

Section 8 Administrative Plan



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Pinal County Housing and Community Development Department

January 2013

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Chapter 1–Statement of Policies and Objectives

A. INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 tenant-based assistance program, is described in and implemented throughout this Administrative Plan. The Section 8 rental assistance programs are federally funded and administered for Pinal County through Pinal County Housing and Community Development Department (PCHCD).

1. Jurisdiction

The jurisdiction of the PCHCD is Pinal County, Arizona.

Administration of the Section 8 Program and the functions and responsibilities of PCHCD staff shall comply with PCHCD's Personnel Policy and the Department of Housing and Urban Development's (HUD) Section 8 regulations as well as all federal, state and local Fair Housing laws and regulations.

B. MANAGEMENT ASSESSMENT OBJECTIVES

PCHCD operates its housing assistance program with efficiency and can demonstrate to HUD auditors that PCHCD is using its resources in a manner that reflects its commitment to quality and service. PCHCD policies and practices are consistent with the areas of measurement for the HUD-required Section 8 Management Assessment Program (SEMAP) indicators. SEMAP was created to:

1. Objectively measure key areas
2. Identify management capabilities/deficiencies
3. Improve HUD risk assessment
4. Provide a self-assessment tool for PCHCD

The annual sample of files and records will be drawn in an unbiased manner, leaving a clear audit trail. The minimum sample size to be reviewed will relate directly to each factor, based on HUD-directed minimums.

PCHCD will maintain separate files for each of the SEMAP indicators and current year documents will be maintained in each indicators file.

C. PURPOSE OF THE PLAN [24 CRF 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the Agency Plan. This Plan covers admission and continued participation in the Voucher and Special Programs described in this Plan. Policies are the same for all programs unless otherwise noted or superseded by federal statute; regulation; or, HUD approved policy.

PCHCD 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 County Board of Supervisors of the agency must approve the Plan and any changes. Pertinent sections must be included in the Agency Plan, and a copy provided to HUD. Applicable regulations include:

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- **24 CFR Part 5:** General Program Requirements;
- **24 CFR Part 8:** Nondiscrimination; and,
- **24 CFR Part 982:** Section 8 Tenant-Based Assistance.
- **24 CFR 100.201:** Fair Housing Act/ADA/Section 504

This Administrative Plan is set forth to define PCHCD's local policies for operation of the housing programs in the context of federal laws and regulations. All issues related to Section 8 not addressed in this document are governed by such federal regulations, HUD memos, notices and guidelines, or other applicable law.

The Director of Housing and Community Development Department has the flexibility to grant exceptions to PCHCD's adopted policy.

D. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54]

Expenditures from the Administrative Reserve (*Operating Reserve*) for other housing purposes during each fiscal year will not be made without the prior approval of the County Board of Supervisors.

E. FAIR HOUSING POLICY [24 CFR 982.54(d) (6)]

It is the policy of PCHCD to comply fully with all federal, state, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

PCHCD shall not deny any family or individual the equal opportunity to apply for or receive assistance under the Section 8 programs based on race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, handicap or disability or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, PCHCD will provide federal/state/local information to Section 8 participants regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act.

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

F. LIMITED ENGLISH PROFICIENT PERSONS

It is the policy of Pinal County through Pinal County Housing and Community Development Department to ensure that persons with Limited English Proficiency (LEP) shall not be discriminated against nor denied meaningful access to, and, participation in, any of PCHCD's programs and activities. By identifying the language needs of clients and utilizing available bilingual resources to address those needs, PCHCD staff will ensure that LEP clients have the necessary meaningful access to all available services.

G. ACCOMMODATIONS TO A PERSON WITH A DISABILITY POLICY [24 CFR 100.202]

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It is the policy of PCHCD to be service-directed in the administration of the housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families.

An applicant and/or a participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before PCHCD will treat a person differently than anyone else. PCHCD's policies and practices will be designed to provide assurances that a person with a disability will be accommodated, upon request, so that they may fully access and utilize the housing program and related services.

The availability of requesting an accommodation may be made known by including notices on PCHCD forms and letters. This policy is intended to afford a person with a disability an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have a disability. The policy is applicable to all situations described in this Administrative Plan including when a family initiates contact with PCHCD, when PCHCD initiates contact with a family, and when PCHCD schedules or reschedules appointments of any kind.

To be eligible to request an accommodation for a person with a disability, the requester must first certify (*if apparent*) or verify (*if not apparent*) that they meet at least one of three qualifying definitions under the Fair Housing Act/ADA/Section 504 definitions of *handicap*. [24 CFR 100.201] The person must:

1. Have a physical, mental or emotional impairment that substantially limits one or more of the person's major life activities;
2. Have a record of such impairment; or
3. Be regarded as having such an impairment

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 24 CFR 5.403, individuals are not considered disabled for eligibility purposes solely based on any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Once a person's status as a qualified person with a disability is confirmed, PCHCD will require that a professional third party competent to make the assessment provide written verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

If PCHCD finds that the requested accommodation creates an undue administrative or financial burden, PCHCD will deny the request and/or present an alternate accommodation that will still meet the need of the person. An undue administrative burden is one that requires fundamental alteration of the essential functions of PCHCD.

PCHCD will provide a written decision to the person requesting the accommodation within a reasonable time. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, he/she may request an informal hearing to review PCHCD's decision.

Accommodations will be made for persons with a disability that require an advocate or an accessible office. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

All PCHCD mailings will be made available in an accessible format upon request, to accommodate a person with a disability.

H. OWNER OUTREACH [24 CFR 982.54(d) (5), 982.153]

PCHCD makes a concerted effort to keep private owners informed of legislative changes in the tenant-based program, which are designed to make the program more attractive to owners. This includes informing participant owners of applicable legislative changes in program requirements.

PCHCD encourages owners of decent, safe and sanitary housing units to lease to Section 8 families.

PCHCD will maintain a list of owners with available housing units in all neighborhoods within PCHCD's jurisdiction to ensure greater mobility and housing choice to very low-income households. The list of available units will be readily available for applicant briefings and participants searching for housing.

Where feasible, PCHCD conducts periodic meetings and distributes written materials to participating owners to improve owner relations and to recruit new owners outside areas of poverty or minority concentration. Printed material is offered to acquaint owners and managers with the opportunities available under the program. PCHCD shall periodically:

1. Develop working relationships with owners and real estate broker associations.
2. Establish contact with civic, charitable or neighborhood organizations which have an interest in housing for low-income families and public agencies concerned with obtaining housing for displaced families.
3. Explain equal opportunity and nondiscrimination requirements, including Fair Housing Amendments Act of 1988 and Americans with Disabilities Act, to real estate agents, property owners, and other groups that have dealings with low-income families or are interested in housing such families.

PCHCD encourages program participation by owners of units located outside of low income and poverty concentration. PCHCD periodically evaluates the demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. The purpose of these activities is to provide more choices and better housing opportunities to families. Voucher holders are informed of a broad range of areas where they may lease units inside PCHCD's jurisdiction, and are given a list of property owners or other parties who are willing to lease units or help families who desire to live outside areas of low income and poverty concentration.

I. CONFLICT OF INTEREST [24 CFR 982.161]

All PCHCD employees shall abide by the Conflict of Interest regulation as follows:

1. Neither PCHCD nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:
 - a. Any present or former member or officer of PCHCD (*except participant commissioner*);
 - b. Any employee of PCHCD, or any contractor, subcontractor, or agent of PCHCD, who formulates policy or who influences decisions with respect to the programs;
 - c. Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the program; or

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- d. Any member of the Congress of the United States.

Any of the previous mentioned classes must disclose their interest or prospective interest to PCHCD and HUD. The conflict of interest prohibition may be waived by the HUD field office upon request of PCHCD for good cause.

All PCHCD staff is subject to the “Conflict of Interest” provision. Violation of this Code of Conduct Policy will result in disciplinary action as outlined in PCHCD’s Personnel Policy or as determined by action of the Board of Supervisors.

RESERVED

Chapter 2 – Waiting List, Admission, and Denial of Admission

[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

A. INTRODUCTION

This Chapter defines both HUD and PCHCD's criteria for the waiting list, admission, and denial of admission to the program. The policy of PCHCD is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply and to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply and are treated in a fair and consistent manner.

B. APPLICATION TAKING PROCESS AND WAITING LIST

The purpose of application taking is to permit PCHCD to gather information and determine placement on the waiting list. The application will contain questions designed to obtain pertinent program information. Families who wish to apply for *any* one of PCHCD's programs must complete an Application for Housing Assistance.

Any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application. The information is to be filled out by the applicant whenever possible. To provide specific accommodation for a person with a disability, a staff person may complete the information for the applicant, but the applicant must sign the application prior to being added to the Section 8 Waiting List.

Duplicate applications, including applications from a segment of an applicant household, will not be accepted. Duplicate applications will be combined and the applicant will be given the earliest date and time of the active applications only. Dropped application will remain in drop status.

The application process will involve two phases.

1. The first is the ***"initial"*** application for placement on the waiting list.

When the application is received by PCHCD, it establishes the family's date and time of application for placement order on the waiting list.

2. The second phase is the ***"final determination of eligibility."***

The determination of eligibility takes place when the family is selected for eligibility processing. At this time, PCHCD ensures that verification of HUD and PCHCD eligibility factors is current in order to determine the family's eligibility for the issuance of a voucher.

C. FAMILY OUTREACH

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

PCHCD will communicate the status of housing availability to other service providers in the community, and advise them of housing eligibility factors and guidelines in order that they may make proper referrals for housing assistance.

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[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

D. APPLICANT STATUS WHILE ON WAITING LIST [24 CFR 982.204]

Applicants are required to inform PCHCD of changes in address in writing within ten (10) days. Applicants are also required to respond to requests from PCHCD to update information on their application and to determine their interest in assistance.

To provide specific accommodation for a person with a disability, a staff person may complete the information over the telephone

After submission of the Application for Housing Assistance, the applicant will receive written confirmation of their waiting list status.

E. SPLIT HOUSEHOLDS (PRIOR TO VOUCHER ISSUANCE)

During the time while a family is on the Section 8 waiting list, if the family were to decide to split into two otherwise eligible families (*due to divorce or legal separation*) and the new families both wish to claim the same placement on the waiting list, a separate application will be made for each with the original date and time of application that they had as an intact family.

1. However, if a family is selected from the Section 8 waiting list and begins the eligibility process for voucher issuance, the household will no longer be able to separate into two families. Instead, PCHCD will have the final authority to determine which of the new family members would be best served by Section 8 assistance. PCHCD will consider the following factors to determine which of the families will be issued the voucher:
 - a. Which of the new family units has custody of the dependent child(ren)
 - b. The composition of the new families, and whether they include elderly or disabled members
 - c. Whether domestic violence was involved in the breakup
 - d. Recommendations of reliable, knowledgeable third-party professionals.

Upon request from PCHCD, documentation of these factors will be the responsibility of the family. If documentation is not provided, PCHCD will deny eligibility based on failure to provide information necessary for the eligibility determination.

F. WAITING LIST ORDER [24 CFR 982.204]

Except for Special Admissions, applicants will be selected from PCHCD waiting list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan. PCHCD will maintain information that permits proper selection from the waiting list.

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

If HUD awards PCHCD program funding that is targeted for specifically named families, PCHCD will admit these families under a Special Admission procedure.

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[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

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

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

1. A family displaced because of demolition or disposition of a Public or Indian housing project;
2. A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
3. For housing covered by the Low Income Housing Preservation and Resident Home-ownership Act of 1990;
4. A family residing in a project covered by a Project-Based Section 8 HAP contract at or near the end of the HAP contract term;
5. Veterans Affairs Supportive Housing (VASH).
6. Family Unification Program (FUP).
7. Project Based for designated service providers.
8. Non-Elderly and Disabled Families

H. RANKING LOCAL PREFERENCES

Within each of the following numbered categories, applicants will be served by date and time of application.

1. Applicants who live and/or work in the jurisdiction of Pinal County Housing and Community Development Department and who are families of two or more people that include a dependent or individuals who are disabled or age 62 or older, or veterans, or active U.S. Service Person or a homeless person with a disability
2. Other applicants who live and/or work in the jurisdiction of Pinal County Housing and Community Development Department
3. Applicants who do not live and/or work in Pinal County and who are families of two or more people that include a dependent or individuals who are disabled or age 62 or older, or veterans, or active U.S. Service Person or a homeless person with a disability
4. Other applicants who do not live and/or work in Pinal County

I. INITIAL DETERMINATION OF LOCAL PREFERENCE

An applicant's certification that they qualify for a preference will be accepted without verification at the initial application. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the local preference.

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[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

J. CHANGE OF PREFERENCE [24 CFR 982.207]

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify PCHCD in writing of any changes to their application within ten (10) days of the change.

K. CROSS LISTING OF PUBLIC HOUSING AND SECTION 8

PCHCD will not merge the waiting lists for Public Housing and Section 8.

L. PREFERENCE DENIAL

If PCHCD denies a preference, PCHCD will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for a review with a staff member other than the one who made the decision. If the preference denial is upheld because of the review, or the applicant does not request a review, the applicant will be placed on the waiting list without benefit of the preference.

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

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

The wait list will be purged periodically as needed to ensure a viable list of applicants. The mailing will ask for confirmation of continued interest.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless PCHCD determines there were circumstances beyond the person's control.

If an applicant fails to respond to any mailings, which require a response, the applicant's name will be dropped from the waiting list without further notice.

To provide specific accommodation for a person with a disability, a staff person may complete the information over the telephone.

If the applicant did not respond to PCHCD's request for information or updates because of a family member's disability, PCHCD will reinstate the applicant in the family's former position on the waiting list.

If a letter or other correspondence is returned by the Post Office as undeliverable, the applicant will be removed without further notice.

N. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206; 982.54(c) (1)]

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[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

1. Closing the Waiting List

The PCHCD may close a waiting list anytime that the PCHCD determines that the applicant pool is large enough to fill the estimated amount of available Vouchers for the next twenty-four (24) months.

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

The PCHCD may close an entire waiting list or close only a portion, keeping part of the waiting list open; and, accepting applications only from certain categories of families that meet particular preferences or funding criteria or for any special programs.

If the waiting list is open for special programs, it will only be open for accepting applications for the special programs. During the period when the waiting list is closed, PCHCD will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

2. Opening the Waiting List

The PCHCD will give at least two weeks advance public notice that a family may apply for housing assistance before opening the waiting list.

The notice shall be circulated in a local newspaper of general circulation, by minority media, and any other media outlets that PCHCD finds suitable. The notice will comply with HUD fair housing requirements and will specify the following:

- a. The PHA name and address
- b. The dates, times and locations of where a family may apply and how to submit a pre-application
- c. The program(s) for which pre-applications will be taken
- d. A brief description of the program and eligibility criteria
- e. Any limitations on the criteria for the type of family that may apply
- f. The time limitation of the application period

Once a waiting list is open, PCHCD will accept initial applications from eligible families unless there is good cause for not accepting the application, such as denial of assistance because of action or inaction by members of the family for the grounds stated in the “Program Terminations and Program Integrity Unit” chapter of this Administrative Plan.

Applications will be accepted up to the close of business on the date announced in the public notice. For the purpose of this Administrative Plan, applications that are post marked on or before the closing date will be accepted.

At no time will an application that is submitted by U.S. Mail be accepted later than 10 calendar days after the closing date of the waiting list.

The PCHCD does not accept any liability or responsibility for applications that are lost and/or misdirected by the U.S. Post Office.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over the next 24 months.

The PCHCD will give at least seven days' notice prior to closing the list.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow

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[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

persons with disabilities the opportunity to submit an application.

O SELECTION FROM WAITING LIST [24 CFR 982.204]

When funding is available, families will be selected from the waiting list in their preference-determined sequence, regardless of family size.

P. INCOME LIMITATIONS/INCOME TARGETING [24 CFR 982.201(b), 982.353]

Seventy five percent (75%) of new admissions shall not exceed 30% of the Area Median Income (AMI) as established by HUD. The remaining 25% may be between 31-80% of the AMI.

Meeting the income targeting requirements will require skipping higher income families on the waiting list as necessary to satisfy PCHCD's annual targeting requirement.

To determine if the family is income-eligible, PCHCD compares the Annual Income of the family to the applicable income limit for the family's size.

Families whose Annual Income exceeds the income limit will be denied admission and offered an administrative review.

For initial lease-up, families who exercise portability must be within the applicable income limit for the jurisdiction of the receiving Public Housing Authority.

Q. ELIGIBILITY DETERMINATION PROCESS

All preferences claimed on the Application for Housing Assistance or while the family is on the waiting list will be verified after the family is selected from the waiting list.

Applicants must complete a Personal Declaration.

Household composition may not be changed only to qualify for a preference.

R. COMPLIANCE WITH ELIGIBILITY PROCESS

PCHCD establishes procedures to gather the information and data necessary to determine a family's eligibility. The procedures require the participation and signatures of all adult family members, 18 years and older. When interviews are scheduled, all adult family members must attend. Failure to provide requested information and data may result in the denial of an application. Failure to attend the initial scheduled appointment will result in denial of the application. One reschedule will be allowed as a reasonable accommodation for a person with disabilities.

S. VERIFICATION [24 CFR 982.201(e)]

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[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

Information provided by the applicant will be verified, using the verification procedures in the "Verification Procedures" Chapter. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than 60 days old at the time of issuance of the Voucher.

T. FINAL DETERMINATION OF ELIGIBILITY [24 CFR 982.201]

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

U. ELIGIBILITY FACTORS [24 CFR 982.201]

PCHCD accepts applications only from families whose head or spouse is at least 18 years of age or emancipated minors under State law. To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by PCHCD.

HUD eligibility criteria are:

1. An applicant must be a "family";
2. An applicant must be within the appropriate Income Limits;
3. An applicant must furnish Social Security Numbers for all family members;
4. An applicant must furnish declaration of Citizenship or Eligible Immigrant Status and verification when required;
5. Reasons for denial of admission are addressed in the "Terminations and Program Integrity Unit" chapter. These reasons for denial constitute additional admission criteria.

Evidence of Citizenship/Eligible Immigrant Status will not be verified until the family is selected from the waiting list for final eligibility processing for issuance of a Voucher.

V. FAMILY COMPOSITION [24 CFR 982.201]

The applicant must qualify as a Family. A Family may be a single person or a group of persons. A family will consist of a Head of Household as defined in the Glossary. In addition, a family may contain either a Spouse or a Co-Head as defined in the Glossary. A Family includes:

1. A family with a child or children

Joint Custody of Children (Child)

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 186 days of the year, which do not have to run consecutively.

2. Two or more persons living together that include a dependent, or one or more elderly or

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disabled persons living with a live-in aide PCHCD determines if any other group of persons qualifies as a family.

3. A single-person family may be:
4. An elderly person.
5. A displaced person.
6. A veteran or active U.S. Service Person.
7. A person with a disability. Individuals may not be considered disabled for eligibility purposes solely based on any drug or alcohol dependence.
8. Any other single person.
9. A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to enlarge artificially the space available for other family members.
10. Live-in-Aide

A family may include a Live-In-Aide (LIA) provided that such a live-in aide:

- a. Is determined by PCHCD to be essential to the care and well being of an elderly person, a near-elderly person, or a person with a disability;
- b. Is not obligated for the support of the person(s);
- c. Would not be living in the unit except to provide care for the person(s);
- d. or unit); and
- e. Live-In-Aide may not be considered as a remaining member of the participant family.

A relative is not automatically excluded from being a Live-In-Aide, but he/she must meet all of the elements in the Live-In-Aide definition described above. Owners of the assisted unit may not be a Live-In-Aide.

A Live-In-Aide may only reside in the unit with the approval of PCHCD. Written verification will be required from a health care professional. The verification provider must certify that a Live-In-Aide is needed for the care of the family member who is elderly, near elderly (50-61) or disabled.

