last 12 months, as well as any other goals established by participants and the Housing Authority. Although completion of FSS requires that the family does not receive any welfare cash assistance FSS graduates can continue to receive housing assistance as long as they continue to be eligible. HCV and PBV participants *only* may also graduate when household earnings have increased to the point at which 30 percent of the monthly adjusted income equals or exceeds the published fair market rent for the size of the unit for which the FSS family qualifies based on the PHA's occupancy standards. HUD publishes annual FMRs for all areas of the United States. These households must be free of cash welfare assistance, but the 12-month welfare-free requirement does not apply. See 24 CFR §984.303(g)(2).

Upon successful completion of their FSS contract, the FSS family will be asked for a letter requesting

(each adult is required to sign a service plan agreeing to attend FSS counseling/training sessions and to take other actions as deemed appropriate to the adult's successful transition to self-sufficiency).

20.2.3 Verification of Documentation

A follow-up will be made if the HA receives independent verification or documentation which conflicts with representations in the family's file (such as public record information or credit bureau reports, reports from other agencies).

20.3 STEPS THE HA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD

The HA management and staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and participating families. This policy objective is to establish confidence and trust by emphasizing program education as the primary means to obtain compliance by families.

20.3.1 Things You Should Know

This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the HA's expectations for cooperation and compliance.

20.3.2 Program Orientation Session

Mandatory orientation sessions will be conducted by the HA staff for all prospective program participants, either prior to or upon issuance of a voucher. At the conclusion of all Program Orientation Sessions (Briefing), the family representative will be required to sign, the Voucher, the "Important Points to Remember" form, and the "What is Fraud" form.

20.3.3 Resident Counseling

The HA will as a part of the recertification process invite participants into the HA office in order to clarify any confusion pertaining to program rules and requirements.

20.3.4 Review and Explanation of Forms

At appropriate times and/or at the family's request staff may explain all required forms and review the contents of all (re)certification documents prior to signature.

20.3.5 Use of Instructive Signs and Warnings

Instructive signs such as the "Things you should Know" form will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse.

20.3.6 Participant Certification

All family representatives will be required to sign the "What is Fraud" form, "Important Points to Remember", any other form deemed necessary as contained in HUD's Participant Integrity Program Manual.

20.4 STEPS THE HA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

The HA Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

20.5.2 Conclusion of Preliminary Review

If at the conclusion of the preliminary file review there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the HA Staff will initiate an investigation to determine if the allegation is true or false.

20.6 OVERPAYMENTS TO OWNERS

If the landlord has been overpaid as a result of fraud, misrepresentation or violation of the Contract, the HA may terminate the Contract and arrange for restitution to the HA and/or family as appropriate. The HA will make every effort to recover any overpayments made as a result of landlord fraud or abuse (such as those listed below). Payments otherwise due to the owner may be debited in order to repay the HA or the tenant, as applicable.

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

20.7 HOW THE HA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD

If the HA determines that an allegation or referral warrants follow-up, either the staff person who is responsible for the file, or a person designated by the Executive Director to monitor the program compliance will conduct the investigation. In all cases, the HA will secure the written authorization from the program participant for the release of information. The steps taken will depend upon the nature of the allegation and may include, but are not limited to:

20.7.1 Credit Bureau Inquiries (CBI)

In cases involving previously unreported income sources, a CBI inquiry may be made to determine if there is financial activity that conflicts with the reported income of the family.

20.7.2 Verification of Credit

In cases where the financial activity conflicts with file data, a *Verification of Credit* form may be mailed to the creditor in order to determine the unreported income source.

20.7.3 Employers and Ex-Employers

Employers or ex-employers may be contacted to verify wages which may have been previously undisclosed or misreported.

20.7.4 Neighbors/Witnesses

Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the HA's review.

20.7.5 Other Agencies

Investigators, case workers or representatives of other benefit agencies may be contacted.

20.7.6 Public Records

If relevant, the HA will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked include, but are not limited to, real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police

misrepresent a material fact, and there is no retroactive assistance payments owed by the family. Examples of non-compliance violations are:

- Failure to appear at a pre-scheduled appointment.
- Failure to return verification in time period specified by the HA.

In such cases a notice will be sent to the family which contains the following:

- A description of the non-compliance and the procedure, policy or obligation which was violated.
- The date by which the violation must be corrected, or the procedure complied with.
- The action which will be taken by the HA if the procedure or obligation is not complied with by the date specified by the HA.
- The consequences of repeated (similar) violations.

20.11.2 Procedural Non-compliance - Overpaid Assistance.

When the family owes money to the HA for failure to report changes in income or assets, the HA will issue a Pre-termination of Assistance Appointment. This Notice will contain the following:

- A description of the violation and the date(s).
- Any amounts owed to the HA (if known, otherwise this will be determined at a later time once all evidence is gathered).

(a) Participant Fails to Comply with HA's Notice

If the Participant fails to comply with the HA's notice, and a family obligation has been violated, the HA will initiate termination of assistance (Intent to Terminate Assistance letter).

The family will be given the right to disagree and to request an informal hearing with instructions for the request of such hearing.

(b) Participant Complies with HA's Notice

When a family complies with the HA's notice, the staff person responsible will meet with him/her to discuss and explain the family obligation(s) or program rule(s) which was violated. The staff person will counsel the participant and may require that they sign Certified Statements regarding their family obligations with the understanding that future incidents may result in termination.

20.11.3 Intentional Misrepresentations

When a participant falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an overpayment of housing assistance by the HA, the HA will evaluate whether or not:

- The participant had knowledge that his/her actions were wrong, and
- The participant willfully violated the family obligations or the law.

(a) Knowledge that the action or inaction was wrong

This will be evaluated by determining if the participant was made aware of program requirements and prohibitions. The participant's signature on various certifications, Eligibility Questionnaire, "What is Fraud", and "Important Points to Remember" are adequate to establish knowledge of wrong-doing.

(b) The participant and/or owner willfully violated the law

Any of the following circumstances will be considered adequate to demonstrate willful intent:

A secondary purpose of the Pre-Termination of Assistance Appointment is to assist the HA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the HA will consider:

- The duration of the violation and number of false statements.
- The family's ability to understand the rules.
- The family's willingness to cooperate, and to accept responsibility for his/her actions
- The amount of money involved.
- The family's past history
- Whether or not criminal intent has been established.
- The number of false statements.