At any time, PCHCD will refuse to approve a particular person as a Live-In-Aide or may withdraw such approval if:

- a. The person has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- b. The person has a history of drug-related criminal activity or violent criminal activity as defined by this Administrative Plan; or
- c. The person currently owes rent or other amounts to PCHCD or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.

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

All applicants and participants (including each member of the household) are required to disclose

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his/her assigned Social Security Number and to provide verification of his/her Social Security Number. (This requirement also applies to persons joining the family after admission to the program.)

The applicant family will not be admitted to the program until all members of the household have met the Social Security Number disclosure and documentation requirements.

Individuals who do not contend eligible immigration status may not have a Social Security Number to disclose and must sign a Social Security Number Declaration Form that they do not have an assigned Social Security Number. All applicants who disclose their Social Security Number must provide verification within 21 days. An extension for an additional 21 days will be granted when requested in writing. All applicants who fail to provide the requested verifications within the timeframe stated above will be dropped from the Waiting List.

The PCHCD will deny eligibility for assistance if the applicant (including each member of the household) does not disclose and/or provide documentation of Social Security Numbers within the specified time frame.

The PCHCD will verify each disclosed Social Security Number in the Enterprise Income Verification (EIV) system.

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

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD. For the Citizen/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

1. **Mixed Families:** A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed." Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.
2. **All Members Ineligible:** Applicant families that include no eligible members are ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.
3. **Non-citizen Students:** Defined by HUD in the non-citizen regulations at 24 CFR 5.522. Not eligible for assistance.
4. **Appeals:** For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

Y. OTHER CRITERIA FOR ADMISSIONS [24 CFR 982.552(c)]

In addition to the HUD eligibility criteria, PCHCD will apply the following criteria:

1. Before PCHCD will allow participation in its Section 8 program, the family must be in good standing regarding any current payment agreement made with any PHA for a previous debt incurred, or have paid it in full.
2. PCHCD will check criminal history for all adults in the household in accordance with the section

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on Criminal Activity Policy in the "Terminations and Program Integrity Unit" chapter to determine whether any member of the family has violated any of the prohibited behaviors.

3. PCHCD will conduct searches in the Enterprise Income Verification (EIV) system related to Debts Owed to PHAs & Terminations and Verification Reports to avoid providing duplicate rental assistance to families already assisted.
4. If any applicant misrepresents the information on which eligibility or tenant rent is established, PCHCD may deny assistance and may refer the family file for appropriate disposition.
5. The family must not have been terminated for violating any family obligation during a previous participation in the Section 8 program prior to final eligibility determination.

Z. TENANT SCREENING [24 CFR 982.307]

PCHCD will take into consideration any of the criteria for admission described in the "Denial or Termination of Assistance" Chapter.

PCHCD will not screen family behavior or suitability for tenancy. PCHCD will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy. The owner is responsible for screening families based on their tenancy histories.

AA. CHANGES PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Changes in eligibility that occur during the period between issuance of a voucher and lease up may affect the family's eligibility or share of the rental payment.

BB. INELIGIBLE FAMILIES

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

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RESERVED

Chapter 3 – Verification, Income, Assets, and Allowances

[24 CFR Part 5, Subparts D & E; Part 982, Subpart D & L]

A. INTRODUCTION

PCHCD will use the methods as set forth in this Administrative Plan to verify and determine that family income at admission and reexamination is correct. 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.

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

HUD regulations require the factors of eligibility and Total Tenant Payment be verified by PCHCD. PCHCD staff will obtain written verification and will document the method of verification used in clients file.

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

B. METHODS OF VERIFICATION

1. Methods of Verification for Participants

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

- a. Upfront income verification (UIV) EIV
- b. Upfront Income Verification (UIV)
- c. Written Third-party Documents
- d. Written Third-party Verification Forms
- e. Oral Third-party Verification
- f. Self-Declaration

2. Mandated Use of the Enterprise Income Verification (EIV) System [24CFR § 5.233]

- a. The PCHCD will review the EIV Income Report of each family at annual and interim reexaminations of family income and/or composition to reduce tenant under reporting of income and improper subsidy payments.
- b. Verify tenant employment and income information during mandatory reexaminations of family composition and income; and
- c. Reduce administrative and subsidy payment errors.

C. DEFINITIONS OF METHODS OF VERIFICATION

This Section defines methods of verification but does not take precedence over Section A of this Chapter.

1. Verification Hierarchy Definitions

a. HUD Upfront Income Verification (UIV)

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 individual using HUD's Enterprise Income Verification (EIV) system.

b. Non-HUD Upfront Income Verification (UIV)

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 using non-HUD System (i.e., Work Number, Cal-Win, etc.)

c. Written Third Party Documents:

Reliable documentation generated by a third party source. Used to supplement EIV-reported income sources, other income sources and when tenant disputes EIV-reported income information. Examples of third-party documents include:

- I. Pay stubs
- II. Payroll summary report
- III. Notice or letter of hire or termination from an employer
- IV. Benefit verification letter from the Social Security Administration (SSA)
- V. Bank statement
- VI. Child support payment stubs/printout
- VII. Welfare benefit letter or printout
- VIII. Unemployment monetary benefit letter

d. Exception for Averaging

For the purpose of averaging annual income or income from assets, at least one document used for averaging will be within 180 days at the time of voucher issuance for moves or the effective date of the annual reexamination or interim certification effective date.

e. Written Third Party Verification Forms

A standard form sent directly to a third party source requesting specific information. The form is completed by the third party and returned directly to PCHCD.

f. Oral Third Party Verification

Used when written third party verification is not made available, PCHCD staff will attempt to contact via telephone or email third party requesting information. Documentation of the phone call, person contacted and the information obtained will be included in the case

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[24 CFR Part 5, Subparts D & E; Part 982, Subpart D & L]

file.

g. **Self-Declaration**

Utilized when obtaining verification via all other verification techniques are unsuccessful. An affidavit statement directly from the client declaring reported income, assets and/or expenses to PCHCD will be obtained. PCHCD will document in the case file why third party verification was not available.

h. **Upfront Income Verification (UIV) and Income Verifications Timeframes:**

- i. **For applicants:** EIV is valid if dated within 120 days of the PIC submission date for confirming/validating the family-reported income. Other types of UIV are valid if dated within 60- days of the date of PCHCD's request.
- ii. **For participants:** EIV and other types of UIV are valid if dated 120 days in advance of the annual recertification, move or interim certification.

2. Use of Third Party Verification to Supplement Upfront Income Verification [2 4CF R 5.236 (b)] Third party verification may be used to supplement or compliment UIV information when appropriate.

The PCHCD will allow two weeks for return of third-party verifications. If third party is not used or available, PCHCD will document the justification.

D. **RELEASE OF INFORMATION** [24 CFR 5.230]

Adult family members will be required to sign the HUD-9886 Release of Information/Privacy Act form.

Adult family members will be required to sign an authorization form that extends the timeframe of the HUD Form 9886, Authorization of Release of Information/Privacy Act Notice, for a total period of 15-months, and allows verification of any information that is not covered by the HUD authorization.

Family members requested to consent to the release of specific information may be provided with a copy of the appropriate forms for their review and signature, if requested.

It is a family obligation to supply any information and sign consent forms requested by PCHCD or HUD. Family refusal to cooperate will result in denial of admission or termination of assistance.

E. **ITEMS TO BE VERIFIED** [24 CFR 982.516]

The following items will be verified annually:

1. All income not specifically excluded by the regulations.
2. Full-time student status.
3. Current assets including assets disposed of for less than fair market value in the preceding Two years.
4. Child care expense when it allows an adult family member to be employed, to further his/her education, or seek employment.

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5. Total medical expenses of all family members in households whose head, spouse, or co-head is elderly or disabled.
6. Disability assistance expenses that allow an adult family member to be employed include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family.
7. Familial or marital status when needed for head or spouse definition.
8. The following items will be verified annually, every five years or one time only, based on the medical professional's certification of how long the condition will continue.
 - a. Disability for determination of preferences, allowances or deductions.
 - b. The need for a live-in aide.
9. In addition to the above, the following items will be verified at Eligibility and when adding household members, including live-in aides:
 - a. Preference status (*at Eligibility only*).
 - b. Picture Identification for all adults (*age 18 or older*) including live-in aides.
 - c. U.S. citizenship/eligible immigrant status.
 - d. Social Security Numbers for all family members over six years of age or older who have been issued a social security number.
 - e. History of criminal activity, illegal drug activity and alcohol abuse.

F. VERIFICATION OF PREFERENCES [24 CFR 5.410-5.430]

All preferences must be verified.

1. Live or Work in Pinal County

- a. Copy of Lease Agreement and three most recent rent receipts, canceled checks or money order receipts.
- b. An Arizona driver's license or Arizona ID in conjunction with copies of recent bills sent to the address.
- c. Copy of paycheck stubs that indicate the location of the place of employment or third party verification that indicates the place of employment.

2. Homeless

An applicant is considered homeless if the applicant lacks a fixed, regular and adequate nighttime residence and can provide verification that their nighttime residence is:

- a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
- b. An institution that provides temporary residence for individuals intended to be institutionalized (not incarcerated); or
- c. A public or private place not designed for, or ordinarily used as, a regular place for human beings.

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- d. Homeless applicants who meet the criteria described above must provide certification of homeless status from a public or private facility that provides shelter for such households, or from the local police department, or any social service agency that provides services for homeless people.

Applicants who are homeless due to residing in a transitional housing program must provide a letter from the transitional program's sponsoring agency documenting the applicant's participation and readiness to maintain an independent tenancy.

3. Veterans

- a. DD214 discharge document.
- b. Letter from Veteran's Administration verifying the branch of service; date and place of discharge; and, type of discharge.

4. Family of Veteran

One of the above forms of verification must be provided for the veteran and familial status verified as follows:

- a. Marriage certificate or license.
- b. If veteran is deceased and the spouse has not remarried, a copy of the marriage certificate/license and a copy of the veteran's death certificate.

5. Active Military

Current military paycheck stub or current military ID.

G. VERIFYING NON-FINANCIAL FACTORS [24 CFR 5.508(b), 982.153(b) (15)]

1. Verification of Legal Identity

There must be verification of all applicants that reside in the household. Birth certificates or some proof of residence must be submitted. Picture ID will be required of all adult household members, including live-in aides. Verification for **adults** includes one of the following:

- a. Certificate of Birth
- b. Naturalization Papers (cannot be copied - use document viewed statement)
- c. Acceptable INS documents
- d. Legal driver's license
- e. US military discharge
- f. US passport
- g. Company ID
- h. Health and Human Services ID
- i. Social Security Card
- j. Department of Motor Vehicles Arizona ID

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Verification for **minors** includes one of the following:

- a. Certificate of Birth
- b. Acceptable INS documents
- c. Adoption papers
- d. Custody agreement
- e. Health and Human Services ID
- f. School records
- g. U. S. passport

2. **Verification of Marital Status**

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer. Verification of a separation may be a copy of court-ordered maintenance or other records. Verification of marriage status is a marriage certificate.

3. **Familial Relationships**

The definition of “family” includes but is not limited to:

- a. A family with or without children (*a child temporarily absent from the home due to placement in foster care shall still be considered in determining family composition and family size*);
- b. An elderly family;
- c. A disabled family;
- d. A displaced family,
- e. The remaining member of a family; and
- f. A single person who is not elderly, disabled, or displaced.

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide additional verification, such as:

- a. Verification of relationship
- b. Official identification showing names
- c. Birth Certificates
- d. Baptismal Certificates
- e. Verification of guardianship
- f. Court-ordered assignment
- g. Notarized affidavit from the parent
- h. Verification from social services agency
- i. School records
- j. Parent designation of responsibility for medical care.

4. **Verification of Permanent Absence of Family Member**

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If an adult member who was formerly a member of the household is reported permanently absent by the family, PCHCD will accept a self-certification from the head of household. If the head is the absent member, the spouse, co-head, or other adult member can report the change in household composition.

PCHCD reserves the right to require any of the following as verification that the household member is absent from the home:

- a. Divorce action paperwork.
- b. Legal separation paperwork.
- c. Order of protection/restraining order obtained by one family member against another.
- d. Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement.
- e. Statements from other agencies such as social services or a written statement from the property owner or manager that the adult family member is no longer living at that location.
- f. Document from the Court or prison stating how long the adult family member will be incarcerated.

5. Verification of Change in Family Composition

PCHCD may verify changes in family composition (*either reported or unreported*) through letters, telephone calls, utility records, inspections, property owners, neighbors, credit data, school or DMV records, and other sources.

6. Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act 42 U.S.C. 6001(7) or verified by a reliable, knowledgeable third-party professional, using the HUD language as the verification format.

7. Social Security Number Disclosure and Verification Requirements [24CFR5.216, PIH Notice 2 010-3]

Applicants, participants (including each member of the household) and live-in aides are required to disclose his/her assigned SSN, with the exception of the following individuals:

- a) Current participants who have previously disclosed a valid SSN that has been verified by EIV
- b) Current participants who are age 62 or older on January 31, 2010.
- c) Individuals who do not contend to have eligible immigration status.

1) SSN Documentation

All assisted household members not exempt must provide documentation of a valid SSN. Acceptable evidence of the SSN consists of:

- I. Original SSN card issued by SSA;
- II. Original SSA-issued document, which contains the name and SSN of the individual; or
- III. Original document issued by a federal, state, or local government agency,

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which contains the name and SSN of the individual.

Participants that do not have a SSN and are not exempt from disclosing a SSN will have thirty (30) days to provide verification of a SSN. In addition, they must sign a written declaration in writing under penalty of perjury that they have not been assigned an SSN.

2) **Rejection of Documentation**

PCHCD may reject documentation of the SSN provided by the applicant or participant for the following reasons:

- I. Document is not an original document; or
- II. Original document has been altered, mutilated, or not legible; or
- III. Document appears to be a forged document (i.e. does not appear to be authentic).

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

3) **Verification of the SSN**

PCHCD will retain a copy of the acceptable documentation until the SSN has been verified through EIV.

4) **SSA Requirements for Additions of New Household Members**

I. **Six Years or Older**

Must provide acceptable documentation of their SSN. If the required documentation is not provided, the new household member cannot be added until such documentation is provided.

II. **Under Six Years Old**

1. With an assigned SSN: Must provide acceptable documentation of the SSN. If the required documentation is not provided, the new household member cannot be added until such documentation is provided.
2. Without an assigned SSN: The required documentation must be provided within 90 calendar days of the child being added to the household. If the family is not able to disclose and provide the required documentation within 90 calendar days, the family will be granted an extension if they provide documentation that they were unable to comply with the requirements due to unforeseen circumstances that were outside the control of the family.

5. **Penalties for Failure to Disclose and/or Provide Documentation of SSN**

In accordance with 24 CFR 5.218, the following penalties apply for noncompliance with the SSN disclosure and documentation requirements:

I. **Applicants**

- a. PCHCD will deny eligibility of assistance to the applicant family if any member of the household, required to disclose a valid SSN, does not disclose and/or provide documentation of such SSN.

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- b. If the family is otherwise eligible to participate in the program, the family may maintain his/her position on the waiting list for a period of 21 days. An extension for an additional twenty-one (21) days will be granted when requested in writing.

II. Participants

- a. PCHCD will terminate the assistance of any participant family if any family member does not disclose his/her SSN and provide the required documentation within 30-days.

If the family is otherwise eligible for continued assistance or tenancy in the program, PCHCD, has the discretion to defer the family's termination. The family will be provided an opportunity to comply with the requirement. A period **not to exceed 90 calendar days** from the date PCHCD determined the family noncompliant with the SSN disclosure and documentation requirement, if the PHA determines:

The failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside the control of the family; and

There is a reasonable likelihood that the family will be able to disclose the SSN and provide such documentation of the SSN by the deadline.

8. Verification of Citizenship/Eligible Immigrant Status [24 CFR 5.504(b); 24 CFR 5.506(a); 24 CFR 5.508(b) (3), (e), (f)]

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

Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury. PCHCD may require citizens to provide documentation of U. S. citizenship. Acceptable documentation may include:

- a. U. S. birth certificate
- b. U. S. passport
- c. Social Security card
- d. Other documentation as determined by PCHCD

Eligible Immigrants who are 62 years of age or older are required to sign a declaration of eligible immigration status form and provide proof of age.

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

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

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

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

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

For participants, the verification occurs when adding any new family member into the household composition.

Once verification has been completed, it need not be verified again.

PCHCD will not assist any family prior to the affirmative establishment and verification of the eligibility of the individual or at least one member of the family.

9. Acceptable Documents of Eligible Immigration

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

- a) Resident Alien Card (I-551)
- b) Alien Registration Receipt Card (I-151)
- c) Arrival-Departure Record (I-94)
- d) Temporary Resident Card (I-688)
- e) Employment Authorization Card (I-688B)
- f) Receipt issued by the INS for issuance of replacement of any of the above documents that shows the individual's entitlement has been verified.

A birth certificate is not acceptable verification of status.

All documents concerning U.S. citizenship/eligible immigrant status must be kept five years.

H. VERIFICATION OF DRUG OR VIOLENT CRIMINAL HISTORY, REGISTERED SEX OFFENDERS AND ALCOHOL ABUSE

PCHCD will perform a criminal history check and sex offender registration records search on every adult (*18 years or older*) household member and live in aide, utilizing a third party source.

I. CONFIDENTIALITY OF CRIMINAL RECORDS

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PCHCD will ensure that any criminal record received is confidentially maintained, not misused or improperly disseminated, and destroyed not more than 30 days after PCHCD's final decision. A decision on the individual's eligibility is not final until the period for all possible appeals have elapsed.

J. DEFINITION OF INCOME [24 CFR 5.609]

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

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or annual reexamination. Gross income is the amount of income before any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual income is used to determine whether applicants are within the applicable income limits.

1. Income of Person Confined to a Nursing Home

If a family member is permanently confined to a hospital or nursing home and there is a remaining household member(s), PCHCD will remove the member and exclude the income of the person permanently confined to the nursing home and not allow deductions for medical expenses of the confined family member.

2. Regular Contributions and Gifts

A regular gift or contribution is counted when there is an agreement between the parties, oral or written, that the gift or contribution will be received on a regular basis.

3. Sporadic Income

A source of income or contribution that is neither reliable nor periodic and that cannot be anticipated because no historic, stable pattern of income exists is not counted as income.

4. Alimony and Child Support

Alimony and child support payments are counted as income for calculation of Total Tenant Payment. It is the family's responsibility to supply a verification of alimony and child support payments.

5. Employer Mileage Reimbursement

Employment reimbursement for mileage expenses for use of personal vehicle will not be counted as income.

6. Employer Paid Medical/Flex/Cafeteria Benefits

Benefits paid by the employer to purchase medical, dental, visual, disability insurance, and/or other benefits allowable to be purchased by the employee under paid benefits, will not be counted as income. Excess amount not used by the employee to purchase benefits and paid directly to the employee as taxable income will be counted as income to calculate Total Tenant Payment (TTP).

K. VERIFICATION OF INCOME [24 CFR 982.516]

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[24 CFR Part 5, Subparts D & E; Part 982, Subpart D & L]

The following defines the methods PCHCD will use to verify various types of income.

1. Employment Income

Verification forms may request the employer specify the following:

- a. Dates of employment
- b. Amount and frequency of earnings
- c. Date of last pay increase
- d. Earnings history
- e. Year to date earnings
- f. Expected Change in employment status
- g. Effective date of any anticipated wage increase during the next twelve months
- h. Anticipated unpaid time off.

Acceptable methods of verification include, in order of priority:

- a. Upfront income verification.
- b. Employment verification form completed by the employer (*third-party written*).
- c. Oral third-party verification.
- d. Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings (*review of documents*).
- e. W-2 forms plus income tax return form (*review of documents*).
- f. Self-certifications or income tax returns signed by the family may be used for verifying income from tips and other gratuities.

In cases where there are questions about the information provided by the family, PCHCD may require the most recent federal income tax statements and returns.

2. Social Security and Supplemental Security Income

Acceptable methods of verification include, in order of priority:

- a. Upfront income verification through EIV or (UIV) for Social Security and Supplemental Security Income.
- b. Third Party documents. A computer report, SSA annual award letter, SSA benefit notification or cost of living adjustment letters provided by the family.

Note: PCHCD may verify changes in standard benefit amounts and establish an effective date for implementation.

3. Pensions and Disability Income

Acceptable methods of verification include, in order of priority:

- a. Upfront verification
- b. Third party documents provided by the client, i.e., a computer report, annual award letter, benefit notification or cost of living adjustment letter dated within the last 60 days of the interview.

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- c. Third party verification forms; benefit verification form completed by the agency providing the benefits.
- d. Third-party oral verification by staff contacting the income source via telephone or in person
- e. Tenant self-certifications (sworn statement provided by the client). This method is used as a **last resort** when higher levels are **not** available.

4. Unemployment Compensation

Acceptable methods of verification include, in order of priority:

- a. Upfront verification through EIV.
- b. Upfront income verification UIV.
- c. Third party documents provided by the client, i.e., a computer report, benefit amount award letter or payment stubs from EDD/printout.
- d. Third party verification forms provided by the tenant completed by the unemployment compensation agency or unemployment report that is e-mailed, faxed, or mailed directly from EDD.
- e. Third-party oral verification by staff contacting the income source via telephone or in person.
- f. Self-certifications (sworn statement provide by the client). This method is used as a **last resort** when higher levels are **not** available.

5. Welfare Payment or General Assistance

Acceptable methods of verification include, in order of priority:

- a. Upfront income verification (UIV).
- b. Third party documents provided by the client, i.e., a computer report, Notice of Action letter from DES
- c. Third Party forms. PCHCD verification form completed by the DHHS agency/payment provider.
- d. Third-party oral verification by staff contacting the income source via telephone or in person.

6. Alimony or Child Support Payments

Acceptable methods of verification include, in order of priority:

- a. Upfront income verification (UIV).
- b. Third party verification documents provided by the client, i.e., a copy of a separation or settlement agreement or a divorce decree stating amounts and types of support and payment schedules.
 - l. If the amount of child support or alimony received is less than the amount awarded by the court, PCHCD will use the amount awarded by the court unless the family can verify they are not receiving the full amount and verification of item(s) below are provided:

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- II. The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney or
 - III. A written declaration from the person paying the support.
 - IV. Copies of personal checks for two consecutive months and/or payment stubs from Court Trustee.
- c. Third party verification form completed by the Child Support Agency or the party responsible for enforcement or collection; or
 - d. Third-party oral verification by staff contacting the income source via telephone or in person.
 - e. Tenant self-certifications (sworn statement provided by the client). This method is used as a **last resort** when higher levels are **not** available.

7. Net Income from a Business/Self Employment

In order to verify the net income from a business, PCHCD accept third party documents provided by the client and will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

- a. IRS Form 1040, including:
- b. Schedule C (Small Business)
- c. Schedule E (Rental Property Income)
- d. Schedule F (Farm Income)

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

- a. Audited or unaudited financial statement(s) of the business.
- b. Documents such as manifests, daily logs, appointment books, cashbooks, bank statements, and receipts will be used as a guide for the prior six months (*or lesser period if not in business for six months*) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.
- c. Credit report or loan application.
- d. Family's self-certification as to net income realized from the business during previous years. For some self-employment types, where there is the potential for substantial income, self- certification is unacceptable.
- e. In cases of large gross income yet minimal net income to applicant or participant, additional documentation may be required, for example, documentation of wages and payroll taxes, receipts for expenses, etc.

Income from self-employment can be positive or zero. Self-employment losses cannot reduce other income to the household.

8. Child Care Business

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[24 CFR Part 5, Subparts D & E; Part 982, Subpart D & L]

If an applicant/participant is operating a licensed childcare business, income will be verified just as any other business.

If the applicant/participant is operating a "cash and carry" operation (*which may or may not be licensed*), PCHCD will require that the applicant/participant complete a form for each customer that indicates:

- a. name of person(s) whose child (*children*) is/are being cared for
- b. phone number
- c. number of hours child is being cared for
- d. method of payment (*check/cash*)
- e. amount paid, and
- f. signature of person

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

9. Recurring Gifts

The applicant/participant family must furnish a self-certification, which contains all of the following information:

- a. The person who provides the gifts; and
- b. The value of the gifts;
- c. The regularity (*dates*) of the gifts;
- d. The purpose of the gifts.

10. Zero Income Status

The family will be required to complete Monthly Budget forms; and, a certification statement. Families claiming to have no income and will be required to provide verification of all sources of income such as unemployment benefits, AFDC, etc. are not being received by the household. PCHCD may request information from the State Employment Office. PCHCD may run a credit report.

11. Full-time Student Deduction

Households with full-time student/s **18 years of age or older, not including the head of household or spouse**, are eligible to receive a "Full-Time Student Deduction" when calculating the annual income if proper verification/documentation is provided.

The deduction includes:

- a. \$480 per year for each full-time student
- b. Not counting earned wages in excess of \$480 per year.

In order to qualify for the deduction, each adult in the household who is a full-time student (18 years of age or older, not including the head of household or spouse), must provide proof (from the school) that verifies his/her student status which includes a complete transcript (with the current term).

A school transcript must be provided at:

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- a. Intake process
- b. Annual reexamination
- c. Move/other change of unit
- d. And as required by PCHCD

Required Information

In order to qualify for the “Full-time Student Deduction”, the family must provide the following school verification and documentation to PCHCD in a timely manner for each full-time student. A separate page containing any information not listed on the transcript must be obtained from the school and attached to the transcript before it is submitted to PCHCD. Please include the full name of Head of Household on the top of each page.

- a. School name and mailing address
- b. Student’s name
- c. Transcript of student’s complete enrollment history, including the current term.

Note: If the student has not been enrolled long enough to have a transcript, they must provide written school verification of their current enrollment status

- d. The equivalency for the enrolled units listed on the transcript (*full-time, part-time, not enrolled, withdrawn, etc.*) Unless otherwise specified by the school, full-time student status equals 12 or more units/hours
- e. The Full-time Student Certification form must be signed and dated by the Head of Household and each adult student.

Change in Student’s Status

When there is a change in the student’s status, a written notice to PCHCD is required within ten (10) days of the change.

Note: Full-time student status will not be approved if information is missing from the form. The PCHCD form must be signed and dated by the Head of Household and each adult full-time student in order to acknowledge their understanding of the following:

- a. A complete transcript of student’s enrollment history, including the current term, must be obtained from the school. The transcript and or supporting verification must include all required information.
- b. The PCHCD may conduct periodic follow-up verifications to ensure students are enrolled full-time as reported (*the student may be required to provide additional documentation as deemed appropriate*).
- c. Any changes to the enrollment status from full-time to a lesser level must be reported in writing within ten (10) days. The case will then be re-evaluated, and may result in an increase to the rent portion.
- d. If the student did not maintain his/her full-time status and assistance was overpaid, a repayment agreement will be executed.
- e. Failure to provide complete and accurate information regarding full-time student status may result in termination of rental assistance.

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Minors who turned 18 years old since the last recertification review

May not be designated as a full-time student without obtaining the proper status verification and signed Certification form.

When no response is received, or verification is incomplete

The deduction will not be allowed.

Change to part-time student enrollment status

When the client reports a change from full-time to part-time enrollment status, an interim is processed removing the full-time student deduction and counting the full wages of the student. The interim may be processed based on the letter from the client reporting that they no longer have full-time student status when:

- a. No income was reported on the last Personal Declaration, or
- b. Reported wages on the last Personal Declaration were verified by Review of Documents or EIV.

If reported wages were not verified a written notice will be sent to the family requesting verification of income.

Failure to Stay Enrolled Full-Time

If the client has signed a Full-Time Student Certification and fails to report a change in his/her enrollment status within ten (10) days, the client:

- a. Must repay any overpayment that may have resulted from his/her non-reporting.
- b. Will not be granted Full-Time Student status until his/her transcript indicates completion of full time course work in the most recent fall, winter or spring semester/quarter.

Verifying Full-Time Student Status during the Summer Months

A student's status will be considered "full-time" if:

- a. Verification from the school indicates that they attend full time
- b. Transcripts indicate a record of attending school full-time during the regular school year
- c. Student has not graduated from the school.

Verification of Exempted Wages after Full-Time Student Status Verified

Only one paystub is necessary for calculating the amount of exempted wages for a full-time student.

12. Full-time Student Status – Financial Assistance

Verification of full time student status includes:

- a. Written verification from the registrar's office or other school official.
- b. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

13. Student Financial Assistance

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[24 CFR Part 5, Subparts D & E; Part 982, Subpart D & L]

The PCHCD will abide by HUD's Final Rule on Student Financial Assistance in accordance with [24CFR 5.609 (b) (9) and FR 4/10/2006] Financial assistance will be included in annual income to determine financial eligibility for the following students:

- a. Students who are enrolled in an institution of higher education, as defined under the Higher Education Act (HEA) of 1965, and are:
- b. Under the age of 24
- c. Not a veteran
- d. Unmarried, and
- e. Do not have any children, and
- f. The student has not established their own household for a minimum of not less than one year, and are not included on their parent's last year's tax return.
- g. Student financial assistance in excess of tuition received will be included in annual income if they are:
- h. Under the 1965 HEA,
- i. From a private source, or
- j. From an institution of higher education, as defined under the 1965 HEA

14. Student Financial Assistance Excluded from Annual Income [24 CFR 5.609]

Any student financial assistance not subject to inclusion is fully excluded from annual income, whether it is paid directly to the student or to the education institution the student is attending. This includes any financial assistance received by:

- a. Students residing with parents who are seeking or receiving Section 8 assistance
- b. Students who are enrolled in an educational institution that does not meet the 1965 HEA definition of institution of higher education
- c. Students who are over 23 AND have at least one dependent child.
- d. Students who are receiving financial assistance through a governmental program not authorized under the 1965 HEA.

Only the first \$480 of the earned income of full-time students, other than head, spouse, or co-head, will be counted towards family income.

L. VERIFICATION OF ASSETS [24 CFR 982.516]

1. Family Assets include:

- a. Checking and Savings Accounts
- b. Stocks
- c. Bonds
- d. Certificates of Deposit
- e. Money Market Funds

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Current cash value of a family's assets is the net amount the family would receive if the assets were converted to cash. The current value of assets will be counted unless there is evidence provided by the family that an average of the balance for the last 2-6 months is a better reflection of anticipated income. Interest will be calculated based on the interest rate reflected on the most current statement, or on the CD set rate, unless third party verification reflects a higher interest rate. For stocks, the asset income will be based on the earnings for the most recent reporting period unless there is evidence provided by the family that an average of the earnings for a prior 12 months is a better reflection of anticipated income.

Applicants/Participants

Assets Totaling \$5,000 or Less

The total family assets under \$5,000 will be considered nominal and will not require third party verification. Nominal assets will be verified by review of documents using the current balance.

Assets that Exceed \$5,000

PCHCD will attempt third party verification of all family assets and will utilize the current balance for savings and checking accounts.

Acceptable verification may include any of the following:

- a. Third-party written verification forms, letters, or documents provided directly by a financial institution or broker, unless not cost effective;
- b. Checking account statements (*3–6 bank statements*), certificates of deposit, bonds, or financial statements supplied by a family if completed by a financial institution or broker;
- c. Estimates by a stockbroker or real estate agent of the net amount a family would receive if it liquidated securities or real estate;
- d. Real estate tax statements if the approximate current market value can be deducted from them;
- e. Financial statements for business assets;
- f. Copies of closing documents showing selling price and distribution of sales proceeds;
- g. Appraisals of personal property held as an investment; or
- h. A family's self-certification describing assets or cash held at the family's home or in safe- deposit boxes.

Note:

When PCHCD determines that requesting third-party written verifications to verify asset accounts for applicants/participants constitutes a cost burden to the family and PCHCD, PCHCD will use the Review of Documents method to verify all asset accounts.

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

At admissions and reexaminations, PCHCD will obtain each family's certification that it has or has not disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.

If the family certifies that it has disposed of assets for less than fair market value, the

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applicant/participant must complete the “Declaration of Assets Disposed of for Less than Cash Value” form. The certification must show:

- a. All assets disposed of for less than fair market value
- b. The date they were disposed of
- c. The amount the family received for each asset, and
- d. The market value of each asset at the time of disposition.

Third-party verification will be obtained whenever possible in conjunction with review of documents.

Saving or Checking Account Interest and Dividend Income

Acceptable methods of verification include, in order of priority:

- a. Verification form completed by the financial institution;
- b. Financial institution generated account statements, certificate of deposit statements, and three (3) to six (6) months of statements for checking accounts; supplied by the family;
- c. Broker statements showing the value of stocks or bonds and the earnings credited to the family (*Earnings can also be obtained from current newspaper quotations or orally from brokers*);
- d. RS Form 1099 from a financial institution; or
- e. Life insurance policy/statement from Financial Institution showing cash surrender value table.

Interest Income from Mortgages and Similar Arrangement

Acceptable methods of verification include, in this order:

- a. A letter received directly from an accountant, attorney, real estate broker, the buyer, or a financial institution stating the interest due for the next 12 months (*A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown*); or
- b. An amortization schedule showing interest for the 12 months following the effective date of certification or recertification.

Net Rental Income from Property Owned by Family

Acceptable methods of verification include, in this order:

- a. IRS Form 1040 with Schedule E (*Rental Income*);
- b. Copies of latest rent receipts, leases, or other documentation of rent amounts;
- c. Documentation of allowable operating expenses of the property including tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense; or
- d. Lessee’s written statement verifying rent payments to the family and the family’s self-certification of net income realized.

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Jointly Owned Assets

If the asset is owned by more than one person, the asset will be prorated according to the percentage of ownership. If no percentage is specified, the asset will be prorated evenly among owners. When the asset is prorated, the value of the asset and the anticipated income from the asset are both allocated in the same proportions.

If the asset is not effectively owned by an individual, it should not be counted as an asset.

An asset is not effectively owned when the asset is held in an individual's name, but:

- a. The asset and any income it earns accrue to the benefit of someone else who is not a member of the family, and
- b. That other person is responsible for income taxes incurred on the income generated by the assets.

This would apply to a person who is a signatory solely for the purpose of handling payments for someone else (e.g. an elderly parent) in the event of an emergency.

M. ALLOWANCES AND DEDUCTIONS

Adjusted Income is defined as the Annual income minus any HUD allowable expenses and deductions. HUD has five allowable deductions from Annual Income.

1. **Dependent Allowance:** \$480 each for family members (*other than the head, spouse, co-head, foster child, foster adult or live-in aide*) who are minors, and for family members who are 18 or older and who are full-time students or who are disabled;
2. **Elderly/Disabled Allowance:** \$400 per family for families whose head, spouse or co-head is 62 years of age or older or disabled;
3. **Allowable Medical Expenses:** Deducted for all family members of an eligible elderly/disabled family;
4. **Child Care Expenses:** Deducted for the care of children under 13 when childcare is necessary to allow an adult member to work, attend school or actively seek employment; or,
5. **Allowable Disability Assistance Expenses:** Deducted for attendant care or auxiliary apparatus for a persons with a disability if needed to enable the individual or an adult family member to work.

N. CHILD CARE EXPENSES [24 CFR 5.603]

Childcare expenses for children under 13 may be deducted from annual income if they enable an adult to work, attend school full time, or actively seek employment.

The cost of tuition for a child attending private school will not be counted as childcare expenses; only after-hours care can be counted as childcare expenses.

Deductions for childcare expenses are based on the following guidelines:

1. **Childcare to Work:** The maximum childcare expense allowed must be less than the

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amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working;

2. **Childcare for School:** The number of hours claimed for childcare may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school; or
3. **Childcare for Seeking Employment:** The number of hours claimed for childcare may not exceed 20 hours per week.

O. VERIFICATION OF CHILD CARE EXPENSES

Written verification from the person who receives the payments is required. Verifications must specify the child care provider's name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

P. MEDICAL EXPENSES [24 CFR 5.609, 5.603]

Anticipated medical expenses will be calculated by using one of the two following methods, (*whichever is more beneficial to the family*);

1. **Current Circumstances:** Use the family's current medical bills, accumulated over the last twelve months, as anticipated medical expenses.
2. **Estimated Circumstances:** Estimate the cost of medical bills based on current or anticipated medical bills that will be on-going expenses.
3. **Examples of allowable medical expenses include:**
 - a. Services of doctors and health care professionals
 - b. Services of health care facilities
 - c. Medical insurance premiums
 - d. Prescription medicines
 - e. Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts when prescribed by a physician
 - f. Transportation to treatment (*cab fare, bus fare, mileage*)
 - g. Dental expenses, eyeglasses, hearing aids, batteries
 - h. Live-in or periodic medical assistance
 - i. Acupressure, acupuncture, and chiropractic services will be considered allowable medical expenses
 - j. Non-traditional treatments, vitamins and herbal supplements will be considered medical expenses if prescribed by a doctor

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- k. Medical marijuana usage is not allowable as a medical expense

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Receipts or other record of medical expenses paid by the family during the previous year (*appointment date to appointment date, or in the case of mail-in annual reexaminations, due date to due date*) can be used to anticipate future medical expenses. If an applicant/participant will become entitled to a deduction, medical expenses will be anticipated based on verifications provided.

PCHCD will not duplicate a medical expense that was already allowed during the prior year.

4 Verification of Medical Expenses

Families may only claim medical expenses that have not been and will not be reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

- a. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of:
- b. The anticipated medical costs to be incurred by the family and regular payments due on medical bills; and
- c. Extent to which those expenses will be reimbursed by insurance or a government agency;
- d. Written confirmation by the insurance company or employer of health insurance premiums paid by the family;
- e. Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted;
- f. Receipts from medical professionals, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months. When using these receipts to verify medical expenses, receipts must indicate the name of the provider, name of patient, date of purchase/transaction, service/product provided, and amount paid by patient. If the receipt comes from an individual, for example a care-provider, the receipt should also provide the address and phone number as contact information;
- g. Receipts for non prescription medicines, non-traditional treatments, vitamins and herbal supplements must be in conjunction with a prescription from a physician for expenses likely to be incurred in the next 12 months;
- h. Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months;
- i. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. PCHCD may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not as reimbursement for one-time expenses from the previous year; or
- j. Mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.
- k. For attendant care:
 - l. A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes; and
 - m. Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (*or copies of canceled checks the family used to make those payments*) or stubs from the agency providing the services.

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5 Assistance to a Person with a Disability

1. In All Cases:
 - a. Written certification from a licensed third-party professional or certified social service agency that the person with a disability requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function independently to enable another family member to be employed;
 - b. Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.
2. Attendant Care:
 - a. Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided; or
 - b. Certification of family and attendant and/or copies of canceled checks family used to make payments.
3. Auxiliary Apparatus:
 - a. Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus; or
 - b. In the case where the person with a disability is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

6. Verification of Reasonable Accommodation to Accommodate a Person with a Disability

All applicable information must be provided. Acceptable verification of reasonable accommodation to accommodate a person with a disability include, in this order:

- a. All requested information must be provided on the PCHCD's verification form completed by a State of Arizona licensed doctor, or other health professional, such as a nurse, psychiatrist, psychologist, or a social service professional;
- b. A letter from a State of Arizona licensed doctor, or other health professional, such as a nurse, psychiatrist, psychologist, or a social service professional that provides the following information:
- c. Whether or not the nature of the patient's disability requires an accommodation in order to make the program equally accessible;
- d. How long the need will last;
- e. Accommodation that is being requested by the family and recommended by the Health Provider;
- f. An explanation of how this accommodation to the patient's disability is reasonably necessary to make the program accessible; or
- g. If the accommodation cannot be provided, a list of all alternatives that would serve to make the Section 8 program accessible to the family.
- h. PCHCD's decision with supporting documentation will be maintained in the applicant/participant's file. The requested housing type must be approvable by all

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other HUD standards and HQS requirements in accordance with 24 CFR 982 Section M, Special Housing Types.