20.11.6 Notification to Participant of Proposed Action

The HA will notify the family of the proposed action no later than **30-60** days after the Pre-Termination of Assistance Appointment by mail.

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- Provide Supportive Housing to persons with disabilities or elderly persons as defined in 24 CFR 5.403. (see Appendix A:Glossary for definition of Supportive Housing)
- Are located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year Estimates.
- [While PBV projects located in a census tract with a poverty rate at 20 percent or less are excluded from the 25 percent unit cap, those projects are subject to an alternative income mixing requirement that is the greater of 25 units or 40 percent of the units [Federal Register (FR) notice (82 FR 5458) published on January 18, 2017, as revised by FR notice 82 FR 32461 published on July 14, 2017].

Housing Authority Policy

The Housing Authority will project base an additional 10 percent of its units above the 20 percent program limit in accordance with the provisions set forth in this section 21.2 under the heading “Additional Project-Based Units.”

TENANT-BASED VS. PROJECT-BASED VOUCHER ASSISTANCE

[24 CFR 983.2]

Many of the tenant-based voucher program regulations set forth in 24 CFR Part 982 also apply to the PBV program.

Consequently, many of the Housing Authority policies related to tenant-based assistance also apply to PBV assistance. The provisions of the tenant-based voucher regulations that do not apply to the PBV program are set forth in 24 CFR 983.2.

Housing Authority Policy

Except as otherwise noted in this chapter, or unless specifically prohibited by PBV program regulations set forth in 24 CFR Part 983, the PHA policies for the tenant-based voucher program contained in this administrative plan also apply to the PBV program and its participants.

RELOCATION REQUIREMENTS [24 CFR 983.7]

Any persons displaced as a result of implementation of the PBV program must be provided relocation assistance in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)[42 U.S.C. 4201-4655] and implementing regulations at 49 CFR part 24.

The cost of required relocation assistance may be paid with funds provided by the owner, or with local public funds, or with funds available from other sources. Relocation costs may not be paid from voucher program funds; however, provided payment of relocation benefits is consistent with state and local law, the Housing Authority may use their administrative fee reserve to pay for relocation assistance after all other program administrative expenses are satisfied. Use of the administrative fee reserve in this manner must be consistent with legal and regulatory requirements, including the requirements of 24 CFR 982.155 and other official HUD issuances. The acquisition of real property for a PBV project is subject to the URA and 49 CFR part 24, subpart B. The Housing Authority must require the owner to comply with the URA and 49 CFR part 24

In computing a replacement housing payment to a residential tenant displaced as a direct result of privately undertaken rehabilitation or demolition of the real property, the term “initiation of negotiations” means the execution of the agreement between the owner and the Housing Authority.

Housing Authority Policy

The Housing Authority may attach PBVs to projects owned or controlled by the Housing Authority as described above on a case-by-case basis.

The Housing Authority awarded project based vouchers to the following Housing Authority owned projects listed below non-competitively:

Perris Park Apartments – The Housing Authority’s affiliated non-profit Riverside Community Housing Corp. (RCHC) acquired an 80 unit apartment project in the City of Perris, located at 1450 South Perris Boulevard, Perris, CA 92570 identified as Assessor’s Parcel No. 313-290-020. The property consist of 32 two bedroom units, 32 three bedroom units, and 16 four bedroom units. The property is an existing affordable housing project built in 2000 that had been struggling financially and in need of repairs as a result. The RCHC was created as an affiliate to the Housing Authority for the purpose of, among other things, financing, acquiring, owning and managing affordable housing developments in the County of Riverside for persons of low and moderate income. The Housing Authority awarded this project a total of 70 project based vouchers non-competitively under this section. As part of the acquisition of this property the RCHC is proposing to substantially rehabilitate the property and bring the project in compliance with housing and quality standards. Awarding this project PBVs will insure the long term stability of this project for the foreseeable future.

Desert Rose Apartments – In 2008 the Housing Authority acquired the 100 unit Ripley Migrant Farm Worker Center and converted the facility to a year round 76 unit housing complex for rental housing to extremely low-income household and farm workers. The property over the years has experienced an abnormal high vacancy rate and as result of that the project is struggling financially and no longer feasible to continue to operate at a loss. The Housing Authority awarded this property a total of 40 PBVs to insure that the property remains financially feasible and available to very low income residents. The Housing Authority is also exploring bringing in service providers to the property that can offer after school programs for the children and work development programs for the adults living at the property.

Solicitation and Selection of PBV Proposals [24 CFR 983.51(c)]

Housing Authority procedures for selecting PBV proposals must be designed and actually operated to provide broad public notice of the opportunity to offer PBV proposals for consideration by the Housing Authority. The public notice procedures may include publication of the public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice. The public notice of the Housing Authority request for PBV proposals must specify the submission deadline. Detailed application and selection information must be provided at the request of interested parties.

Housing Authority Policy Housing Authority Request for Proposals

The Housing Authority will advertise its request for proposals (RFP) for rehabilitated and newly constructed housing in the following newspapers and trade journals:

Press Enterprise and Desert Sun

The Housing Authority may only compensate the independent entity from Housing Authority ongoing administrative fee income (including amounts credited to the administrative fee reserve). The Housing Authority may not use other program receipts to compensate the independent entity for its services. The Housing Authority and independent entity may not charge the family any fee for the appraisal or the services provided by the independent entity.

Housing Authority Notice of Owner Selection [24 CFR 983.51(d)]

The Housing Authority must give prompt written notice to the party that submitted a selected proposal and must also give prompt public notice of such selection. Public notice procedures may include publication of public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice.

Housing Authority Policy

Within 10 business days of the Housing Authority making the selection, the Housing Authority will notify the selected owner in writing of the owner's selection for the PBV program. The Housing Authority will also notify in writing all owners that submitted proposals that were not selected and advise such owners of the name of the selected owner.

In addition, the Housing Authority will post the notice of owner selection on its web site. The announcement will include the name of the owner that was selected for the PBV program.

The Housing Authority will make available to any interested party its rating and ranking sheets and documents that identify the Housing Authority basis for selecting the proposal. These documents will be available for review by the public and other interested parties for one month after publication of the notice of owner selection. The Housing Authority will not make available sensitive owner information that is privileged, such as financial statements and similar information about the owner.