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[24 CFR Part 5, Subparts D & E; Part 982, Subpart D & L]

RESERVED

Chapter 4 – Tenant Rent Calculation

[24 CFR Part 5, Subpart F; 24 CFR Part 982, Subpart K]

A. INTRODUCTION

PCHCD will use the methods as set forth in this Administrative Plan to verify and determine that family income at admission and reexamination is correct. 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.

B. MINIMUM RENT [24 CFR 5.630]

1. Minimum Rent

"Minimum rent" is \$50. Minimum rent refers to the Total Tenant Payment and includes the combined amount a family pays towards rent and/or utilities when it is applied.

2. Hardship Request for an Exception to Minimum Rent

PCHCD recognizes that in some circumstances even the minimum rent may create a financial hardship for families. PCHCD will review all relevant circumstances brought to PCHCD's attention regarding financial hardship as it applies to the minimum rent. The following section states PCHCD's procedures and policies concerning minimum rent financial hardship as set forth by the Quality Housing and Work Responsibility Act of 1998.

3. Criteria for Hardship Exception

In order for a family to qualify for a hardship exception, the family's circumstances must fall under one of the following HUD hardship criteria:

- a. The family has lost eligibility or is awaiting an eligibility determination for federal, state, or local assistance.
- b. The family would be evicted because of the imposition of the minimum rent requirement.
- c. The income of the family has decreased because of changed circumstances, such as loss of employment.
- d. Death in the family, which eliminates a prior source of income.
- e. Other circumstances as determined by PCHCD or HUD.

Temporary hardship is defined as lasting three months or less. Long-term hardship is defined as lasting four months or more.

4. Notification to Families of Right to Request Hardship Exception

PCHCD will notify all families subject to minimum rents of their right to request a minimum rent hardship exception and keep a copy in the family's file. "Subject to minimum rent" means the minimum rent was the greatest figure in the calculation of the TTP, which is the greatest of 30% of monthly-adjusted income, 10% of monthly income, or minimum rent.

PCHCD notification will advise families that hardship exception determinations are subject to PCHCD review and hearing procedures.

PCHCD will review all family requests for exception from the minimum rent due to financial

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[24 CFR Part 5, Subpart F; 24 CFR Part 982, Subpart K]

hardships. All requests for minimum rent hardship exceptions are required to be in writing. PCHCD will request documentation as proof of financial hardship. PCHCD will use its standard verification procedures to verify circumstances that have resulted in financial hardship. Requests for minimum rent exception must include a statement of the family hardship that qualifies the family for an exception.

5. Suspension of Minimum Rent

PCHCD will suspend the minimum rent for all families whose requests meet the criteria, effective the first day of the month after the request is received by PCHCD.

The minimum rent will be suspended until PCHCD completes verifying the family's eligibility for the exemption and determines if the hardship is temporary or long term.

"Suspension" means that PCHCD must not use the minimum rent calculation until PCHCD has made this decision.

During the minimum rent suspension period, the family will not be required to pay a minimum rent and the housing assistance payment will be increased accordingly.

If PCHCD determines that the suspension of minimum rent is not covered by statute, PCHCD will impose a minimum rent retroactive to the date of suspension.

6. Temporary Hardship

If PCHCD determines that the hardship is temporary, a minimum rent will not be imposed for a period of up to 90 days from the date of the family's request. At the end of the temporary suspension period, a minimum rent will be imposed retroactively to the time of suspension.

PCHCD will offer a Payment Plan Agreement to the family for any such rent not paid during the temporary hardship period. (*See "Owner and Family Debts to PCHCD" chapter for Repayment agreement policy*).

7. Long Term Duration Hardship

If PCHCD determines that there is a qualifying long-term financial hardship, PCHCD must exempt the family from the minimum rent requirements.

C. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income will be required to submit supporting documentation and report any increase of income in writing within ten (10) days for the purpose of an interim adjustment in their share of the rent.

If PCHCD is subsidizing a family's entire Contract Rent despite the family's income, the family will be required to report any increase of income in writing within ten (10) days for the purpose of an interim adjustment in the share of the rent.

D. REIMBURSEMENT POLICY WHEN PCHCD ERROR

For every change in the rent, PCHCD will provide the participant with an updated rent portion letter. The letter will give information regarding the method for calculating the rent and it will allow ten (10)

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[24 CFR Part 5, Subpart F; 24 CFR Part 982, Subpart K]

calendar days to dispute the calculation. If the participant disputes the calculation within the ten (10) day period and it is determined that an error was made, the rent will be corrected retroactively and reimbursement will be made.

Chapter 4 – Tenant Rent Calculation

[24 CFR Part 5, Subpart F; 24 CFR Part 982, Subpart K]

RESERVED

Chapter 5 – Subsidy Standards, Voucher Issuance, and Briefings

[24 CFR Part 982, Subpart B]

A. INTRODUCTION

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

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

B. DETERMINING FAMILY SUBSIDY STANDARDS (VOUCHER SIZE)

1. Initial Issuance and Decrease in Household Composition

PCHCD does not determine who shares a bedroom/sleeping room.

All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements. The subsidy standards for voucher size shall be applied in a manner consistent with fair housing guidelines.

PCHCD may make the administrative decision to change its subsidy standards at any time, without prior notice to its participants, should the circumstances warrant it, such as in the case of funding reductions.

The unit size on the Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented, except when there is a Subsidy Standard change. Subsidy Standard changes will be implemented at the next annual reexamination or move, whichever occurs first. For purposes of reasonable accommodation, the subsidy standard may change prior to the next annual re-exam or move.

The guidelines below will be used to determine initial eligibility and decreases in household size.

- a. PCHCD must approve all members of the family residing in the unit.
- b. One bedroom will be assigned to each two household members, regardless of sex, age or relationship. When funding is available, one bedroom will be assigned for the head of household and/or spouse or co-head, and one bedroom awarded to each two family members, regardless of sex, age or relationship.

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- c. Exceptions to these standards may be made in accordance with state and federal law to accommodate a disability. When a disabled family member requires and qualifies for their own bedroom as a reasonable accommodation, the remaining household members will be assigned one bedroom for each two household members regardless of sex, age or relationship.
- d. Live-in aides must be approved by PCHCD prior to moving into the assisted unit. To receive approval, live-in aides must perform vital assistance that cannot be provided in any other way to an elderly household member or a household member with disabilities. An additional bedroom will be assigned for the live-in aide. A change in Voucher size occurs after the Live in Aide has moved in. The live-in aide’s family members may reside in the unit as long as the unit is not over-crowded.
- e. Foster children will be included in determining voucher size only if verification completed by a social service agency confirms that they will be in the unit for more than six months. If a Foster child (children) is temporarily (less than six months) placed in the unit the Voucher size will not increase.
- f. Space will not be provided for a family member, other than a spouse/co-head, who will be absent more than 50% of the time (more than 185 days), such as a member absent due to military service or a student who does not live at home during the school year.
- g. Bedroom sizes are based on available funding.
- h. For initial issuance only, a single pregnant woman with no other members must be treated as a two-person family.

Note: *If the Voucher size is being decreased due to a household member no longer qualifying for an extra bedroom as a reasonable accommodation, the Voucher will revert back to previous size.*

INITIAL VOUCHER SIZE ISSUANCE CHART

[Chart 1]

VOUCHER SIZE	PERSONS IN HOUSEHOLD	
	Minimum	Maximum
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedroom	2	4
3 Bedroom	4	6
4 Bedroom	6	8
5 Bedroom	8	10
6 Bedroom	10	12

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2. Changes for Applicants

The voucher size is determined before the briefing by comparing the family composition to PCHCD subsidy standards. If an applicant requires a change in the voucher size, the above guidelines will be applied.

3. PCHCD Error

If PCHCD errs in the bedroom size assignment, the family will be reissued the correct size voucher at the time of discovery.

4. Increases in Household Composition for Participants

The family must obtain prior approval from the owner and PCHCD before any new adult member occupies the unit. Prior approval is not required for additions by birth, adoption, or court-awarded custody; however, the family must inform PCHCD in writing within ten (10) calendar days. Requests by the family to add additional family members, other than by birth, adoption, marriage or court-awarded custody, will be approved if they do not require an increased voucher size.

The guidelines below on Chart 2 will be used to determine the maximum number of people that can be added to a household without increasing the voucher size. In addition, Chart 2 will be utilized when the number of household members who have been added to the family, due to additions by birth, adoption, marriage or court-awarded custody, exceeds the maximum number allowed for their voucher size. In these instances, the family will be assigned a larger voucher size based on the voucher size issuance standards on Chart 2.

VOUCHER SIZE ISSUANCE FOR INCREASES

[Chart 2]

VOUCHER SIZE	MAXIMUM NUMBER IN HOUSEHOLD
0 Bedroom	1
1 Bedroom	4
2 Bedroom	6
3 Bedroom	8
4 Bedroom	10
5 Bedroom	12
6 Bedroom	14

Note: The participant will decide how to best use the assigned voucher size to meet their housing needs.

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C. EXCEPTIONS TO SUBSIDY STANDARDS [24 CFR 982.402(a) & (b)]

PCHCD may grant exceptions to the subsidy standards, upon request, in order to accommodate a legally recognizable disability. Exceptions to the subsidy standards shall be made in accordance with state and federal law. When an exception is granted as a reasonable accommodation for a disabled family member of an applicant or participant household, the remaining household members will be assigned one bedroom for each two household members regardless of sex, age or relationship. The disability must meet the HUD definition of disability that requires a reasonable accommodation.

1. Request for Exceptions to Subsidy Standards

The family may request a larger size voucher than indicated by PCHCD's subsidy standards as a reasonable accommodation for a family member with disabilities. The family's request for a larger voucher size must be in writing. In addition, the request must fully describe how the additional bedroom will allow the person with disabilities better access to the program and why there is no other reasonable alternative solution. The additional bedroom requested must be to accommodate the person with disabilities, not the family member without disabilities. Documentation from a health professional verifying the need or justification will be required by PCHCD.

A State of Arizona licensed doctor, or other licensed medical professional, such as a nurse, psychiatrist, psychologist, or a social service professional must provide a certification of the need for additional bedrooms as a reasonable accommodation for a family member with disabilities. The health professional must explain why the extra bedroom is necessary to provide a reasonable accommodation for the disabled family member. PCHCD will only require information necessary to determine the need for an additional bedroom and not to determine the nature of the disability.

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

The family may select a different size unit than the size listed on the Voucher. The payment standard will be the smaller of the voucher size or the actual unit size. In either case, the unit must meet the HUD affordability standard that specifies that the family cannot pay more than 40% of their monthly adjusted income for their share of the rent.

In addition, the maximum number of people who can reside in a unit is based on the Housing Quality Standards. The standards allow two persons per living/sleeping room and permit maximum occupancy levels (*a living room as a living/sleeping area*). The levels may be exceeded if a room in addition to bedrooms and living room qualifies as a living/sleeping room, e.g. den, family room, etc.

E. ISSUANCE OF VOUCHERS [24 CFR 982.204(d), 982.54(d) (2)]

When funding is available, PCHCD will issue vouchers to applicants who have been determined eligible. The number of vouchers issued must ensure that PCHCD stays as close as possible to 100% lease-up. PCHCD determines on a monthly basis whether applications can be processed and the number of vouchers that can be issued.

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[24 CFR Part 982, Subpart B]

F. BRIEFINGS AND REQUIRED ATTENDANCE [24 CFR 982.301]

1. Initial Applicant Briefings

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in groups or individual meetings and will be in English and Spanish.

The purpose of the briefing is to explain to the family how the program works and to go over the information and documents in the briefing packet. This will enable them to use the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

PCHCD will not issue a voucher to a family unless the household representative has attended a briefing and signed the voucher. Scheduled applicants who provide prior notice of inability to attend a briefing will be rescheduled. Applicants who fail to attend two scheduled briefings, without good cause, may be denied admission based on failure to supply information needed for certification. If required to accommodate a person with a disability, PCHCD will conduct individual briefings for families with a disability.

G. ENCOURAGING PARTICIPATION IN LOW POVERTY AREAS

At the briefing, families are encouraged to search for housing in low poverty areas. PCHCD has information about facilities, services, schools, and transportation for various communities.

PCHCD will investigate and analyze when Voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration.

The assistance provided to such families includes:

1. Direct contact with property owners.
2. Counseling with the family.
3. Providing information about services in various low poverty areas.
4. Formal or informal discussions with property owner groups.
5. Formal or informal discussions with social service agencies.
6. Meeting with fair housing groups or agencies.

H. ASSISTANCE TO VOUCHER HOLDERS

PCHCD maintain a list of owners who will rent to HCV family and have available units for rent. Voucher holders will be notified at the briefing session how they may obtain a copy of this listing.

Chapter 5 – Subsidy Standards, Voucher Issuance, and Briefings

[24 CFR Part 982, Subpart B]

I. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

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

J. TERM OF VOUCHER [24 CFR 982.303, 982.54(d) (2)]

During the briefing session, each household will be issued a voucher, which represents a contractual agreement between PCHCD 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 and is executed by PCHCD staff.

1. Issuance at Admission and Move

The initial term of the voucher will be for a minimum of 60 days and maximum of 120 days and is based on available funding and the rental housing market at the time.

2. Extensions

A family may submit a written request for an extension of the voucher period. All requests for extensions must be received before the expiration date of the voucher.

Extensions may be granted for a minimum of an additional 60-day period or a maximum of a 120-day period for the following reasons:

- a) When there are extenuating circumstances such as hospitalization or a family emergency for an extended period of time, which affects the family's ability to find a unit within the initial period (*verification is required*).
- b) When the family has evidence that they have made an effort to locate a unit and communicated with PCHCD during the initial term of the voucher with regard to their inability to locate a unit. Families will meet these criteria by completing the Request for Extension form, and providing a minimum of three addresses where they searched for housing.
- c) When the family meets the "Hard to House" criteria.
- d) When the family needs additional time to port to another jurisdiction.

The voucher extension will be based on the availability of funding. If there is not sufficient funding to extend the voucher, the family will not be granted an extension.

3. Reasonable Accommodation to Accommodate a Person with Disability

If the family needs and requests an extension of the initial voucher term as reasonable accommodation to make the program accessible to a family member who is a person with a disability, and the family has already been given 120 days, PCHCD may grant an extension to the Voucher of 120 additional days. The family must submit a completed Reasonable Accommodation Request Form. Subsequent extension requests will be reviewed on a case-by-case basis.

4. Suspensions

If the Request for Tenancy Approval is received during the last 30 days of the Voucher term, the term of the Voucher will be suspended (stopped) as of the day it was received. PCHCD will add the number of days that were required to process the request to the term of the voucher.

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5. Expirations

The voucher is valid for a period of at least 60 calendar days from the date of initial issuance. The family must submit a Request for Tenancy Approval and Lease within the initial term of the voucher unless an extension has been granted by PCHCD. If the voucher has expired, the applicant family will be denied assistance. The family will not be entitled to a review or hearing. If the participant family is currently assisted, and the voucher expires, assistance will continue as long as the family and the unit remain eligible.

K. VOUCHER ISSUANCE FOR SPLIT HOUSEHOLDS [24 CFR 982.315]

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, PCHCD will be bound by the court's determination as to which family members will receive the rental assistance.

In the absence of a court decision or mutual agreement by the family members, PCHCD will have the final authority to determine which family members would be best served by continued assistance of housing benefits. PCHCD will consider the following factors to determine which of the family members will continue to be assisted:

1. Which of the two new family units has custody of the dependent child(ren).
2. Which family member was the head of household when the voucher was initially issued (*listed on the initial application*).
3. The composition of the two new family units, and whether they include elderly or disabled members.
4. Whether domestic violence was involved.
5. Recommendations of reliable, knowledgeable third-party professionals.

Upon request of PCHCD, documentation of these factors will be the responsibility of the requesting parties. If documentation is not provided, PCHCD will terminate assistance based on failure to provide necessary information for a reexamination.

Chapter 5 – Subsidy Standards, Voucher Issuance, and Briefings

[24 CFR Part 982, Subpart B]

RESERVED

Chapter 6 – Request for Approval of Tenancy and Contract Execution

[24 CFR Part 982, Subpart G]

A. INTRODUCTION

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

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

B. REQUEST FOR TENANCY APPROVAL [24 CFR 982.54(d)(8), 982.161, 982.302, 982.305(b), 982.306, 982.308(e)]

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

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

PCHCD will review the proposed lease and the RFTA documents to determine whether they can be approved. The request will be approved if:

- a. The unit is an eligible type of housing.
- b. The unit meets HUD's Housing Quality Standards and any additional criteria as identified in this Administrative Plan.
- c. The rent has been determined to be reasonable based on the current fair market rents.
- d. The proposed lease complies with HUD and PCHCD requirements (*See "Lease Review" section below*).
- e. The owner is approved and there are no conflicts of interest.

In addition to the above, when a family initially receives assistance (*new admissions*) or moves with continued assistances, the family's share of rent may not exceed 40 percent of the family's monthly-adjusted income.

1. Disapproval of the Request for Tenancy Approval

If PCHCD determines that the RFTA cannot be approved for any reason, the property owner and the family will be notified. PCHCD will instruct the owner and family of the steps necessary to approve the Request.

If for any reason, an RFTA is not approved, PCHCD will furnish another RFTA form to the family upon their verbal request, so the family may continue to search for eligible housing.

D ELIGIBLE TYPES OF HOUSING [24 CFR 982.352, 982.601(a)]

Chapter 6 – Request for Approval of Tenancy and Contract Execution

[24 CFR Part 982, Subpart G]

PCHCD will approve any of the following types of housing in the voucher program:

- a. All residential structure types.
- b. Manufactured homes where the tenant leases the mobile home and the pad.
- c. Manufactured homes where the tenant owns the mobile home and leases the pad.
- d. Single Room Occupancy.

A family cannot own a rental unit while being assisted, except in the case when the family owns the manufactured home and leases the spaces. A family may lease in and have an interest in a cooperative housing development.

PCHCD may not permit a voucher holder to lease a unit that is receiving Project-Based Section 8 assistance or any duplicative rental subsidies.

E. LEASE REVIEW [24 CFR 982.305(b), 982.308]

The tenant must have legal capacity to enter into a lease under state and local law. Responsibility for utilities, appliances and optional services must correspond to those provided on the RFTA. It is recommended that the family and owner submit the standard lease used by the owner for other unassisted tenants in the premises. The initial term of the lease must be for a minimum of 1 year. The terms and conditions of the lease must be consistent with state and local law. The lease must specify what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family. The HUD prescribed tenancy addendum must be included in the lease word-for-word.

House Rules of the owner may be attached to the lease as an addendum providing they do not violate any fair housing provisions and do not conflict with the tenancy addendum.

1. Actions before the Lease Term

All of the following must be completed before the beginning of the initial term of the lease for a unit:

- a. PCHCD has inspected the unit and has determined that the unit satisfies the HQS.
- b. PCHCD has determined that the rent charged by the owner is reasonable.
- c. The property owner and the tenant have executed the lease, including the HUD-prescribed tenancy addendum and provided a copy to PCHCD.
- d. PCHCD has approved leasing of the unit in accordance with program requirements.
- e. PCHCD has determined that the family's share (*total family contribution*) will not be more than 40% of the family's monthly adjusted income.

F. SEPARATE AGREEMENTS [24 CFR 982.404(b)(2)]

Separate agreements are not necessarily illegal. Families and owners will be advised of the prohibition of illegal side payments for additional rent, items normally included in the rent of unassisted families, or for items not shown on the approved lease.

The family is not liable under the lease for unpaid charges for items covered by separate agreements. Nonpayment of these charges cannot be cause for eviction.

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[24 CFR Part 982, Subpart G]

Owners and families may execute separate agreements for services, appliances (*other than range and refrigerator*) and other items that are not included in the lease.

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

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

If the family and owner have agreed upon a Move-in incentive, the term of the lease and Housing Assistance payments contract may commence the following month.

G. DISAPPROVAL OF PROPOSED RENT [982.305(a)(4), 982.507]

If the proposed Rent to Owner is not reasonable, or the family share is more than 40% of the family's monthly-adjusted income, PCHCD, at the family's request, will negotiate with the owner to reduce the rent to a reasonable rent.

If PCHCD and the owner have tried and failed to negotiate a revised rent, PCHCD will inform the family and the owner that the lease is disapproved.

H. INFORMATION TO OWNERS [24 CFR 982.54(d)(7), 982.307(b)(2)]

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

Upon written request and authorization for release of information signed by the client, PCHCD will provide owners information in the voucher holder's file regarding the family's tenancy history and verified drug or violent criminal activity.

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

A statement of PCHCD's policy on release of information to prospective property owners will be included in the briefing packet provided to the family.

I. CHANGE IN TENANT PAYMENT BEFORE HAP EFFECTIVE DATE

At admission, when the family reports changes in factors that will affect the TTP before the effective date of the HAP contract, the information must be verified before the TTP will be recalculated.

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J. ZERO HAP CONTRACT RESTRICTIONS

PCHCD shall not enter into a new HAP contract if there will not be a HAP payment made on behalf of the family.

K. CHANGES TO LEASE

After the initial term of the lease, the owner may offer the tenant a new lease by providing sixty (60) days notice to the tenant and PCHCD.

L. CONTRACT EXECUTION AND TIMELY PROCESSING OF PAYMENT

The signed Housing Assistance Payment Contract must be returned to PCHCD no later than forty-five (45) days after the HAP effective date to ensure timely execution and processing of the housing assistance payment. Failure to return the signed document timely may result in the effective date being revised to a later date.

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[24 CFR Part 982, Subpart G]

RESERVED

Chapter 7 – Moves with Continued Assistance/Portability

[24 CFR Part 982, Subpart G]

A. INTRODUCTION

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

B. ALLOWABLE MOVES

A family may move to a new unit with continued assistance one time within a twelve-month period if:

- a. The assisted lease for the old unit has terminated because PCHCD has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.
- b. The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (*unless assistance to the family will be terminated*).
- c. The family has given proper notice of lease termination (*and the family has a right to terminate the lease on notice to owner*).
- d. The move has been approved as a reasonable accommodation.
- e. An exception has been approved by a Supervisor.

C. RESTRICTIONS ON MOVES [24 CFR 982.314(e), 982.551, 982.552(a)&(c)]

Families will not be permitted to move within PCHCD's jurisdiction during the initial term of assisted occupancy.

Families will not be permitted to move more than once in a 12-month period.

PCHCD will deny permission to move if there is insufficient funding for continued assistance.

PCHCD will deny permission to move if:

- a. PCHCD has evidence that the family has violated a Family Obligation
- b. The family owes PCHCD money and is not up to date with their repayment agreement
- c. The family has moved within the last 12 months
- d. The family has moved twice within the last three years
- e. The family is a zero income household
- f. The family has been issued a Notice of Intended Action to terminate assistance.

The Housing Supervisor may make exceptions to these restrictions if there are compelling circumstances for the move.

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[24 CFR Part 982, Subpart G]

D. PROCEDURE FOR MOVES [24 CFR 982.302(a), 982.305(a)(5), 982.314]

1. Issuance of Voucher

Subject to the above restrictions on moves, PCHCD will issue the family a voucher for a minimum of 60 days.

2. Extensions

A family may submit a written request for an extension of the voucher period. All requests for extensions must be received before the expiration date of the voucher.

Extensions may be granted for a minimum of an additional 30-day period or a maximum of a 120-day period for the following reasons:

- a. When there are extenuating circumstances such as hospitalization or a family emergency for an extended period of time, which affects the family's ability to find a unit within the initial period (*verification is required*).
- b. When the family has evidence that they have made an effort to locate a unit and communicated with PCHCD during the initial term of the voucher with regard to their inability to locate a unit. Families will meet these criteria by completing the Request for Extension form, and providing a minimum of three addresses where they searched for housing.
- c. When the family meets the "Hard to House" criteria.
- d. When the family needs additional time to port to another jurisdiction.

3. Noticing Requirements

The family must give the owner a written 30-Day notice to vacate the property. The family must give PCHCD a copy of the written notice. The rent on the family's new unit will begin no sooner than the day after the expiration of the tenant's notice to vacate.

4. When Assistance is Paid [24 CFR 982.311(d)]

A move within the same building or project, or between buildings owned by the same owner, will be processed as any other move. The Housing Supervisor may make exceptions to these restrictions for purposes of reasonable accommodation or to prevent a hardship to the family.

In a move, assistance stops at the old unit at the end of the notice provided by the tenant. When the notice is provided by the owner, assistance stops when the tenant vacates the unit, provided both the unit and the tenant remain eligible for the program. When the owner issues a notice and the tenant remains in the unit, PCHCD will stop the HAP payment at the end of the owner's initial notice to the tenant. PCHCD will provide the owner HAP payments for the additional period of time that the tenant remains in the unit upon receipt of confirmation of the date that the tenant moved-out. Assistance will start on the new unit on the effective date of the lease and contract. The Housing Supervisor may make exceptions to the stop payment date of the housing assistance payment if/when necessary as prescribed by HUD guidelines.

E. OUTGOING PORTABILITY [24 CFR 982.353, 982.355, 982.552 9(a)&(c)]

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[24 CFR Part 982, Subpart G]

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside PCHCD's jurisdiction, anywhere in the United States; and, in the jurisdiction of a PHA.

When a family requests to move outside of PCHCD's jurisdiction, the request must specify the area to which the family wants to move. If there is more than one PHA in the area in which the family has selected a unit, PCHCD will select the receiving PHA.

The receiving PHA must comply with HUD regulations in order for PCHCD to reimburse the HAP subsidy.

1. Restrictions on Portability

PCHCD will not permit families to exercise portability if:

- a. The family is within the first term of their lease.
- b. The family is in violation of a family obligation.
- c. The family owes money to PCHCD.
- d. The family has moved within the last 12 months.
- e. The family's voucher will expire in 30 days or less.

2. Regulatory Compliance

When a receiving PHA is administering a voucher for PCHCD, the receiving PHA is to comply with regulatory requirements as prescribed by HUD.

F. INCOMING PORTABILITY [24 CFR 982.353, 982.355]

1. Absorption or Administration

PCHCD will accept a family with a valid voucher from another jurisdiction and will either administer or absorb the voucher based on funding levels.

When PCHCD does not absorb the incoming voucher, the Initial PHA's voucher will be administered and PCHCD's policies will prevail.

If administering, the family will be issued a "portable" voucher by PCHCD. The term of the voucher will not expire before the expiration date of the initial PHA voucher. The family must submit a Request for Tenancy Approval for an eligible unit to PCHCD during the term of the initial PHA voucher. PCHCD may grant extensions in accordance with this Administrative Plan, and if the initial PHA extends the billing date as needed. However, if the Family decides not to lease-up in PCHCD's jurisdiction, the family must contact the initial PHA.

PCHCD will issue a "portability voucher" according to its own Subsidy Standards. If the Family has a change in family composition that would change the voucher size, PCHCD will change it to the proper size based on PCHCD subsidy standards.

2. Income and Total Tenant Payment of Incoming Portables

PCHCD may perform an annual reexamination of income when the family ports into PCHCD jurisdiction.

If it is determined before lease-up that the family's income will result in a zero subsidy amount in

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PCHCD's jurisdiction, PCHCD will not enter into a contract on behalf of the family.

3. Requests for Tenancy Approval

When the Family submits a Request for Tenancy Approval, the request will be processed using PCHCD's policies. If the Family does not submit a Request for Tenancy Approval, the Initial PHA will be notified within thirty (30) days of the expiration of the voucher, whenever possible.

If the Family leases up successfully in Pinal County; PCHCD will notify the Initial PHA and the billing process will commence.

If PCHCD denies assistance to the family, PCHCD will notify the Initial PHA within ten 10 days from the denial and the family will be offered a review or hearing.

PCHCD will notify the Family of its responsibility to contact the initial PHA if the Family wishes to move outside PCHCD's jurisdiction under continued portability.

4. Regular Program Functions

PCHCD will perform all functions applicable to the tenant-based assistance program, such as:

- a. Annual reexaminations of family income and composition.
- b. Annual inspection of the unit.
- c. Interim Examinations when requested by the family or deemed necessary by PCHCD.

5. Terminations

PCHCD will notify the initial PHA in writing of any termination of assistance within ten (10) days of the termination. If eligible for and requested by the family, an Informal Hearing will be conducted by PCHCD.

The Initial PHA will be responsible for collecting amounts owed by the family for claims paid and for monitoring repayment. If the Initial PHA notifies PCHCD that the Family is in arrears or the family has refused to sign a Repayment Agreement, PCHCD will terminate assistance to the family.

6. Required Documents

PCHCD will require the documents listed on the HUD-52665 Family Portability Information form, Part I from the initial PHA. When administering a portable voucher, PCHCD must submit billing documents within the prescribed HUD timelines.

7. Billing Procedures

When administering income portable families, PCHCD will bill based on HUD procedures and the HUD- 52665 Family Portability Information form, Part II. The PCHCD will calculate rental assistance subsidy in accordance to their internal fiscal practice.

PCHCD will notify the Initial PHA of changes in subsidy amounts and will expect the Initial PHA to notify PCHCD of any changes in the Administrative Fee amount.

Chapter 7 – Moves with Continued Assistance/Portability

[24 CFR Part 982, Subpart G]

RESERVED

Chapter 8 – Annual Reexaminations and Interim Adjustments

[24 CFR Part 982, Subpart I & K]

A. INTRODUCTION

In accordance with HUD requirements, PCHCD will reexamine the income and household composition of all families. Recertifications and interim reexaminations will be processed in a manner that ensures families are given reasonable notice of rent increases. All activities will be coordinated in accordance with HUD regulation. It is a HUD requirement that families report all changes in household composition. This Chapter defines PCHCD's policy for conducting annual recertifications and coordinating activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

B. REGULAR ANNUAL ACTIVITIES [24 CFR 982.516, 982.405]

PCHCD must conduct the following activities on an annual basis:

1. Annual recertification of Income and Family Composition.
2. HQS Inspection.

C. REGULAR ANNUAL RECERTIFICATIONS [24 CFR 982.516]

Families are required to complete an annual recertification of income, assets, allowances, and deductions.

1. Recertification Notice to the Family

PCHCD will maintain a recertification tracking system and the household will normally be notified by mail at least 120 days in advance of the anniversary date.

2. Completion of Annual Recertification of Income

PCHCD will have all annual recertifications for families completed before the anniversary date. This includes notifying the family of the portion of the rent. Families will be notified at least 30 days before the scheduled date of the increase in their rent.

3. Collection of Information [24 CFR 982.516(f)]

PCHCD has established appropriate recertification procedures necessary to ensure that the income data provided by families is complete and accurate.

PCHCD will require the family to complete a Personal Declaration form.

D. COMPLIANCE WITH ANNUAL RECERTIFICATION PROCESS

PCHCD establishes procedures to gather information and data necessary to complete the annual recertification. The procedures require the participation and signatures of all adult family members, 18 years and older and all of family members who will turn 18 years of age by the effective date of the annual recertification. When interviews are scheduled, all adult family members and family members who will turn 18 years of age by the effective date of the annual recertification must attend. Failure to

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provide requested information and data and or failure to attend scheduled appointments may result in termination of eligibility.

E. NOTIFICATION OF RESULTS OF ANNUAL RECERTIFICATIONS

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

The Notice of Rent Change is mailed to the owner and the tenant. Signatures are not required by PCHCD. If the family disagrees with the rent adjustment, the family may request an administrative review by following the procedures stated on the Notice of Intended Action Rent Portion letter.

F. REPORTING INCOME CHANGES

PCHCD establishes procedures for reporting changes and gathering information and data necessary to complete an interim recertification.

1. Increases in Income

Elderly/disabled program participants are not required to report increases in income or assets between regular recertifications.

All other program participants are required to report all changes in income or assets between regular recertifications. Adjustments to the participant income due to these changes will be effective with the next regular recertification.

a. Exceptions:

- i. “Zero Income” households must report any increase of income within ten (10) days of the increase for the purpose of an interim adjustment in their share of the rent.
- ii. Family Self-Sufficiency (FSS) program participants may request an interim adjustment through the FSS program coordinator.
- iii. Full-time student status changes from full-time enrollment status to part-time or less.
- iv. Families who have a history of not reporting changes or reporting only decreases.

If a rent increase is warranted, the increase will be effective the first of the month following 30-days notice to the family.

2. Decreases in Income

Program participants who lose a source of income or has a reduction of income that will last 60 days or more may be eligible for an interim recertification at any time to reduce their portion of the rent, including, a review of their medical deductions if a hardship occurs. If it is determined that a reduction of rent is warranted, the reduced rent will begin the first of the month after the verification of the decrease and any replacement income is received.

a) Exceptions:

- I. Decreases in public assistance income that is the result of a finding of fraud.

G. REPORTING FAMILY COMPOSITION CHANGES

The owner's approval is required prior to adding an adult member(s). PCHCD approval is required to add other family members, foster children, or live-in aide prior to moving into the assisted unit.

Staff will only verify the income, deductions, and allowances of the person being added.

If a household member is removed, the head of household's signature on the Personal Declaration will be sufficient verification to certify, under penalty of perjury, that the person has moved from the unit.

If he/she requests to be added back into the household, PCHCD allows adults only one return to the household within a twelve month period.

The income of the person removed from the household can be deleted from the record without re-verifying the household income.

1. Exceptions to Policy

The following requests for exceptions to this policy will be considered on a case-by-case basis:

- a. Medical reasons.
- b. Reasonable accommodation to accommodate a person with a disability.

H. TIMELY REPORTING OF HOUSEHOLD COMPOSITION CHANGES [24 CFR 982.516(c)]

1. Reporting Requirements

Participants are required to report family composition changes in writing within 10 days of when the change occurs. Any information, documents or signatures needed from the family, which is needed to verify the change, must be provided when requested.

If the family composition change is not reported within the required time period, or the family fails to provide documentation or signatures, it will be considered untimely reporting. Untimely reporting may result in the family being required to sign a repayment agreement or termination of assistance.

2. Timely Reporting of Family Composition Change

The effective date of the rent portion changes are as follows:

- a. Increases in the Tenant Rent due to family changes are effective on the first of the month, after at least 30 days notice to the family.
- b. Decreases in the Tenant Rent are effective the first of the month following the month in which verifications are received.

3. Untimely Reporting of Family Composition Change

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

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[24 CFR Part 982, Subpart I & K]

- a. Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to sign a Repayment Agreement or make a lump sum payment.
- b. Decrease in Tenant Rent will be effective on the first of the month following the month that the verifications are received.

4. When the Change of Family Composition is not Processed Timely by PCHCD

If there is an administrative delay, the following will be the effective date:

- a. In the event of a decrease, the overpayment of rent paid by the family will be calculated retroactively. An adjustment will be paid to the owner.

5. Deceased Household Members

Upon verification of a deceased household member from the EIV Deceased Tenants report or other reliable source, the owner and client will be notified of the household member who has been removed from the household and the effective date of the change of household composition. In addition, PCHCD will take the following actions:

a. Single Member Households:

The Housing Assistance Payments contract will be terminated and payments stopped effective the last day of the month in which the client passed away. The owner will receive the full Housing Assistance Payment amount for the month in which the death occurred and no additional payments.

b. Multiple Person Households – Deceased Household Member:

An interim household composition change will be effective the first day of the month after the month in which the client passed away.

c. Multiple Person Households – Deceased Head of Household:

PCHCD will designate the oldest remaining household member as the Head of Household unless the household provides a written request that another adult household member be designated as the Head of Household. The interim household composition change will be effective the first day of the month after the month in which the client passed away.

I. DEFINITION OF TEMPORARILY OR PERMANENTLY ABSENT [24 CFR 982.54(d)(10), 982.551]

1. Temporarily absent is defined as being away from the unit for less than 51% (186 calendar days) of the time.
2. Permanently absent is defined as being away from the unit for more than 50% (183 calendar days) of the time. Income of persons permanently absent will not be counted.

PCHCD must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, PCHCD must count the income of the spouse or the head of the household if that person is temporarily absent.

If the spouse 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 HUD may define*) is counted as

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income.

It is the responsibility of the head of household to report changes in family composition. PCHCD will evaluate absences from the unit using this policy.

If a member of the household is subject to a court order that restricts him/her from the home for more than 186 calendar days, the person will be considered permanently absent.

1. Absence of Any Member

Any member of the household will be considered permanently absent if he/she is away from the unit for more than 51% (186 days) of the time, except as otherwise provided in this Chapter.

2. Absence Due to Medical Reasons

If any family member leaves the household to enter a facility such as a hospital, nursing home, or rehabilitation center, PCHCD will seek advice from a reliable qualified source to the likelihood and timing of the family members return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 186 days, the family member will not be considered permanently absent.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with PCHCD's "Absence of Entire Family" policy.

3. Absence Due to Full-time Student Status

Full time students who attend school away from the home will be treated in the following manner:

- a. A student (*other than head of household, spouse, or co-head*) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent.
- b. If the family decides that the student is permanently absent, income of that student will not be included in total household income, the student will not be included on the lease. The student will not be included for determination of voucher size. If applicable, the voucher size will be decreased effective with the recertification or move, whichever comes first.
- c. If the family decides that the student is temporarily absent, income of that student will be included in total household income, the student will be included on the lease and the student will not be included for determination of voucher size. If applicable, the voucher size will be decreased effective with the recertification or move, whichever comes first.
- d. If the temporarily absent student returns to live at home full time, PCHCD may restore the prior voucher size. If approved, the voucher size increase will be effective with an interim, recertification or move, whichever comes first.

4. Absence Due to Incarceration

If any member of the household is incarcerated for other than drug related or violent criminal activity and is absent more than 186 calendar days he/she will be considered permanently absent.

If he/she is incarcerated for drug related or violent criminal activity, PCHCD will begin the termination process of the household.

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5. Absence of Children Due to Placement in Foster Care

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

If the period is to be greater than 186 days from the date of removal of the child(ren), the voucher size will be reduced in accordance with PCHCD's subsidy standards.

6. 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, PCHCD will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

"Absence" means that no family member is residing in the unit.

Families must notify PCHCD in writing if they are going to be absent from the unit for more than 30 consecutive days.

If the entire family is absent from the unit for more than 30 consecutive days without notifying PCHCD, the unit will be considered to be vacated and the assistance will be terminated. In order to determine if the family is absent from the unit, PCHCD may:

- a. Mail notification to family's unit address.
- b. Telephone the family at the unit.
- c. Contact the property owner.
- d. Verify if utilities are in service.
- e. Send Post Office verification.