The Housing Authority will make these documents available for review at the Housing Authority during normal business hours. The cost for reproduction of allowable documents will be \$.25 per page.

21.4 HOUSING ELIGIBLE FOR ASSISTANCE (24 CFR 983.52 AND 983.53)

The Housing Authority will consider proposals for existing and newly constructed and rehabilitated housing. The following types of housing are ineligible under the Project-Based Voucher Program:

- Shared housing;
- Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution;
- Facilities providing continuous medical or related care, except an assisted-living facility that provides home health care services;
- Units owned by an educational institution that are designated for occupancy by students of the institution;
- Manufactured homes;
- Transitional housing;
- Units occupied by owners; and

Subsidy layering requirements do not apply to existing housing. A subsidy layering review is required for any new construction project receiving a form of government housing assistance in addition to project based vouchers. The HA will not enter into an AHAP or HAP with the owner until the project has successfully passed a subsidy layering review by HUD or other HUD-approved agency. The owner must certify in the HAP contract that the project has not received and will not receive (before or during the term of the contract) any other form of public assistance for acquisition, development, or operation of the housing, other than during the life of the HAP contract other than that disclosed in the subsidy layering review in accordance with HUD requirements.

HUD or the PHA in accordance with HUD requirements.

21.5 LIMITS ON ASSISTANCE (24 CFR 983.56)

The Housing Authority may only provide Project-Based Voucher assistance to up to 25% of the units in a selected project. Units excepted from this rule are:

- Units that house elderly or disabled families; and
- Families receiving qualified supportive services
- More than 25% of the units in a single-family building (a building with no more than 4 dwelling units) may be assisted with PBV.

21.5.1 Qualified Supportive Services

Units occupied by families eligible to receive qualified supportive services are excepted from the 25% cap on PBV assistance within a single development. Examples of supportive services that qualify for an exception include, but are not limited to:

- Family Self-Sufficiency (FSS) program
- Welfare-to-Work
- Psychological or medical services
- Drug or alcohol rehabilitative treatment
- Job training or placement services
- Education program where there is a reasonable expectation of leading to self-sufficiency
- Families receiving services in connection with the Veterans Affairs Supportive Housing program.
- Supportive services designed for chronic homelessness/homeless households that maximize housing stability

21.5.2 Qualifications for Supportive Services

It is not necessary that the supportive services be provided at or by the project. At least one member of the family must qualify for the supportive service for the unit to remain excepted from the 25% cap. Participation in medical- or disability-related services is not required as a condition of living in an excepted unit, other than a drug and alcohol treatment program for current abusers, although such services may be offered.

21.5.3 Supportive Services Monitoring

Participant compliance with a supportive service contract will be monitored at least annually. The Housing Authority will request a status update for the participant's supportive service contract at the anniversary of said contract. The Housing Authority may request a status update on the supportive service contract more frequently, at its discretion. Providers of supportive services must provide the Housing Authority any changes to the program within thirty days of when those

- (3) Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.
- (4) Be so located that travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers is not excessive. This requirement does not apply to senior projects.

21.6.3 Requirements for New Construction Housing

The Housing Authority will select only new construction housing projects that meet the following criteria:

- (1) The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas, and electricity) and streets must be available to service the site.
- (2) The site must not be located in an area of minority concentration, except as permitted under number (3) of this section.
- (3) A project may be located in an area of minority concentration only if:
 - (i) Sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration;
 - a. Application of this sufficient, comparable opportunities standard involves assessing the following factors:
 - (i) Significant number of assisted housing units is available outside areas of minority concentration.
 - (ii) There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.
 - (iii) There are racially integrated neighborhoods in the surrounding area.
 - (iv) Minority families have benefited from local activities (*e.g.*, acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.
 - (v) Comparable housing opportunities have been made available outside areas of minority concentration through other programs.
 - (vi) The project is necessary to meet overriding housing needs that cannot be met in that housing market area.
 1. Application of the “overriding housing needs” criterion may permit approval of sites that are an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood and of sites in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a “revitalizing area”).
 2. An “overriding housing need,” may not serve as the basis for determining that a site is acceptable, if the basis for the decision is that discrimination related to race, color, religion, sex, national origin, age, familial status, or disability renders sites outside areas of minority concentration unavailable or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.
 - (4) The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas poverty concentration.
 - (5) The neighborhood must not be seriously detrimental to family life or one in

commencement of PBV assistance.

21.8.1 Waiting List

The PHA may establish a separate waiting list for PBV units or it may use the same waiting list for both tenant-based and PBV assistance. The PHA may also merge the PBV waiting list with a waiting list for other assisted housing programs offered by the PHA. If the PHA chooses to offer a separate waiting list for PBV assistance, the PHA must offer to place applicants who are listed on the tenant-based waiting list on the waiting list for PBV assistance.

If a PHA decides to establish a separate PBV waiting list, the PHA may use a single waiting list for the PHA's whole PBV program, or it may establish separate waiting lists for PBV units in particular projects or buildings or for sets of such units.

HACR Policy

The HACR will establish and manage separate waiting lists for individual projects or buildings that are receiving PBV assistance.. For all project based sites that utilize VASH Vouchers, a waiting list will be maintained by the Veteran Affairs Loma Linda Medical Center. In accordance with California State Law [Health and Safety Code Section 34322.2 (b)], 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.

Income Targeting [24 CFR 983.251(c)(6)]

Not less than 75 percent of the families admitted to a PHA's tenant based and project-based voucher programs during the PHA fiscal year from the PHA waiting lists shall be extremely low-income families. The income- targeting requirements at 24 CFR 982.201(b)(2) apply to the total of admissions to the PHA's project-based voucher program and tenant-based voucher program during the PHA fiscal year from the PHA waiting list for such programs.

Units with Accessibility Features [24 CFR 983.251(c)(7)]

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, the PHA must first refer families who require such features to the owner.

Preferences [24 CFR 983.251(d), FR Notice 11/24/08]

The PHA may use the same selection preferences that are used for the tenant-based voucher program, establish selection criteria or preferences for the PBV program as a whole, or for occupancy of particular PBV developments or units. The PHA must provide an absolute selection preference for eligible in-place families as described in this plan.