7. Caretaker for Children

If neither parent nor adult household member remain in the household, nor the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the child(ren) for an indefinite period, PCHCD will consider the adult a visitor for the first 180 calendar days. The visitor's income will be included. The visitor will not qualify as a remaining family member and is not entitled to the voucher.

When court-awarded custody or legal guardianship has been awarded, the Voucher will be transferred to the appointed caretaker.

If the appropriate agency cannot confirm the guardianship status by the end of 180 day period, PCHCD will review the status at 90-day intervals.

If the court has not awarded custody or legal guardianship, but the action is in process, PCHCD will secure verification from social services staff or the attorney as to the status.

The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

When PCHCD approves a person to reside in the unit as caretaker for the child(ren), the income will be counted pending a final disposition. PCHCD will work with the appropriate service agencies and the property owner to provide a smooth transition in these cases.

If there are more than one remaining adult household member and the family cannot determine

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who will be the head of household, PCHCD will make the determination based on the person's capability to provide for the children.

8. Visitors

Any adult not included on the HUD 50058 who has been in the unit more than 30 consecutive days without PCHCD approval will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address may be considered verification that the visitor is an unauthorized member of the household.

Statements from neighbors and/or the property owner will be considered in making the determination.

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

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

Minors and students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to 90 days per year.

In a joint custody arrangement, if the minor is in the household less than 186 days per year, the minor will be considered an eligible visitor.

J. PROGRAM ABUSE PREVENTION POLICY

1. Decreases at Reexamination

If a pattern of regularly reporting a decrease in income during the reexamination timeframe is discovered by utilizing UIV (*Upfront Income Verification*) or other methods for two or more years, it may be considered program abuse. For example, the family member(s) was employed and then became unemployed prior to the reexamination, causing a lowered Total Tenant Payment (TTP) and it is discovered that after the effective date of the reexamination, the family's income increases. In such cases, PCHCD may increase the tenant rent upon an increase in the family's income, or issue a Notice of Intended Action for committing program abuse.

2. Transfer of Voucher

In order to maintain the integrity and fairness of the Section 8 waiting list, a family will not be allowed to move persons into the home for the sole purpose of transferring the voucher to the newly added members.

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Chapter 9 – Owner Rents, Rent Reasonableness and Payment Standards

[24 CFR Part 982, Subpart I & K]

A. INTRODUCTION

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

This Chapter explains PCHCD's procedures for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.

B. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM (24 CFR 982.507)

The Rent to Owner is limited by rent reasonableness. PCHCD must demonstrate that the Rent to Owner is reasonable in comparison to rent for other comparable unassisted units.

The other limitation on rent to owner is the maximum rent standard at initial occupancy. When a family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is a new admission or a move to a different unit, the family share of rent may not exceed 40 percent of the family's monthly-adjusted income.

C. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

1. Method of Rent Payment

Housing Assistance Payments to owners will be paid via a paper check or through direct deposit to the owner's financial institution. PCHCD will make the decision as to which method will be used to pay the Housing Assistance Payments.

2. Excess Payments

The total of rent paid by the tenant plus PCHCD housing assistance payment to the owner may not be more than the contract rent due to the owner. The owner must immediately return any excess payment to PCHCD.

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

3. Late Payments to Owners

PCHCD will pay a \$50.00 late fee, if requested, for housing assistance payments that are not mailed to the owner by the tenth day of the month. Proof of date mailed will be the postmark date on the envelope that the owner shall submit with the request for late fees.

The HAP contract specifies that late fees may only be requested after the first two calendar months of the HAP contract term and will not be paid if the HAP payments are delayed due to an owner's breach of contract.

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

Late fees will not be paid for partial payments of less than \$100.

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[24 CFR Part 982, Subpart I & K]

4. Re-Issuance of Payments

If an owner has not received a Housing Assistant Payment (HAP) after (10) ten days from the initial mailing date, they may request a re-issuance. If eligibility for the re-issuance is determined, a “stop payment” will be placed on the original payment and a new check will be re-issued.

NOTE: PCHCD will not re-issue payments after seven (7) years of original issuance date. This complies with the agency Fiscal Retention Policy.

D. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.507]

PCHCD will determine and document on a case-by-case basis that the approved rent is reasonable in comparison to rent for other comparable unassisted units in the open market.

PCHCD will not approve a lease or increase rent until PCHCD determines that the requested rent to owner is a reasonable rent.

PCHCD must re-determine rent reasonableness if directed by HUD and based on a need identified by PCHCD's auditing system. PCHCD may elect to re-determine rent reasonableness at any other time. The rent to owner may not exceed the reasonable rent at any time during the assisted tenancy.

By accepting each monthly housing assistance payment, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises.

When requested, the owner must give PCHCD information on rents charged by the owner for other units in the premises or elsewhere.

1. How Market Data is Collected

The PHA will collect and maintain data on unit information and market rents in the PHA's jurisdiction internally or by utilizing a contractor. Information sources may include newspapers, realtors, appraisers, professional associations, market surveys, property owners, GoSection8.com and other available sources. Unit data will include the location, quality, size, type and age of the unit as well as amenities, housing services, maintenance and utilities to be provided by the owner. Data will be updated on an ongoing basis and rent information that is more than 12 months old will not be used to determine rent reasonableness.

2. How Rent is Determined

At initial move-in and for each rent increase request PCHCD uses a unit-to-unit comparison, which compares the rent for the assisted unit directly compared to the rents for one or more unassisted unit selected as a comparable within the same market area. PCHCD will compare units in the following method:

- a. Incorporated Cities: comparables will be selected from the housing stock within the incorporated cities and/or within two mile radius for unit on the edge of the incorporated city. For small incorporated cities that lack housing stock and populations is less than 10,000 the rural area comparable method (*below*) will be used
- b. Rural areas: units within the rural areas of Pinal County, comparable for the assisted units will be taken from the housing stock for the whole county, including the incorporated cities.

Maps will be used to identify the unsubsidized units in closest proximity to the subject unit and

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[24 CFR Part 982, Subpart I & K]

unit data information will be used to select the most similar units.

In comparing rents, the PCHCD will take into account critical market factors that impact rent, including the location, quality, size, unit type and age of the contract unit, as well as any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.

Note: *The age of the unit rarely affects the cost of rental housing in the Pinal County market.*

Where comparable units differ from the assisted unit, PCHCD will determine whether those differences impact rent. In instances where they do, the PCHCD will adjust the rental value of the comparable units, up or down, based on the market value of these factors. The rent for the assisted unit will be compared to the *adjusted* rents for the comparable units, enabling a fair, accurate, market-based determination of rent reasonableness.

After examining and analyzing a comparison of the assisted unit and comparable units, the professional judgment of PCHCD staff is the final determinant of rent reasonableness. PCHCD will consider the degree of similarity with the comparable units, whether the comparable units are a good match for the assisted unit and the level of adjustment that is needed to make the comparables “fit” the subject unit. PCHCD will also consider the average of the adjusted monthly rents of the comparable units as an estimate of what might be a reasonable market rent, although the average is not intended to set an upper or lower limit on an approvable rent. The approved rent will be based on the general open market rent for comparable units and not based on the few exceptions that may rent for more.

PCHCD will notify the owner of the recommended rent amount based upon its analysis of rents for comparable units. If the owner disagrees with this analysis, the owner may submit information for three (3) comparable unassisted units. These unassisted units must be from different complexes and preferably under different ownership. PCHCD will consider this information and notify the owner of a final rent determination.

When requesting a rent increase, the owner must provide the addresses for two (2) unassisted units in the same complex, which have the same number of bedrooms, have a similar length of tenancy as the assisted unit, and that rent for the requested amount or more.

E. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment for a family. PCHCD reviews the appropriateness of the Payment Standard annually at the time HUD publishes the FMR. In determining whether a change is needed, PCHCD will ensure that the Payment Standard is always within the range of 90 percent to 110 percent of the new FMR, unless HUD has approved an exception payment standard.

For each FMR area, PCHCD will establish payment standard amounts for each unit size. PCHCD may have a higher payment standard within PCHCD’s jurisdiction if needed to expand housing opportunities outside areas of low income and poverty concentration, as long as the payment standard is within the 90-110 percent range of the FMR.

PCHCD may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with a disability.

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[24 CFR Part 982, Subpart I & K]

F. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.503]

Payment Standards may be adjusted, within HUD regulatory limitations, to increase Housing Assistance Payments in order to keep families' rents affordable. PCHCD may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

1. Rent Burdens of Assisted Families

If it is determined that particular unit sizes in PCHCD's jurisdiction have payment standard amounts that are creating rent burdens for families, PCHCD will modify its payment standards for those particular unit sizes.

PCHCD may increase its payment standard within the basic range for those particular unit sizes to help reduce the percentage of annual income that participant families in PCHCD's jurisdiction are paying.

PCHCD may establish a separate voucher payment standard within the basic range for designated areas if it is determined that a higher payment standard in these areas provides families with quality housing choices.

2. Rent to Owner Increases

PCHCD may review a sample of the units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

3. Lowering of the Payment Standard

Lowering of the FMR may require an adjustment of the Payment Standard. Additionally, statistical analysis may reveal that the Payment Standard should be lowered.

G. PAYMENT IN THE HOUSING CHOICE VOUCHER PROGRAM

Owners may request a rent increase after the initial term of the lease by submitting the request in writing, with a 60-day advance notice to both the tenant and PCHCD. Rent increases will be effective the first of the month following the 60th day from the date of the written notice to the tenant and PCHCD or the effective date stated in the month, whichever is later.

The notice of rent change does not affect the automatic renewal of the lease and does not require a new lease, contract or executed amendment. If the owner requires a new lease term, the notice must state the requirement and a copy of the signed lease for the new lease term should be submitted with the notice to PCHCD.

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[24 CFR Part 982, Subpart I & K]

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Chapter 10 – Housing Quality Standards, Inspections, and Utility Allowances

[24 CFR Part 982, Subpart I]

A. INTRODUCTION

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based and project-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the unit, building and premises. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract.

PCHCD will inspect each unit under contract at least annually. PCHCD may perform quality control inspections annually to maintain PCHCD's required standards and to assure consistency in PCHCD's programs. This Chapter describes PCHCD's procedures for performing HQS and other types of inspections, and PCHCD standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and PCHCD requirements. *(See the additions to HQS listed under "Acceptability Criteria and Exceptions to HQS" later in this chapter.)*

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

PCHCD has adopted the HUD mandated HQS Regulations.

All utilities must be in service by the effective date of the HAP contract. Owner supplied utilities must be on at the time of the inspection. For tenant responsible utilities, if they are not in service at the time of inspection, the Inspector will mark the inspection "Inconclusive and provide an Inconclusive Form for the tenant and owner to complete and sign certifying when the utilities were turned on.

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

PCHCD will perform four (4) types of inspections:

1. **Initial/Move-in:** Conducted upon receipt of Request for Tenancy Approval (RFTA).
2. **Annual:** Must be conducted within 12 months of the last annual inspection.
3. **Special Emergency:** At request of owner, family or third party.
4. **Quality Control:** As determined by PCHCD.

C. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

1. Timely Initial HQS Inspection

To the extent practicable, the inspection will be completed within 15 days after the family and the owner submit a RFTA.

The Initial Inspection will be conducted to:

- a. Determine if the unit and property meet the HQS defined in this Plan.

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[24 CFR Part 982, Subpart I]

- b. Document the current condition of the unit.
- c. Document the information used for determination of rent-reasonableness.
- d. Document those items that may be considered tenant preference as permissible by HUD regulations.

If the unit fails the initial HQS inspection, the family and owner will be advised to notify PCHCD once repairs are completed.

If two failed re-inspections occur, the unit will be disqualified.

2. Pre-inspection of Vacant units

PCHCD will make every effort to accommodate owners who have multiple vacancies that can be inspected prior to having selected a tenant. Pre-approved inspections will be valid for 30 days. The owner will still be required to submit the RFTA to staff to begin the leasing process.

D. ANNUAL HQS INSPECTIONS [24 CFR 982.405(a), 24 CFR 982.405(b)(2)]

PCHCD conducts an annual HQS inspection within 3 months prior to the anniversary date.

Special or Emergency inspections may be scheduled between anniversary dates. The property owner must correct HQS deficiencies that cause a unit to fail unless the tenant is responsible.

The family must allow PCHCD to inspect the unit at reasonable times with reasonable notice.

The family and owner are notified of the date and time of the inspection appointment by mail. If the family is unable to be present, they must reschedule the appointment to be conducted within 14 days of the original inspection date. Requests for the inspection to be rescheduled more than 14 days from the original inspection date will be reviewed by the Inspection Supervisor on a case-by-case basis. If the family does not contact PCHCD to reschedule the inspection, or if the family misses/cancels three inspection appointments, PCHCD will consider the family in violation of a Family Obligation and its assistance may be terminated in accordance with this Plan.

1. Time Standards for Repairs

Emergency Inspections

The owner and/or tenant must correct emergency items that endanger the family's health or safety within 24 hours of notification. (*See Emergency Repair Items section*).

Special Inspections

For non-emergency items, repairs must be made within 30 days.

For major repairs, PCHCD may approve an extension beyond 30 days.

2. Rent Increases

Rent to owner increases may not be given until the unit passes HQS.

E. EMERGENCY REPAIR ITEMS [24 CFR 982.401, 24 CFR 982.404]

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[24 CFR Part 982, Subpart I]

The following are considered emergency repair items and must be corrected by the responsible party within 24 hours of notice by PCHCD:

1. Units that cannot be secured.
2. Waterlogged ceiling in imminent danger of falling.
3. Major plumbing leaks or flooding.
4. Natural gas leak or fumes.
5. Electrical problem that could result in shock or fire.
6. Fire damage.
7. Environmental - No heat when outside temperature is below 65 degrees Fahrenheit and temperature inside unit is below 65 degrees Fahrenheit. No cooling system when outside temperature is higher than 100 degrees Fahrenheit and temperature inside is higher than 100 degrees Fahrenheit.
8. Utilities not in service.
9. No running water.
10. Lack of one functioning toilet.
11. Lack of one functioning smoke alarm on each level of the unit.
12. Two or more non-functioning burners on a gas-burner stove

If the emergency repair item(s) are not corrected in the period required by PCHCD, and the owner is responsible, the Housing Assistance Payment will be abated and the HAP contract will be terminated.

If the family does not correct an HQS breach for which they are responsible, in the time required, PCHCD may terminate assistance to the family.

F. SPECIAL INSPECTIONS [2 CFR 982.405(c)]

If at any time PCHCD is notified that the unit does not meet HQS, PCHCD will conduct a special inspection. Prior to requesting a special HQS inspection, except in cases of a special annual inspection, the family must provide verification to PCHCD they have made prior requests to the owner to resolve the issue and the owner has failed to do so.

PCHCD may also conduct a special inspection based on information from third parties such as neighbors or public officials.

PCHCD will inspect the items that were reported, but if the Inspector notices additional deficiencies while conducting the special inspection that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If a unit is reported to be infested by bed bugs, the owner and the family will be sent notices that the deficiency caused the unit to fail HQS. The owner will be responsible for meeting HQS criteria. PCHCD will not conduct an inspection until a certificate of clearance is provided. The owner will be allowed a maximum of 60 days to complete the process. Failure to provide clearance will result in abatement of the Housing Assistance Payment.

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[24 CFR Part 982, Subpart I]

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

Designated staff will perform Quality Control inspections.

H. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401 (a)]

1. PCHCD applies the HUD acceptability criteria with the additions described below:
 - a. No graffiti is allowed on the exterior of the rental unit/rental complex, sidewalks, and/or fences.
 - b. One operable window in each room must have a screen in good condition.
 - c. No excessive chipping and peeling paint. Excessive defined as more than 15% of the wall or a component (*window sill, window frame, doorframe, etc.*) with deteriorated paint.
 - d. Soiled floor coverings that are serious health hazards (*e.g. mildewed, severely soiled with food, animal or human urine/feces, etc.*).
 - e. The water heater must have a discharge line the same diameter as the pressure relief valve. The discharge line must be directed downwards to the floor, to a drain, or to the outside, reaching 6 – 24 inches from the ground, and must be hard copper, galvanized steel, or CPVC pipe marked “4120 100 PSI.”
 - f. A bedroom must have a floor area of no less than seventy (70) square feet (the closet space may be counted).
 - g. No simple bolt, barrel, or hasp locks allowed on outside of interior doors, preventing exit from a room.
 - h. Units should have a permanently installed heater. For units that do not have a permanently installed heater, or have rooms that do not have sufficient heat, either directly or indirectly, the owner must provide space heaters. Additions to the original structure must have a heat source.
 - i. Tenant preference to substitute a microwave oven in the place of an owner or tenant supplied oven and stove will be allowed. A microwave oven will be considered passed if the microwave is in a safe and working condition.
 - j. The street number must be present and visible from the street.
 - k. The owner may not access any portion of the assisted unit for their personal use.
 - l. A garage attached to the unit with access to the assisted unit is part of the assisted unit.
 - m. All exterior doors must be lockable, have no holes, have all trim intact, and have a threshold.
 - n. Bedroom and bathroom doors may not have a double cylinder deadbolt.
 - o. If window security bars or security screens are present on emergency exit window, they must be equipped with a fluid motion quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.

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[24 CFR Part 982, Subpart I]

- p. No swimming pools in single family homes.

2. Modifications

Modifications or adaptations to a unit must meet all applicable HQS and be permitted by Pinal County. The owner may be required to provide copies of permits when requested.

I. CONSEQUENCES IF OWNER IS RESPONSIBLE [24 CFR 982.404(a), 982.405, 982.453]

When it has been determined that a unit on the program fails to meet HQS for non-emergency items, and the owner is responsible for completing the necessary repair(s) in the time period specified by PCHCD, the assistance payment to the owner will be abated.

1. Abatement

A Notice of Abatement will be sent to the owner, and the abatement will be effective the first day of the month after the unit has been in a failed status for 30 days. If the unit passes inspection prior to the end of the month, the rent will not be abated.

PCHCD will inspect abated units as soon as possible after the owner's notification that the work has been completed. If an owner calls prior to the end of the abatement month to schedule a re-inspection because the repairs have been made and a re-inspection cannot be made prior to the end of the month, PCHCD may pay the full HAP for the month if the unit passes inspection.

If the owner makes repairs during the abatement period, payment will resume on the day PCHCD is notified of the completion of the repairs as long as the unit passes inspection on the scheduled inspection date.

If the unit is in abatement status, only the owner or manager may cancel or reschedule the inspection. The family and owner will be notified of the re-inspection date.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The Housing Assistance Payment Contract (HAPC) advises the owner that the tenant is not responsible for PCHCD's portion of the rent while the HAPC is in effect. If the owner disputes the abatement, the Inspection Supervisor will review the issue to determine if the abatement dates remain in effect or could be adjusted.

2. Reduction of Payments

PCHCD may grant an extension in lieu of abatement in the following cases:

- a. There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
- b. The owner makes a good faith effort to make the repairs.
- c. The repairs are expensive (*such as exterior painting or roof repair*) and the owner needs time to obtain the funds.
- d. The repairs must be delayed due to climate conditions.

The owner may be required to provide documentation to support his request for an extension (i.e., invoice, work order, estimate of repair costs, etc.). The extension will be made for a period not to exceed 30 days, or at the discretion of PCHCD. Once the extension period has lapsed, if the work is not completed, PCHCD will begin the abatement.

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3. Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited before the end of the abatement period, the HAP Contract will terminate. Both the owner and the family are notified of the contract termination date on the Abatement Notice. If the repairs are completed before the effective termination date, and the unit passes inspection, the assistance on the unit will continue.

4. Lead Based Paint (LBP)

HUD requires that the unit fail inspection under the Lead-Based Paint guidelines when there is deteriorated paint and the unit was built prior to 1978, is occupied by a child under the age of six and has not been certified lead-based paint free. Deteriorated paint includes any painted surface that is peeling, chipping, chalking, damaged or otherwise separated from the painted surface.

PCHCD will notify the owner that the corrections must be made utilizing Lead Safe Work Practices by an EPA Certified Renovator. A copy of the clearance test must be provided to PCHCD within the required timeframe.

For units that are currently unassisted, the deteriorated paint and clearance must be completed before PCHCD can enter into a contract.

On currently assisted units, the repairs/corrections and clearance must be completed within 30 days of the visual inspection. Extensions of the time required to meet these requirements may be granted for *reasonable cause*. Per HUD regulations, the extension cannot extend beyond 90 days after the date of notification to the owner of the results of the visual inspection.

The HAP contract will be terminated if the timeframes are not met.

J. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404]

Certain HQS deficiencies are the responsibility of the family:

1. Tenant-paid utilities that are not in service.
2. Failure to provide or maintain tenant-supplied appliances.
3. Damage to the unit or premises beyond normal wear and tear caused by a household member or guest.

Note: *“Beyond normal wear and tear” is defined as items that could be charged against the tenant’s security deposit under state law or court practice.*

The owner is responsible for all other HQS violations.

The inspector will make a determination of owner or family responsibility during the inspection.

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

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, PCHCD will require the family make any repair(s) or corrections within 30 days. If the repair(s) or correction(s) are not made within the 30-day time frame, PCHCD will terminate assistance to the family, after providing an opportunity for an informal hearing. In these cases, a Section 8 Supervisor must

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approve extensions. The HAP will not be abated for items that are the family's responsibility.

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

L. UTILITY ALLOWANCE AND REIMBURSEMENT PAYMENTS [24 CFR 982.153, 982.517]

The multiple Utility Allowance Schedule is used for all tenant-based programs and all building types. The schedules will be based on information available from local utility companies.

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

PCHCD will review the utility allowance schedule annually. If the review finds a utility rate has changed by 10% or more since the last revision, the schedule will be revised to reflect updated rates for all utilities. The revised utility allowance will be applied to participant family's rent calculation at their next recertification.

On request from a family that includes a person with a disability, PCHCD will approve a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to accommodate a person with a disability. PCHCD will review six months of the family's utility expenses to determine the average. The determined averaged amount will be used as the utility allowance schedule for an accommodation for persons with a disability. This may be reviewed on an annual basis at recertification.

Where the calculation on the HUD 50058 results in a utility reimbursement payment due the family; PCHCD will provide a Utility Reimbursement Payment for the family each month. The check will be payable directly to the tenant.

M. ROOMS USED FOR LIVING

When the unit includes a detached room/living space, the same criteria are used as if rating the room to be used for a sleeping/living room. It must meet the requirements set forth by HUD HQS.

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[24 CFR Part 982, Subpart I]

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Chapter 11 – Program Terminations

[24 CFR Part 982, Subpart B, G, I & K]

A. INTRODUCTION

The Housing Assistance Payments (HAP) Contract is the contract between the owner and PCHCD that defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by PCHCD and the owner, and the policies and procedures for such terminations. Also included in this chapter are the criteria for owner disapproval and the various penalties for owner violations.

PCHCD may deny or terminate assistance for a family because of the family's action or failure to act. PCHCD will provide families with a written description of the Family Responsibilities.

PCHCD shall give participants an opportunity for administrative reviews and informal hearings for decisions regarding termination of participation in the Rental Assistance Program in accordance with the Code of Federal Regulations. Participants include persons assisted under the rental assistance program who hold a voucher and have been admitted to the program. The family becomes a participant on the effective date of the first HAP contract.

An Administrative Review or Informal Hearing is not required for any of the following:

1. Discretionary administrative determinations by PCHCD.
2. General policy issues or class grievances.
3. A PCHCD determination not to grant approval of the tenancy.
4. Determination that unit does not comply with HQS.
5. Determination that unit is not in accordance with HQS due to family size or composition.
6. Expiration of a voucher of an applicant.

B. CONTRACT TERMINATION [24 CFR 982.311]

The term of the HAP Contract is the same as the term of the lease. Upon the issuance of a written 30-day notice, the Contract between the owner and PCHCD may be terminated by PCHCD, the owner, or by the tenant terminating the lease. . In the case of a deceased single member household, the contract will terminate the last day of the month in which the client passed away.

No future subsidy payments on behalf of the family will be made by PCHCD to the owner after the month in which the Contract is terminated. The owner must reimburse PCHCD for any subsidies paid by PCHCD for any period after the contract termination date.

If the family continues to occupy the unit after the Section 8 contract is terminated, the family is responsible for the total amount of rent due to the owner.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

Family termination of the lease must be in accordance with the terms of the lease.

C. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS [24 CFR 982.310, 982.455]

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[24 CFR Part 982, Subpart B, G, I & K]

If the owner wishes to terminate the lease, the owner is required under the lease to provide proper notice as stated in the lease. During the term of the lease, the owner may not terminate the tenancy except for the grounds stated in the HUD regulations.

During the initial term of the lease, the owner may not terminate the tenancy “for other good cause” unless the owner is terminating the tenancy because of something the family did or failed to do (*see 24 CFR 982.310*).

During the term of the lease, the owner may only evict in accordance with the termination provisions in the HAP contract including:

1. Serious or repeated violations of the lease, including but not limited to failure to pay rent or other amounts due under the lease, or repeated violation of the terms and conditions of the lease.
2. Violations of federal, state or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents or persons residing in the immediate vicinity of the premises; or any drug-related criminal activity on or near the premises.
3. Other good cause.

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The owner eviction notice means a notice to vacate, or other initial pleading used under State or local law to commence an eviction action.

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun the eviction process and the family and the unit remains eligible, and the family continues to reside in the unit, PCHCD must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

PCHCD must continue making housing assistance payments to the owner in accordance with the Contract as long as the tenant continues to occupy the unit and the Contract is not violated.

By endorsing the monthly check from PCHCD, the owner certifies that the tenant is still in the unit, the rent is reasonable and the owner is not charging more rent for assisted units than unassisted units and s/he is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if PCHCD has no other grounds for termination of assistance, PCHCD may issue a new voucher so the family can move with continued assistance.

D. TERMINATION OF THE CONTRACT [24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]

The term of the HAP contract terminates when the lease terminates, when PCHCD terminates program assistance for the family, or when the owner has breached the HAP contract. (*See "Disapproval of Owner" and "Owner Restrictions and Penalties" sections*)

PCHCD may also terminate the contract:

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1. If the family is required to move from a unit when the unit does not meet the HQS space standards because of an increase in family size or a change in family composition;
2. When funding is no longer available under the ACC. When this occurs, the contracts of the longest served non-elderly or disabled households will be terminated. When the program is over leased, the contracts of the participants with the lowest amount of HAP will be terminated. In both cases, the family's eligibility will be suspended until the funding shortfall or the over leased status is no longer applicable, at which time the family will be issued a voucher.

The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner.

1. Notice of Termination

When PCHCD terminates the HAP contract under the violation of HQS space standards, PCHCD will provide the owner and family written notice of termination of the contract, and the HAP contract terminates at the end of the calendar month that follows the calendar month in which PCHCD gives such notice to the owner.

E. GROUNDS FOR DENIAL OR TERMINATION [24 CFR 982.552, 24 CFR 982.553]

1. Form of Denial/Termination

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

- a. Denial for placement on PCHCD's waiting list.
- b. Denying or withdrawing voucher.
- c. Refusing to enter into a HAP contract or approve a lease.
- d. Refusing to process or provide assistance under portability procedures.
- e. Termination of assistance for a participant may include the following:
- f. Terminating housing assistance payments under an outstanding HAP contract.

2. Mandatory Denial and Termination

PCHCD must deny assistance to applicants and terminate assistance for participants:

- a. If any member of the family fails to sign and submit HUD or PCHCD required consent forms for obtaining information.
- b. If no member of the family is a U.S. citizen or eligible immigrant (*see Section H*).
- c. If any member of the family fails to disclose his/her Social Security number except when exempted by regulation.
- d. If the family is under contract and 180 days have elapsed since PCHCD's last housing assistance payment was made.
- e. If a participant family is evicted from housing under the program for serious violations of the lease.
- f. If a member of the family is subject to a lifetime sex offender registration requirement.

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- g. PCHCD must permanently deny assistance to applicants, and terminate the assistance of persons convicted of manufacturing or producing methamphetamine in violation of any federal or state law.

3. Grounds for Denial or Termination of Assistance

PCHCD may deny assistance to applicants or proposed additions to the family and terminate assistance for participants for violations of any of the following family responsibilities:

The family must:

- a. Supply any information that PCHCD or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status. “Information” includes any requested certification, release, or documentation used for initial eligibility and for regularly scheduled reexamination or interim reexamination of family income and composition.
- b. Disclose and verify Social Security Numbers, sign and submit consent forms for obtaining information.
- c. Supply true and complete information.
- d. Be responsible for a Housing Quality Standards damages and/or failed items caused by the family and allow PCHCD to inspect the unit at reasonable times and after reasonable notice to comply with HUD requirements for an inspection.
- e. Failure to allow PCHCD to inspect the unit at reasonable times and after reasonable notice to comply with HUD requirements for an inspection.
- f. Notify PCHCD and the owner, in writing, at least 30 days prior to vacating the unit or terminating the lease after the initial term of the lease.
- g. Give/mail PCHCD a copy of any owner eviction notice within ten (10) days from receipt of the notice.
- h. Use the dwelling unit for residence by the family. The unit must be the family’s only place of residence. The unit address cannot be used by anyone other than approved household members as a mailing address.
- i. Request, in writing, PCHCD approval to add other family members, foster children, or a live-in aide as an occupant of the unit prior to moving them into the assisted unit.
- j. Report to PCHCD the birth, adoption, or court-awarded custody of a child, except for foster children, within ten (10) days of the change.
- k. Notify PCHCD in writing within ten (10) days if any family member no longer resides in the unit.
- l. Ensure that if the family engages in legal profit making activities in the unit, that such activities are approved by the property owner and are incidental to primary use of the unit by the family.
- m. Supply information or certification to verify that the family is living in the unit or relating to the family’s absence from the unit. If the absence will be for more than 30 days, the family must notify PCHCD in writing within ten (10) days from their absence. If a family member is absent from the unit more than 186 days, the “absent members” will be terminated.

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- n. Have a minimum of one household member who is a U.S. citizen, National, or has HUD-defined eligible immigration status.
- o. Provide verification to PCHCD that they have made prior request(s) to the landlord to resolve a Housing Inspection issue.

The family must not:

- a. Intentionally misrepresent the family income or composition.
- b. Commit any serious or repeated violation of the lease (*such as non-payment of rent, destruction of property, or violent criminal or drug related activity*).
- c. Sublease, assign the lease, transfer the unit, or rent any part of the unit to outside parties.
- d. Own or have any interest in the unit.
- e. Rent a unit from an owner who is a parent, child, grandparent, grandchild, sister or brother of any member of the family.
- f. Engage in drug related criminal activity in violation of Federal law or engage in violent criminal activity.
- g. Receive another housing subsidy for the same unit or a different unit.
- h. Commit any fraud, bribery, or any other criminal or corrupt act in connection with the Rental Assistance Program. This includes making “side” payments or “under the table” payments to the owner.

Other reasons for terminating/denying assistance:

- a. If the applicant owes rent or other amounts to PCHCD or any other Public Housing Agency (PHA).
- b. If the family has not reimbursed or complied with the terms of their repayment agreement to PCHCD or any other Housing Authority for any amounts owed by the family.
- c. If any member of the family has been evicted from federally assisted housing within the last 10 years.
- d. If PCHCD or any other PHA has ever terminated assistance under the Certificate/Voucher program for any member of the family.
- e. If any member of the family commits drug related criminal activity or violent criminal activity.
- f. If two (2) scheduled appointments have been missed without good cause and without prior notice to PCHCD within a twelve-month period. Failure to allow PCHCD to inspect the unit at reasonable times and after reasonable notice; failure to comply with HUD requirements for an inspection; failure to contact PCHCD to reschedule the inspection; or if the family misses and/or cancels three inspection appointments.
- g. If the family fails to cooperate with any terms or conditions of the Rental Assistance Program.
- h. If the family has threatened abusive or violent behavior toward PCHCD personnel, including written, verbal, physical abuse or violent use of statements that are generally

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considered insulting or used to insult or intimidate.

- i. If the family violates one of the Family Responsibilities listed above.
- j. If the family is not currently in an assisted unit and does not submit a Request for Tenancy Approval within the term of their Housing Choice Voucher.
- k. If any member of the family has alcohol abuse which interferes with the health, safety, or peaceful enjoyment of other residents.
- l. If any member is convicted of manufacturing or producing methamphetamine in violation of any federal or state law.
- m. If any member is subject to lifetime registration requirements under a State sex offender registration program.
- n. If the family allows the assisted unit to be used by others not on the lease as a mailing address.

4. Denial of Prior Program Participants

- a. PCHCD will deny assistance to prior program participants who were terminated from the Section 8 or Public Housing Programs for any violation of the program rules and regulations for ten (10) years, including violations that resulted in debts owed.
- b. Prior program participants with balances owed to PCHCD in conjunction with the Section 8 or Public Housing Programs will continued to be denied assistance after the ten (10) year period until they have repaid the debt in full.

F. CRIMINAL ACTIVITY POLICY

1. Purpose

Federally assisted housing is intended to provide a safe place to live and to raise families. PCHCD shall not tolerate violent criminal or illegal drug activity. It is the intention of PCHCD to fully endorse and implement a policy that is designed to:

- a. Help create and maintain a safe and drug-free community.
- b. Keep our program participants free from threats to their personal and family safety.

2. Denial of Participation and Termination of Assistance

Before approving a household member PCHCD will perform a criminal history check and sex offender registration records search on every adult household member (18 years and older) and live-in aides. PCHCD will deny participation in the program to applicants and terminate assistance to participants in cases where PCHCD determines there is a preponderance of the evidence to believe that the person is illegally using a controlled substance. This includes any family member that uses medical marijuana even with a medical marijuana card, or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where PCHCD determines that there is a pattern of illegal use of a controlled substance or pattern of alcohol abuse.

“Engaged in or engaging in” violent criminal activity means any act by applicants, participants, household members, or guests which involved criminal activity that has as one of its elements the

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use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage, including lewd and lascivious acts with a minor, which did or did not result in the arrest and/or conviction of the applicant, participant, household members, or guests.

The existence of the above-referenced behavior by any household member or guest, regardless of the applicant or participant's knowledge of the behavior shall be grounds for denial or termination of assistance.

If an applicant, a member of an applicant or participant household or an addition to the participant's household, including a live-in aide, has been arrested, convicted or otherwise been determined to have engaged in illegal drug-related or violent criminal activity within the prior five years, admission or continued participation may be denied. In cases where a family member recently has been released from incarceration for drug-related activity or violent criminal activity; and, it has been more than five years since the activity occurred; PCHCD and the family will execute a stipulated agreement stating should they (the family) engage in such activity by any household member, PCHCD will issue a Notice of Intended Action to terminate assistance.

G. NOTICE OF TERMINATION OF ASSISTANCE

When PCHCD decides to terminate assistance, the family will receive a written Notice of Intended Action to terminate assistance, which states:

- a. The reason(s) for the proposed termination.
- b. The effective date of the proposed termination.
- c. The family's right, if they disagree, to request an Informal Hearing held before termination of assistance.
- d. The date by which a request for an informal hearing must be received by PCHCD.

1. Required Evidence

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

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.

H. PINAL COUNTY HOUSING AND COMMUNITY DEVELOPMENT POLICY FOR CONSIDERATION OF CIRCUMSTANCES [24 CFR 982.552]

1. Violence Against Women

The PCHCD will comply with the Violence Against Women Act (VAWA) as signed into law on

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January 5, 2006 that provides protections for those who receive Section 8 Rental Assistance if they become victims of domestic violence, dating violence and/or stalking.

a. **Protections under VAWA: Denial of Assistance:**

VAWA provides that applicants cannot be denied assistance or admission because they are a victim of domestic violence, dating violence or stalking provided the applicants are otherwise qualified for assistance or admission to rental assistance programs.

b. **Termination of Assistance**

Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered cause for termination of assistance for any participant or immediate member of a participant's family who is the victim of the domestic violence, dating violence, or stalking.

c. **Lease Terms**

An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be considered a "serious or repeated" violation of the lease by the victim or threatened victim of that violence, and shall not be good cause for terminating the assistance, tenancy or occupancy rights of the victim of that violence.

d. **Removal of Perpetrator**

VAWA allows PCHCD or an owner of a subsidized property to evict, remove, or terminate assistance to any individual tenant who engages in criminal acts or physical violence against family members or others. This may be done without evicting or taking any other action to the other occupants.

There are some limitations to individuals with VAWA protections:

Assistance and/or tenancy may be terminated if PCHCD or the owner/manager can demonstrate that an assisted tenant posed "an actual or imminent threat" to other tenants or to persons employed at or providing services at a rental property or unit.

Assistance and/or tenancy may be terminated for lease violations that are not based on an incident or incidents of domestic violence, dating violence, or stalking for which VAWA provides protection.

e. **Verification/Certification**

The PCHCD shall require verification or certification concerning the incident or incidents where an individual claims VAWA protections in one of the following three ways:

- I. Police report or court order.
- II. Other document signed by a professional person from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking.
- III. HUD approved form 50066.
- IV. Failure to provide verification within fourteen (14) business days of the date requested will result in loss of protection under VAWA.

f. **Confidentiality**

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Information provided about an incident or incidents of domestic violence, dating violence, or stalking shall be retained by the PCHCD in confidence and shall not be entered in any shared database nor provided to any related entity, except where disclosure is:

- I. Requested or consented to by the individual in writing; or
- II. Required for use in an eviction proceeding as permitted in VAWA; or
- III. Required by applicable law

g. Referrals to Support Services

Upon determination of each individual case, and as needed, the PCHCD will make certain that a referral is made to Pinal County Mental Health Services, Child Protective Services, and Adult Protective Services agencies and any other service providers to ensure the family's safety. PCHCD will cooperate with the social services agencies to make sure that the family is able to maintain their housing assistance.

2. Other Circumstances

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, PCHCD has discretion to consider all of the circumstances in each case, including the seriousness of the violation. PCHCD will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. PCHCD may also review the family's more recent history and record of compliance, patterns of providing false information and the effects that denial or termination of assistance may have on other family members who were not involved in the action or failure to act.

In appropriate cases, PCHCD may permit the family to continue receiving assistance provided that the family member(s) determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, PCHCD may consider individual circumstances. PCHCD may consult with Juvenile Court officials.

In appropriate cases, PCHCD may offer the family a stipulated agreement that will contain the terms and conditions for continued assistance. Failure to enter into, or comply with the agreement, shall result in the issuance of a Notice of Intended Action to terminate assistance.

Consideration shall be given for applicants of special programs such as Family Unification, and Veterans Affairs Supportive Housing.

I. DENIAL OR TERMINATION DUE TO INELIGIBLE IMMIGRANT STATUS [24 CFR 5.514, 5.516, 5.518]

Applicant or participant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. PCHCD must offer the family an opportunity for a hearing.

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

J. MISREPRESENTATION IN COLLUSION WITH OWNER [24 CFR 982.551, 982.552 (c)]

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If there is a preponderance of evidence that the owner commits fraud or is involved in any other illegal scheme with the participant, PCHCD will deny or terminate assistance.

K. MISSED APPOINTMENTS AND DEADLINES [24 CFR 982.551, 982.552 (c)]

It is a Family Responsibility to supply information, documentation, and certification as needed for PCHCD to fulfill its responsibilities. PCHCD schedules appointments and sets deadlines in order to obtain the required information. A participant who fails to keep an appointment or meet a set deadline without prior notice or good cause or fails to supply required information may be sent a Notice of Intended Action.