The PHA may establish a selection preference for families who qualify for voluntary services, including disability-specific services, offered in conjunction with assisted units, provided that preference is consistent with the PHA plan. The PHA may not, however, grant a preference to a person with a specific disability [FR Notice 1/18/17].

In advertising such a project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible disabled persons who may benefit from services provided in the project. In these projects, disabled residents may not be required to accept the particular services offered as a condition of occupancy.

Perris Park Apartments (City of Perris)

- Qualified veterans
- Maximum Income Limit: 50% of the Area Median Income
- Live/Work in Riverside County
- Disabled or Elderly

Desert Rose (Ripley)

- Qualified veterans
- Maximum Income Limit: 50% of the Area Median Income
- Live/Work in Riverside County
- Disabled or Elderly

Cedar Glen Phase I (City of Riverside)

- Qualified veterans
- Maximum Income Limit: 50% of the Area Median Income
- Live/Work in Riverside County
- Disabled or Elderly

Hemet Vistas (City of Hemet)

- Qualified veterans
- Maximum Income Limit: 50% of the Area Median Income
- Live/Work in Riverside County
- Disabled or Elderly

Current Waiting Lists maintained by the Veterans Affairs Loma Linda Medical Center:

March Veterans Village (March Air Reserve Base)

- Qualified veterans
- Maximum Income Limit: 50% of the Area Median Income
- Must be eligible for the Veterans Affairs and Supportive Housing Program

Liberty Village Apts (aka Illinois Avenue Apts. (City of Beaumont))

- Qualified veterans
- Maximum Income Limit: 50% of the Area Median Income
- Must be eligible for the Veterans Affairs and Supportive Housing Program

21.8.2 Protection of In-Place Families

Families who reside in units selected to receive PBV assistance on the proposal selection date and who are also eligible in accordance with Chapter 2 of this Plan, will be given the opportunity to place their name on the appropriate PBV site-based waiting list. An absolute preference will be given to that family to be selected from the waiting list. If the family is then determined fully eligible for the PBV program under all Housing Authority eligibility criteria, the family will then be referred to the owner for an appropriately-sized unit in the project.

contract, for contract units leased and occupied by eligible families during the term of the HAP contract. The Housing Authority will use the most recent HUD-approved form of the HAP contract.

21.13.1 Execution of the HAP Contract (24 CFR 983.204, 24 CFR 983.209)

Before the HAP contract may be executed, the Housing Authority will inspect each contract unit in accordance with 24 CFR 983.103 (b), section 21.14 of this chapter and Chapter 10 of this Plan (Housing Quality Standards and Inspections). For existing housing, the HAP contract must be executed promptly after selection of the owner proposal and inspection. For new construction or rehabilitated housing, the HAP contract is executed after the Housing Authority has inspected the completed units and is satisfied that said units are completed in accordance with the AHAP and the owner has furnished the required evidence of completion. By execution of the HAP contract, the owner certifies:

- The owner is and will maintain all contract units in accordance with HQS and/or UPCS-V;
- The owner is providing all services, maintenance, equipment and utilities as agreed to under the HAP contract and in the leases with assisted families;
- Each contract unit is leased to an eligible family and the lease complies with the HAP contract and HUD requirements;
- Members of the assisted family reside in the contract unit and it is their only residence;
- The owner, property management personnel and maintenance personnel, are not a relative of any member of the assisted family by blood or operation of law;
- The amount of the housing assistance payment is the correct amount due under the HAP contract;
- The rent to owner for each contract unit does not exceed the rent due to owner for any comparable, unassisted unit;
- The owner will not receive any other payments beyond the tenant rent and housing assistance payments for the contract unit; and
- The family does not own or have any interest in the contract unit.

21.13.2 Term of the HAP Contract (24 CFR 983.205)

The Housing Authority may enter into a HAP contract with an owner for an initial term of not less than one year and not more than twenty years for each contract unit. The Housing Authority and owner may agree at any time, including during the initial contract term, to extend the term of the HAP contract for up to twenty years at each contract expiration date.

The HAP contract may be terminated by the Housing Authority for insufficient funds. If it is determined there are insufficient funds available to continue to assist all contract units for the full term, the Housing Authority may give notice to the owner for all or any of the contract units, in accordance with HUD instructions.

21.13.3 Amendments to the HAP Contract (24 CFR 983.207)

Amendment to Substitute Contract Units – The Housing Authority may amend the HAP contract to substitute a different unit with the same number of bedrooms in the same building for the previously assisted unit. Prior to the substitution, the Housing Authority will inspect the proposed substitution unit and determine reasonable rent.

Amendment to Add Contract Units – At the discretion of the Housing Authority and provided

- Names of the owner and tenant;
- Identifying information of the unit rented;
- Term of the lease and any provision for renewal;
- The amount of tenant rent to owner;
- Specification of services, maintenance, equipment, and utilities to be provided by the owner;
- The amount of any charges for food, furniture, or supportive services.

21.15.1 Changes in the Lease

If the tenant and owner agree to any changes in the lease, the change must be in writing and must be submitted to the Housing Authority immediately. The owner must notify the Housing Authority in advance of any proposed change in the lease regarding responsibility for utilities. Such changes may only be made with written approval of the Housing Authority and in accordance with the terms of the lease relating to the amendment. If the Housing Authority approves a change in responsibilities for utilities, rent reasonableness must then be re-determined in accordance with 24 CFR 983.303 (c). The rent to owner will be recalculated from the effective date of the change [24 CFR 983.256 (e).

21.15.2 Absence from the Unit

The Housing Authority's absence policies found in Chapter 6 of this Plan (Eligibility Factors) will apply to the PBV program. The lease may specify a maximum period of family absence from the unit that is shorter than that specified by the Housing Authority.

21.15.3 Owner Termination of Tenancy and Eviction

Grounds for owner termination and eviction reflect the policies outlined in Chapter 14 of this Plan (Contract Terminations), except that an owner may not terminate tenancy after the initial term of the lease for business or economic reasons, or to repossess the unit for personal, family, or nonresidential use. If an owner refuses to renew the lease without good cause, the family will be issued a tenant-based voucher and the unit will be removed from the HAP contract.

21.15.4 Security Deposits

(24 CFR 983.259)

The owner may collect a security deposit from the tenant. The amount may not exceed that allowed by state and local law or that charged to unassisted units in the same building.

When the tenant moves out, the owner may use the amount of the deposit, in accordance with the lease and state and local law, as reimbursement for any unpaid tenant rent, damage to the unit, or any other amount the tenant owes under the lease. The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item within 21 days from the date the tenant moved out of the unit. After deducting the amount used to reimburse the owner, the owner must promptly refund the full amount of the balance to the tenant. If the balance is not sufficient to cover amounts the tenant may owe under the lease, the owner may seek to collect the balance from the tenant. The Housing Authority has no liability or responsibility for payment of any amount owed by the family to the owner.

21.16 FAMILY OCCUPANCY OF WRONG-SIZE OR ACCESSIBLE UNIT (24 CFR 983.260)

If the Housing Authority determines that a family is occupying:

- 1) the wrong-size unit, or

Angeles field office.

21.17.3 Rent Determination for Projects with Other Subsidies (24 CFR 983.304)

Rents may not exceed rent limits as established by the applicable federal program for units subsidized under the following programs:

1. HOME;
2. Insured or non-insured Section 236 project;
3. Formerly insured or non-insured Section 236 project that continues to receive Interest Reduction Payment following a decoupling action;
4. Section 221(d)(3) below market interest rate (BMIR) project;
5. Section 515 project of the Rural Housing Service;
6. Any other type of federally subsidized project specified by HUD.

The Housing Authority may set reasonable rents up to 110 percent of the HUD Market Rent in projects receiving Low-Income Housing Tax Credits (LIHTC), even if the rent level exceeds the maximum rent under the LIHTC program. The Housing Authority may, at its discretion include provisions in the HAP contract to reduce the initial amount of rent to the owner because of other governmental subsidies.

21.17.4 Rent Control and Other Rent Limitations (24 CFR 983.305)

Rent control and other rent limitations under local, state or federal law will apply.

21.18 PAYMENT TO OWNER (24 CFR 983.351)

The Housing Authority will make HAP payments to the owner in accordance with the HAP contract for the months in which the contracted unit is leased to and occupied by an eligible family. Except for discretionary vacancy payments described in section 21.18.1 of this chapter, the Housing Authority will not make any payments for any month after the month in which the family moves out of the unit. In order to continue receiving HAP payments, the owner must comply with all provisions of the HAP contract, including HQS and/or UPCS-V.

21.18.1 Vacancy Payments (24 CFR 983.352)

If a family moves out of a contract unit, the owner may keep the payment for the full calendar month in which the family moves out. The owner may not keep the payment if the Housing Authority determines that the vacancy is the owner's fault.

21.18.2 Other Charges and Fees (24 CFR 983.354)

The owner may not require the family to pay charges for any meals or supportive services unless the project is an assisted living development, in which case owners may charge tenants, family members, or both for meals and supportive services. These charges may not be included in the rent to owner and may not be used to calculate rent reasonableness. Nonpayment of such charges is grounds for termination under the lease only in an assisted living development. The owner may not charge tenants or family members extra amounts for items customarily included in the rent in Riverside County, or provided at no additional cost for unsubsidized tenants on the premises.

ASSISTED TENANT: A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Housing Choice Voucher assistance and all other 236 and 221 (d)(3) Below Market Interest Rate (BMIR) tenants, except those paying the 236 market rent or 120 percent of the BMIR rent, respectively.

BUDGET AUTHORITY: An amount authorized and appropriated by the Congress for payment to the HA under the program. For each funding increment in an HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.

CHILD CARE EXPENSES: Reasonable amounts (based on average county wide costs determined by a yearly survey of child care providers and not exceeding the earned income) paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

CITIZEN: A citizen or national of the United States.

CO-HEAD: A co-head is the boyfriend, girlfriend, or significant other of the head of the household. This person has equal responsibility for the lease. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent (50058 Instruction Booklet-3h). A Co-head may qualify the family as a disabled or elderly household and consequently receive a \$400 annual allowance. (24 CFR 5.403 for disabled/elderly definition of a “family”—“two or more persons living together”).

CONTINUOUSLY ASSISTED: If the family is already receiving assistance under any 1937 Housing Act program when admitted to the Voucher program the applicant is considered continuously assisted under the 1937 Housing Act.

CONTRACT: (See Housing Assistance Payments Contract.)

CONTRACT AUTHORITY: The maximum annual payment by HUD to an HA for a funding increment.

CONTRACT RENT: Contract Rent is the total rent paid to the owner, including the tenant payment and the HAP payment from the HA.

COURT PROGRAM: A program run by Riverside County Family and Dependency Drug Courts

COVERED PERSON: A tenant, any member of the tenant’s household, a guest or another person under the tenant’s control.

CREDIBLE EVIDENCE: May be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.

DATING VIOLENCE: Violence committed by a person (A) who is or has been in a social

person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age.

EVIDENCE OF CITIZENSHIP: Evidence of citizenship or eligible immigration status means the documents that must be submitted to verify citizenship or eligible immigration 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 or Certificate of Naturalization. Copies do not demonstrate Evidence of Citizenship.

EXCESS MEDICAL EXPENSES: Any medical expenses incurred by elderly or disabled families only, in excess of 3 percent of annual income that are not reimbursable from any other source.

EXTREME ELDERLY FAMILY: A family where the Head of Household, spouse or co-head who is 70 years of age or older.

EXTREMELY LOW INCOME: A family whose annual incomes do not exceed the higher of either the federal poverty level or 30 percent of the area median income (AMI).

FAIR MARKET RENT (FMR): The rent including the cost of utilities (except telephone) that would be required to be paid in the housing market area to obtain privately owned existing decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms) and are published annually in the *Federal Register* in accordance with HUD regulations.

FAMILY: The applicant must qualify as a family as defined in Chapter 2 of this Administrative Plan. Family is used interchangeably with "Applicant" or "Participant" and can refer to a group of persons or a single person family.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM): The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services.

FAMILY UNIFICATION PROGRAM (FUP): A HUD-specified funded program (CFR 982.204 (e)) for families for whom lack of adequate housing is a primary factor in the separation, or threat of imminent separation, of children from their families or in the prevention of reunifying the children with their families. All families must be referred by the local Public Child Welfare Agency and be selected from the waiting list in order of registration date.

FIXED INCOME includes income from:

- Social Security (SS), Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI); or
- Federal, State, local, and private pensions plans; or
- Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic receipts that are of substantially the same amounts from year to year.

standard when it is less than the authorized payment standard.

GUEST/VISITOR: A person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to do so consent on behalf of the tenant. 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 cumulative 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 (See Section 6.2.7).

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.

HA: A Housing Authority - either a Public Housing Agency or an Indian Housing Authority or both. The Housing Authority of the County of Riverside is referred to as "HA" or "Housing Authority" throughout this document.

HANDICAP ASSISTANCE: Anticipated costs for care aides and auxiliary apparatus for handicapped or disabled family members that enable a family member (including the handicapped family member) to work.

HANDICAPPED PERSON: [Referred to as a Person with a Disability]. A person having a physical or mental impairment which:

1. Is expected to be of long-continued and indefinite duration;
2. Substantially impedes his or her ability to live independently; and
3. Is of such nature that such ability could be improved by more suitable housing conditions.

HAP CONTRACT: (See Housing Assistance Payments Contract.)

HARD TO HOUSE: Families with three or more minor children are considered a hard to house family. Families that have a disabled person are considered as a hard to house family. Special assistance will be given to these families in finding a rental unit other than their pre-program unit.

HEAD OF HOUSEHOLD: The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOMELESS: Any person or family that: 1) lacks a fixed, regular and adequate nighttime residence; and 2) has a primary nighttime residence that is: (a) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing); (b) an institution that provides a temporary residence for persons intended to be institutionalized; or (c) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

HOUSEHOLD: All persons living in the assisted home who have been authorized by the HA. Any person living in the household without permission of the HA is considered an unauthorized occupant.

INCOME: Income from all sources of each member of the household as determined in accordance with HUD regulations for included and excluded income.

INCOME FOR ELIGIBILITY: Annual Gross Income.

INDIAN: Any person recognized as an Indian or Alaska Native by an Indian Tribe, the Federal Government, or any State.

INDIAN HOUSING AUTHORITY (IHA): A housing agency established either:

1. By exercise of the power of self-government of an Indian Tribe, independent of state law, or
2. By operation of state law providing specifically for housing authorities for Indians

INTEREST REDUCTION SUBSIDIES: The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

LANDLORD: This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner. "Landlord" and "Owner" are used interchangeably. See definition of Owner.

LEASE: A written agreement between an owner and an eligible family for the leasing of a housing unit. The Housing Choice Voucher Program has an Addendum to the Lease that has mandatory language that must be incorporated into any lease the HA uses.

LEGAL GUARDIAN: A guardian appointed by the court to represent the interests of infants, the unborn, or incompetent persons in legal actions. Guardians are adults who are legally responsible for protecting the well-being and interests of their ward, who is usually a minor.

LIVE-IN AIDE: A person 18 years or older who resides with a disabled person and who:

1. Is determined to be essential to the care and well being of the person
2. Is not obligated for the support of the person
3. Would not be living in the unit except to provide necessary supportive services
4. Is recommended 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 2008-20 (HA), 2009-22, and 2010-51 (HA for live-in Aide provisions).

LOCAL PREFERENCE: A preference used by the HA to select among applicant families.

LOW-INCOME FAMILY: A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

MARKET RENT: The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in a FHA-

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 be issued a new Voucher 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 move, the Voucher will be issued with the correct subsidy standard. The amount the family pays for rent must be affordable and the tenant portion of rent and the current utility allowance cannot exceed 40% of their adjusted income at the time of lease up. The approved rent will be based on the payment standard for the number of bedrooms the family is eligible for, or the actual number of bedrooms in the unit, whichever is less. In cases where the gross rent is less than the payment standard, it will be used as the payment standard.

OWNER: Any persons or entity having the legal right to lease or sublease housing.

PARTICIPANT: A family that has been admitted to the HA's Housing Choice Voucher Program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (First day of initial lease term).

PAYMENT STANDARD: The amount used to calculate the housing assistance a family will receive in the HA's Housing Voucher Program.

PCWA: Public Child Welfare Agency

PREFERENCE: See Local Preference.

PREMISES: The building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

PROGRAM INTEGRITY MONITORING (PIM): The prevention, detection and investigation of program abuse and fraud. It is driven by the mission of the organization and conducted in a manner respectful of the public, program participants, employees and owners.

PUBLIC ASSISTANCE: Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, State or Local Governments.

PUBLIC HOUSING AGENCY (PHA): A state, county, municipality, or other governmental entity or public body authorized to administer the programs. The term PHA includes an Indian Housing Authority (IHA). (HA and PHA mean the same thing.) In this Administrative Plan for the Housing Choice Voucher Program, the Housing Authority of the County of Riverside is a PHA.

RANKING PREFERENCE: A preference used by the HA to select among applicant families that qualify for a preference.

REASONABLE ACCOMMODATION: In order to grant equal access and/or an equal opportunity to participate in the HCVP, the PHA will consider requests for reasonable accommodation (reasonable adjustments to the rules, policies, practices, procedures which do not reduce or waive the essential requirements of the program) by persons with disabilities.

for the exclusive use of the occupant, but requires the occupant to share sanitary and/or food preparation facilities.

SPECIAL RENTAL ASSISTANCE PROGRAM (for purposes of Level 1 preference):

Active participants that have utilized one of the below rental assistance programs for a minimum of six (6) months and no longer require supportive services. Households are eligible to transition to a regular Housing Choice Voucher provided they meet all other eligibility requirements. Verification from the supportive services provider stating that supportive services are no longer needed is required. Eligible programs are:

- Housing Options Program (HOP),
- Shelter Plus Care Program (S+C),
- Veterans Affairs Supportive Housing (VASH)
- Tenant Based Rental Assistance (TBRA)
- Rental Assistance established under a Memorandum of Understanding between the HA and other entities.

SPORADIC INCOME: Income that is not regularly received by the household but is received no more than six times in a year.

SPOUSE: The husband or wife of the head of the household. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It does not cover boyfriends, girlfriends, significant others, or “co-heads”.

STALKING: Stalking means (A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; or (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of the person; or (iii) the spouse/co-head or intimate partner of that person. As used above, immediately family is defined to mean “with respect to a person (A) a spouse/co-head, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or (B) any other person living in the household of that person and related to that person by blood or marriage.”

SUBSIDIZED PROJECT: A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) that receives the benefit of subsidy in the form of:

1. Below-market interest is pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
2. Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
3. Direct loans pursuant to Section 202 of the Housing Act of 1959; or
4. Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
5. Payments under the Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development act unless the project is owned by a Public Housing Agency;

UNIT: Residential space for the private use of a family.

USCIS: United States Citizenship and Immigration Services

UTILITIES: Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage service. Telephone and cable service are not included as utilities.

UTILITY ALLOWANCE: If the cost of utilities (except telephone and cable) including range and refrigerator, and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a HA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthy living environment.

UTILITY REIMBURSEMENT PAYMENT (URP): The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

VAWA: Violence Against Women's Act

VERY LOW INCOME FAMILY: A lower-income family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit used for admission to the Housing Choice Voucher program.

VETERAN (Qualified): A person who has a DD-214 or equivalent showing the branch of service, length of service and characterization of service in accordance to either the United States Code, Title 38 (38 U.S.C.) or the California Military and Veterans Code Section 980
<https://law.justia.com/codes/california/2005/mvc/980-980.5.html>

For a widow/widower of a Veteran to be qualified for the Veterans preference, the registrant must supply the birth certificates, marriage certificate and death certificate and must not have been divorced.

VETERAN FAMILY: Veteran family means a veteran who is a single person or a family in which the head of household, or the spouse of the head of household, is a veteran.

VIOLENT CRIMINAL ACTIVITY: Any criminal activity that has as one of its elements the use, or attempted use, or threatened use of physical force against another person or property regardless of where the incident occurred.

VOUCHER: A document issued by the HA to a family selected for admission to the voucher program. This document describes the program and the procedures for HA approval of a unit selected by the family. The voucher also states the obligations of the family under the program.

VOUCHER HOLDER: A family holding a Voucher with unexpired search time.

APPENDIX B: CODE OF CONDUCT

The Housing Authority of the County of Riverside strives to conduct business in accordance with core values and ethical standards. Professional conduct, ethical practices and adherence to all laws, regulations, and government codes are expected by all employees at all times. To ensure compliance with these standards, the following policies have been established:

PROHIBITED ACTIVITIES:

1. Employees shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties, functions, or responsibilities in a position with the Housing Authority. Employees shall not perform any work, service or counsel for compensation outside of the agency where any part of his/her efforts will be subject to approval by any other officer, employee, board, or commission of this Housing Authority.
2. Prohibited activities shall include but not be limited to:
 - a. Acceptance of money or other consideration from anyone other than the Housing Authority for the performance of duties required or expected of him/her in the regular course of Housing Authority employment.
 - b. Performance of an act in other than his/her capacity as an officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the Housing Authority.
 - c. Any act wherein time demands would render performance of his or her duties as an officer or employee less efficient and productive.
 - d. Embezzlement and falsification of accounts as defined in the California Penal Code.

CONFLICT OF INTEREST POLICY

1. To avoid potential conflicts of interest, or the appearance of such, it is the policy of this Housing Authority that:
 - A. No employee shall enter into any agreement, written or unwritten, without prior approval from the Executive Director or his designee, that involves any direct payment or other form of compensation as a result of any program administered by this Housing Authority, either directly or indirectly, through agreements with other parties.
 - B. No employee, officer, or agent of the Housing Authority shall participate directly or indirectly in the selection, award or administration of any contract if a conflict, real or perceived, would be involved. Such conflict would arise when a financial or other interest in the execution of a contract or in Housing Authority program participation is held by:
 - (1) An employee, officer, or agent involved in making the award;
 - (2) The relative of such a person (including, but not limited to, spouse or domestic partner or significant other, father, mother, son, daughter, brother,

APPENDIX C: POLICY ON PROHIBITED CRIMINAL ACTIVITY

HOUSING AUTHORITY OF THE COUNTY OF RIVERSIDE'S POLICY ON PROHIBITED CRIMINAL ACTIVITY

July 1, 2020

BACKGROUND

The mission of the Housing Authority is to transform and promote healthy, thriving communities, re-ignite hope and restore human dignity through the creation and preservation of high quality and innovative housing and community development programs which enhance the quality of life and revitalize neighborhoods to foster self-sufficiency.

PURPOSE

To establish a Housing Authority (HA) policy to prohibit housing fraud and/or welfare fraud, violent-related, gang-related, alcohol-related and drug-related criminal activity (including medical/recreational marijuana) or any other criminal activity.

POLICY

It is the policy of the Housing Authority of the County of Riverside that prohibited criminal activity will not be tolerated. The Housing Authority will foster crime-free housing by implementing aggressive strategies to deny and/or terminate assistance for households that violate conditions set forth in this policy.

Criminal activity as listed in this policy, misdemeanor and/or felony, will hereinafter be called 'prohibited criminal activity'. Prohibited criminal activity includes, but is not limited to, the following: housing fraud and/or welfare fraud, violent-related, gang-related, alcohol-related, and drug-related criminal activity (including medical/recreational marijuana). Marijuana possession, distribution, and use, regardless of purpose, remains illegal under Federal Law [Controlled Substances Act (United States Code Title 21)].

"Minor traffic offenses" may include offenses such as parking violations, registration violations or failure to provide proof of insurance. Traffic offenses that include illegal use of controlled substances or alcohol related violations of traffic laws are not considered minor. Two or more alcohol related criminal actions within the last two (2) year period constitute an abuse of alcohol (excluding alcohol-related DUI/DWI, or equivalent, criminal charges). Alcohol-related Driving Under the Influence (DUI) and Driving While Intoxicated (DWI), or equivalent, criminal charges do not require more than one offense to be considered abuse of alcohol; one alcohol-related DUI/DWI, or equivalent, offense is a violation of the HACR Policy on Prohibited Criminal Activity.

All persons applying for or receiving rental assistance, regardless of age, will be held to the same standard. Exceptions to this policy may be granted to VASH Program applicants and participants, Mainstream 811, the Family Unification Program (FUP), and other referrals through the Coordinated Entry System (CES) and an established Memorandum of Understanding (MOU) with the Housing Authority targeting people experiencing homelessness, transitional age youth, and other special populations. On a case by case basis, exceptions may be granted to minors who

- e. For violent-related, drug-related and alcohol-related criminal activity, the HA may consider enrollment in a supervised anger management/parenting course, drug diversion/substance abuse or alcohol rehabilitation program. At PHA discretion, first offenders may be only granted a once in a lifetime exception to the Policy on Prohibited Criminal Activity due to participation in supervised anger management/parenting course, drug diversion/substance abuse or alcohol rehabilitation program. Approval is not automatic. Repeat or habitual offenders will not be granted an exception to the Policy on Prohibited-Criminal Activity and rental assistance will be denied and/or terminated. The applicant/participant cannot elect to join an anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program in lieu of denial/termination of assistance after the HA has discovered prohibited criminal activity.

For consideration of one (1) lifetime exception to the Policy on Prohibited Criminal Activity, the following conditions must exist:

- i. The applicant/participant must be a first time participant in a supervised anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program, **and**
- ii. The applicant/participant must have enrolled in and compliant with a supervised anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program prior to the date of the HA's discovery of the prohibited criminal activity, **and**
- iii. Completion of the treatment program must be achieved within the allowed time by the court/treatment program, **and**
- iv. Evidence of completion must be provided to the HA within 10 calendar days from the date of completion of the program.

If an exception to the Policy on Prohibited Criminal Activity is granted by the PHA, the PHA will monitor compliance for determination of continued rental assistance eligibility. If applicant/tenant fails to comply, the HA will proceed with termination.

2. If the household member participates in and is in compliance with a supervised anger management/parenting courses, drug diversion/substance abuse or alcohol rehabilitation program then it is the family responsibility to adhere to treatment program requirements and furnish to the PHA proof that the required program was completed. The applicant/participant must have enrolled in the treatment program prior to the date of the HA's discovery of the criminal activity. Failure to comply with anger management/parenting courses, drug diversion/substance abuse and/or supervised alcohol rehabilitation program will result in denial or termination. Supervised anger management/parenting courses, drug diversion/substance abuse or an alcohol rehabilitation program will be granted once in a lifetime.
3. The Violence Against Women Act of 1994 (VAWA), as amended (42 U.S.C 13925 and 42 U.S.C 14043e et seq.) prohibits the eviction of, and removal of assistance from, victims living in Federally assisted housing if the asserted grounds for such action is an instance of domestic violence, dating violence, sexual assault, or stalking.

Criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant's household or any guest or other person under

practice approach to address chronic homelessness and special needs populations. Special rental assistance programs administered by the Housing Authority which include but are not limited to mainstream Section 811, FUP, and any other special housing choice programs can apply for an exception to the Housing Authority's Prohibited Criminal Activity during admission. Additionally, affordable housing developments awarded Project Based Vouchers and targeting chronically homeless individuals or individuals referred by County Behavioral Health can apply for an exemption to the Housing Authority's Prohibited Criminal Activity policy. Developments seeking an exemption to the Housing Authority's Prohibited Criminal Activity policy described in this section will have to follow and be aligned with federal guidelines on the use of Housing First as referenced in the HUD Housing First Assessment Tool. All supportive Housing First programs will follow and be aligned with state guidelines on Housing First, including core components outlined in the No Place Like Home program guidelines. A comprehensive plan of the wrap around supportive services proposed at the specific development will have to be approved by the Housing Authority and the owner must agree to provide dedicated case workers at a ratio of 20/1 to qualify.

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:

- Advertising widely in the community for the FSS Coordinator Position if a vacancy should occur.

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.

- Marketing the FSS program to all eligible persons, including persons with disabilities,



**ADMINISTRATIVE PLAN
FOR THE HOMEOWNERSHIP
PROGRAM**

**Housing Authority of the
County of Riverside**

Effective July 1, 2020

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. Title 24 Code of Federal Regulations (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.

- c. The pre-qualified or pre-approved financing amount is sufficient to purchase housing that meets Housing Quality Standards (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 the 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. Family Self-Sufficiency (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.

- 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 Obligations of Participant set forth in 24 CFR 982.551. For purposes of interpreting 24 CFR 982.551 in connection with the HP, all references to the "owner" are replaced with "lender". Comply with any other requirements by the HACR, 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 using the same formula 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

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 relating to the 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 shall 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, in its reasonable discretion, 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

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) (Initial Payment Standard) . 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)(1)(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%; and
 - 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, provided HACR has first determined that allowance of such costs as homeownership expenses are 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; and
- b. Cooperative or condominium operating charges or maintenance fees assessed by the condominium or cooperative homeowner association.

purchase, even if received from another housing authority.

In accordance with PIH 2012-3 (HA), (issued January 27, 2012) 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: Equity – Expenses to Convert to Cash = Net Cash Value or, incorporating the Equity formula from above; Market Value – Loan (Mortgage) – Expenses to Convert to Cash = Net Cash Value. If the Net Cash Value is a negative number, the HACR 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 Housing Authority and landlord.

The HACR must promptly notify the initial Housing Authority 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 shall 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. Shall meet the education, counseling, and all other HP requirements of the receiving Housing Authority.
- c. Shall be certified by the initiating HACR that the family is in good standing with the Housing Authority and landlord.

The HACR must notify the Housing Authority, 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 Housing Authority.

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 pursuant to 24 CFR 982.626 (b).

For fiscal year 2020-2021, the HACR has established a homeownership assistance limit of no more than 7 families

Resident Advisory Board PHA Plan Comments

1. **Suggestion:** A resident at the Quinto Del Sol Apartments (Project-Based Voucher unit) stated that she believes “the management is doing well with the property. A suggestion for the property would be for a new playground with a basketball court and tether ball court. A pool with a fence around it or gate also, there is nothing for the children to do outdoors. Another would be a remodeling of interior like all the kitchen and bathroom cabinets and floors. New Windows because of the area its really dusty and they are not energy efficient.”
2. The other comment that was received from those that attended the Resident Advisory Board was a HCV participant who stated “Keep up the good work! If possible update apts that are available to rent for Section 8.”

PHA Resident Advisory Board (RAB) NARRATIVE

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

1. **Response:** The suggestion was forwarded to the owner and property manager of the Quinto Del Sol Apartments and we asked that the owner and property manager follow up with their resident on their suggestions.
2. **Response:** The Housing Authority of the County of Riverside responded in writing to the HCV participant to let them know that GoSection8.com maintains the listing of available units for rent and provided the GoSection8 toll free helpline number 1-866-466-7328 for them to contact regarding their recommendation for the listing of available units.