A Notice of Intended Action may be sent to a participant who fails to keep two (2) scheduled appointments and/or two (2) scheduled inspections without prior notice or good cause within a one- year period.

“Good cause” is defined as an unavoidable conflict that seriously affects the health, safety or welfare of the family.

A participant who fails to supply information required by a deadline without notifying PCHCD may be sent a Notice of Intended Action.

L. DISAPPROVAL OF OWNER [24 CFR 982.306, 982.54(d)(8)]

For purposes of this section, "owner" includes a principal or other interested party. PCHCD will disapprove the owner for the following reasons:

1. HUD has informed PCHCD that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.
2. HUD has informed PCHCD that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.
3. HUD has informed PCHCD that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements.
4. Unless their lease was effective before June 17, 1998, the owner may not be a parent, child, grandparent, grandchild, sister or brother of any family member. PCHCD may waive this restriction as a reasonable accommodation for a family member who is a person with a disability (24 CFR 8.3). PCHCD requires all owners and tenants to complete a certification declaring they are not related.
5. The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
6. The owner has violated any obligation under the HAP contract for the dwelling unit, including the owner’s obligations to maintain the unit to HQS, including any standards PCHCD has adopted in this policy.
7. The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.

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8. The owner has engaged in drug trafficking.
9. The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.
10. The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD.

M. OWNER RESTRICTIONS AND PENALTIES [24 CFR 982.453]

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

Before imposing any penalty against an owner PCHCD 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.

N. CHANGE IN OWNERSHIP

A change in ownership or transfer of the HAP contract does not require execution of a new HAP contract.

As a party to the HAP contract, PCHCD may approve the reassignment of the HAP contract at the owner's request. PCHCD may deny assignment of the contract for any of the reasons listed in this chapter.

PCHCD may approve a change of property ownership upon the written request of the new owner accompanied by a copy of the closing escrow statement or other document(s) showing title to subject property.

PCHCD may not approve an assignment of the contract without verification of the owners change and the Internal Revenue Service Tax Form W-9 for the new owner.

PCHCD will provide the same name/tax identification number combination provided on Tax Form W-9 for income tax reporting purposes to the Internal Revenue Service.

PCHCD must receive in writing all requests to change the payee and/or the address to which HAP payment will be sent.

In the event there is a disagreement between the owner and assignee (e.g. property manager, bank or other interested party) as to who should receive the HAP payment, PCHCD shall withhold future payments until there is a court decision or mutual agreement between the owner and the assignee as to who shall receive the HAP payment.

O. PAYMENT PLAN AGREEMENT FOR FAMILIES [24 CFR 982.552 (C)(1)(V-VII, 24 CFR 982.163]

1. Active Participants

A Payment Plan Agreement is a document entered into between PCHCD and a person who owes a

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debt to PCHCD. It details the nature of the debt, the terms of payment, any special provisions of the agreement and the remedies available to PCHCD upon default of the agreement.

PCHCD will determine whether to enter into a Payment Plan Agreement with a family based on the circumstances surrounding the debt. PCHCD will prescribe the terms of the Payment Plan Agreement.

The monthly amount due for Payment Plan Agreements will be ten percent (10%) of the family's gross monthly income. If ten percent (10%) of the family's gross monthly income is less than \$25, then the monthly amount due will be \$25.

A signed Payment Plan Agreement does not waive PCHCD's right to terminate housing assistance. Families who owe money to the PCHCD will be required to repay in accordance with the Payment Plan Agreement. The family's payment plan agreement may:

- a. Require the family to pay the balance in full; and/or
- b. Pursue civil collection of the balance due; and/or
- c. Pursue tax set-off programs; and/or
- d. Terminate the housing assistance.

If the family requests to move, or is required to move by the owner, the family will be required to pay the balance in full or be in good standing with their Payment Plan Agreement prior to the issuance of a voucher unless they qualify for a hardship exemption and are not in violation of the lease. Families who owe PCHCD money will not be allowed the ability to exercise Portability and move to jurisdictions outside of Pinal County Housing and Community Development Department.

If the family is required to move due to an action by PCHCD (mandatory move); the family will not be required to pay the balance in full prior to the issuance of a voucher.

2. Prior Participants

When it is determined that prior participants failed to comply with program regulations or reporting requirements causing payments on their behalf to which they were not entitled, they will be sent a notification of debts owed. The notification will provide the total amount owed to PCHCD and the ability to dispute the amount within 30 days of the notice. In addition, the notification will offer a repayment agreement. No further action to collect on the debt will be taken when a repayment agreement is executed and payments are current.

P. DEBTS DUE TO NON-REPORTING OR SUBSTANTIAL UNDER-REPORTING OF INFORMATION [24 CFR 982.163]

When an income source is not reported by the participant or there is a substantial difference in the reported income information, PCHCD will take the following actions:

1. Request the tenant to provide any documentation to confirm or dispute the unreported or underreported income and/or income sources, and/or
2. Request from third party source, any information necessary to resolve the income discrepancy.

Definition of Substantial Under-Reporting: an amount equal to or greater than \$500 annually.

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A Payment Plan Agreement will be prepared based on the amount of underpayment of rent resulting from the unreported or underreported income. PCHCD will determine the retroactive rent as far back as the existence of complete file documentation (form HUD 50058 and supportive documentation) to support such retroactive rent determinations.

The participant will be presented with the Payment Plan Agreement and provided an opportunity to contest the findings.

Based on the all the circumstances in each case, including the seriousness of the violation, PCHCD will use its discretion in terminating assistance or allowing the family to enter into a Payment Plan Agreement and continue participation.

Families who refuse to enter into a Payment Plan Agreement will be terminated from the Housing Choice Voucher Program. Where appropriate, PCHCD will refer the case for civil or criminal prosecution.

Q. DEBTS OWED - NATIONAL HUD REPOSITORY [24 CFR 5.233]

HUD maintains a national repository of debts owed to Public Housing Agencies or Section 8 landlords and adverse information of former participants who have voluntarily or involuntarily terminated participation in the program. The following is how PCHCD will comply with HUD's requirements for submission and maintenance of information in the Debts Owed database:

1. A "Form HUD-52675" must be completed by all the adult household members prior to the adverse data being added to the HUD repository, or there is proof that the form was mailed to the last known address.
2. Any debt or termination information submitted to the database will be based on clear and complete support documentation. The support documentation will be reviewed and approved by the Program Integrity Staff. PCHCD will use the criteria specified in CFR 982.552 (c), Authority to deny admission or terminate assistance, when determining the appropriateness of a submission into the HUD repository.
3. Former participants who dispute the information must submit their dispute in writing within the three-year timeframe allowed by HUD for submitting a formal dispute. If the dispute is submitted timely, PCHCD will evaluate any documentation that is provided to support the dispute. A written response will be rendered within 30 days of receiving the written dispute. If PCHCD determines that the disputed information is incorrect, PCHCD will update or delete the record.

R. DEBTS DUE FOR CLAIMS [24 CFR 792.103, 982.552 (B)(6-8)]

If a family owes money to the PCHCD for claims paid to an owner, PCHCD will enter into a Payment Plan Agreement. After the payment is made to the owner, PCHCD will inform the family of the payment and of the family's responsibility to reimburse PCHCD for payment made on their behalf.

Families who refuse to enter into a Payment Plan Agreement will be terminated from the Rental Assistance Program.

Nonpayment of monies owed to PCHCD will result in termination from the Rental Assistance Program.

S. OWNER DEBTS TO PCHCD [24 CFR 982.453(B)]

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

If future Housing Assistance or Claim Payments are insufficient to reclaim the amounts owed, PCHCD will:

1. Require the owner to pay the amount in full; and/or
2. Enter into a Payment Agreement with the owner for the amount owed; and/or
3. Pursue collections through public or private agencies; and/or
4. Restrict the owner from future participation.

Amounts under \$500 that are owed to the PCHCD, and disputed by an owner may be disregarded at the discretion of PCHCD to avoid administrative burden.

T. COLLECTION TOOLS

PCHCD will use a variety of collection tools to recover debts including, but not limited to:

1. Requests for lump sum payments
2. Civil or criminal suits
3. Payment Plan Agreements
4. Abatements
5. Reductions in HAP to owner
6. Collection agencies
7. Credit bureaus
8. Income tax offset programs

U. PINAL COUNTY HOUSING AND COMMUNITY DEVELOPMENT RETENTION OF MONIES [24 CFR 792.202]

PCHCD shall retain 50% of the amount collected from Payment Plan Agreements received as a result of misrepresentation, fraud or abuse.

V. ADMINISTRATIVE REVIEW PROCEDURES

1. Applicants

PCHCD will issue a written Notice of Ineligibility to Section 8 applicants that have been determined ineligible. The Notice will include the reason(s) for the decision and the procedures and timeframe for requesting an Administrative Review.

The Administrative Review shall be conducted by any person designated by PCHCD other than the

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person who made or approved the original decision under review.

The applicant shall be given the opportunity to present documentation or written objections to PCHCD's decision. PCHCD shall promptly notify the participant in writing of the decision.

2. Participants

PCHCD will issue participants a written Notice of Intended Action for decisions that reduce a family's assistance or deny a reasonable accommodation. The notice shall include the reasons for the decision and the opportunity to request an Administrative Review.

When the participant's objection is not resolved through the Administrative Review process, the Administrative Review decision letter will notify the participant of their right to request an Informal Hearing.

W. WHEN AN INFORMAL HEARING IS REQUIRED AFTER COMPLETION OF ADMINISTRATIVE REVIEW PROCESS

PCHCD will give a participant family an opportunity for an Informal Hearing to consider whether the following PCHCD decisions relating to the individual circumstances of the participant family are in accordance with the law, HUD regulations and PCHCD policies:

1. Determination of the family's annual or adjusted income
2. Calculation of total tenant payment
3. Determination of appropriate utility allowance
4. Termination of assistance
5. Denial of a new voucher for a family that wants to move
6. Determination of voucher size
7. Denial of Reasonable Accommodation request
8. Determination of ineligible immigration status.

X. INFORMAL HEARING POLICY

The purpose of the Informal Hearing Process is to afford PCHCD the opportunity to have an objective party consider whether decisions relating to a family's continuing eligibility are in accordance with law, HUD regulations and this Administrative Plan.

The Informal Hearing is not meant to replace or circumvent appropriate judicial review. PCHCD may implement the following prior to the hearing:

1. Changes in total participant payment or participant rent.
2. Denial of a new voucher for a family that wants to move.
3. Unit size determinations for a family that wants to move.

The informal hearing will be conducted by any person designated by PCHCD, other than a person who

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made or approved the decision under review or a subordinate of that person.

The participant will be given the option of presenting oral or written objections to the decision in question. The participant has a right to legal counsel, at his or her own expense. The Hearing Officer will regulate the conduct of the hearing. Both PCHCD and the participant must have an opportunity to present evidence and/or witnesses as provided in this Plan established by PCHCD.

The Hearing Officer shall make a determination as to whether the rule or regulation was correctly applied based only on the information submitted at the hearing. A Notice of Hearing Findings (*Hearing Decision*) shall be provided, in writing, to PCHCD with a copy to the participant within 20 workdays from the conclusion of the hearing.

PCHCD will retain all requests for a hearing, supporting documentation and a copy of the final decision in accordance with the established retention policy.

Y. PRE-HEARING PROCEDURES

If PCHCD staff discovers possible program violations by participants, staff is responsible for gathering and reviewing information to determine if there is cause to issue a Notice of Intended Action (NIA).

The NIA will include the action that PCHCD proposes to take; the reason for the action; the laws, regulations or policies which staff believes require the action; and the procedures for the participant to follow to request an informal hearing. All possible violations will be listed on the NIA at the time of issuance and will include a brief description as well as the approximate timeframe and place of possible violations.

PCHCD shall mail or personally deliver the NIA to the participant at least 20 workdays before the date of intended action.

The NIA will advise the participant they must request an informal hearing within 10 workdays from the date of mailing of said notice.

PCHCD shall provide a hearing if a request for an informal hearing is made by the participant pursuant to the instructions on the NIA. The participant shall be notified of the scheduled hearing at least ten calendar days before the scheduled date.

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

Should the participant submit a request for a hearing on an untimely basis (later than 10 workdays from the date of mailing of the Notice by PCHCD), staff will inform the participant by mail within ten calendar days of such receipt that the participant is not entitled to a hearing. However, a participant who has submitted an untimely hearing request within one year from the date the NIA was issued, and has shown good cause may be granted an informal hearing.

In the event PCHCD receives a clear, written statement signed by the participant that he/she no longer wishes to participate in the program; or if mail directed to the participant has been returned by the post office indicating no forwarding address and/or participant's whereabouts are unknown, it is understood that PCHCD may proceed with the intended action immediately.

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Z. PRE HEARING RIGHTS AND RESPONSIBILITIES

The participant has rights and must adhere to the responsibilities outlined in the "Notification of Rights and Responsibilities Regarding the Informal Hearing." These include:

1. The opportunity to receive a reasonable continuance of the hearing for good cause shown.
2. An adequate opportunity to examine the contents of their case file and all documents and records to be used by PCHCD at the hearing.
3. The right to receive, upon request, copies of documents and/or records that PCHCD expects to use at the hearing.
4. The right to choose an attorney or another person to represent them in the hearing.
5. The PCHCD has a right to be notified if the family will be represented by an attorney or another person at the hearing at least five (5) workdays prior to the hearing.
6. The right to withdraw the hearing request at any time by so informing PCHCD in writing.
7. Before the scheduled hearing, PCHCD must be given the opportunity to examine at PCHCD offices any family documents that are directly relevant to the hearing. These documents must be submitted to the Section 8 Supervisor within three workdays before the scheduled hearing if the family intends to rely on these documents at the hearing. PCHCD must be allowed to copy any such document(s). If the family does not make the document available for examination on request of PCHCD, the family will not be allowed to present them for consideration at the hearing.

For purposes of this section, the term "document" includes records and regulations. In no case will the family be allowed to remove the file from PCHCD's office.

The participant and the Hearing Officer shall be sent a copy of the Hearing Packet no less than five days before the Hearing.

If PCHCD does not make a document available for examination at the family's request, PCHCD may not rely on the document at the hearing.

AA. RIGHTS AT THE HEARING

At the hearing, the participant and PCHCD shall have the right to:

1. Represent themselves, or be represented by a lawyer or other persons of their choosing.
2. Bring and examine witnesses.
3. Submit evidence to establish all relevant facts and circumstances in accordance with the above policy.
4. Offer explanations or arguments relevant to the issue(s).
5. Challenge any evidence or testimony including an opportunity to call, confront and cross-examine adverse witnesses.
6. Provide their own interpreter or other device facility to overcome language or other communication handicaps.

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Recording the Proceedings

After a hearing decision has been rendered, the family may request a copy and one will be provided.

BB. DENIAL OR DISMISSAL OF AN INFORMAL HEARING

PCHCD shall deny or dismiss a timely request for a hearing under the following conditions:

1. The participant requesting the hearing has withdrawn the request.
2. When the sole issue is one of federal law or regulation requiring automatic adjustments for classes of Rental Assistance Program participants.

Note: A hearing is deemed abandoned if the participant fails to appear within 15 minutes of the scheduled hearing.

Should PCHCD determine the hearing "abandoned," a letter will be sent to the participant stating the hearing was abandoned. The participant has five workdays to demonstrate, in writing, good cause that the hearing should not be considered abandoned and request another hearing. "Good cause" is defined as an unavoidable conflict, which seriously affects the health, safety or welfare of the family. Should the participant fail to contact PCHCD within five workdays, PCHCD will follow through with the intended action.

CC. CONDUCT OF HEARING

The hearing may be conducted by any person or person(s) designated by PCHCD, other than a person who made or approved the decision under review or a subordinate of this person.

1. Hearing Officer Responsibility

In conducting the Hearing, the Hearing Officer shall be responsible for:

- a. Explaining the hearing is informal, but that the decision is binding, subject to judicial review.
- b. Ensuring a full inquiry into all relevant issues.
- c. Regulating the conduct of the hearing consistent with due process and in accordance with this Plan to ensure an impartial, orderly hearing.
- d. Preparing an official hearing record, which shall contain; the substance of the oral testimony presented at the hearing; all papers, documents, records, etc., submitted for the hearing and/or considered by the Hearing Officer; and the written decision of the Hearing Officer.

2. Evidence

PCHCD and the family must be given the opportunity to present evidence in accordance with this Plan and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

3. Definition of Preponderance of Evidence

Preponderance of evidence is defined as evidence which is of greater weight or more convincing

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than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

With respect to burden of proof in civil actions, this means the greater weight of evidence, or evidence that is more credible and convincing to the mind; that which best accords with reason and probability.

Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence, the opportunity for knowledge and the information possessed.

Note: *The word "preponderance" means something more than "weight"; it denotes a superiority of weight, or outweighing.*

4. Credible Evidence

Credible evidence can be provided by such sources as police, the court system and PCHCD staff. Testimony from neighbors, when combined with other credible evidence, can be used to determine whether a preponderance of evidence exists.

DD. HEARING DECISIONS

The hearing decision shall be based exclusively on the evidence and other material introduced at the hearing and which shall comply with governing law, regulations and PCHCD policies. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing (24 CFR 982.555). A hearing decision shall be rendered which will either uphold or reverse the intended action of PCHCD.

The Hearing Officer shall not allow the participant or PCHCD any additional time to provide information or evidence to support the participant's case. The Hearing Officer will issue a written decision to PCHCD and participant no later than 20 workdays following the hearing except those hearings regarding eligible immigration status; in which case the decision will be issued within 14 days.

The hearing decision shall summarize the facts, identify each issue considered, specify the reasons for the decision on each issue and identify the supporting evidence, laws, regulations, and PCHCD policies upon which the decisions are made.

The Hearing Officer must decide:

1. Whether PCHCD correctly applied the program rules, regulations or PCHCD policies in the action outlined in the NIA; or
2. Whether the participant did or did not violate a program regulation, law or policy.
3. When the hearing decision is unfavorable to the participant, it shall advise the participant of the following:
4. The participant's right to obtain judicial review of the decision under Arizona Code of Civil Procedures 1094.6 if a petition therefore is filed within 1 year of the date of the decision.
5. That the hearing decision shall be final and binding upon all parties unless timely judicial review is sought by either party.
6. Subject to 24 CFR 982.555 (f) the PCHCD is not bound by a hearing decision:
7. Concerning a matter for which PCHCD is not required to provide an opportunity for an

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informal hearing pursuant to 982.555 (f), or otherwise exceeds the authority of the person conducting the hearing under PCHCD hearing procedures; or

8. Contrary to HUD regulations or requirements, or otherwise contrary to federal, state or local law.

If PCHCD determines that it is not bound by a Hearing decision, PCHCD shall promptly notify the participant of the determination, and of the reasons for the determination.

EE. RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS [24 CFR Part 5, Subpart E]

Assistance to the family may not be delayed, denied or terminated based on immigration status at any time before the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while PCHCD hearing is pending but assistance to an applicant may be delayed pending PCHCD hearing.

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[24 CFR Part 982, Subpart B, G, I & K]

RESERVED

Chapter 12 – Special Housing Types

[24 CFR Part 982, Subpart M]

A. INTRODUCTION

PCHCD will permit the use of the following special housing types in its program:

- Manufactured Housing

PCHCD will permit the use of the following special housing types in its program only if the applicant/participant is elderly or disabled and can demonstrate that it is needed as a reasonable accommodation. Acceptable demonstration will include documentation from one or more knowledgeable professionals who are familiar with the applicant/participant and or the type of special housing requested as accommodation.

- Shared Housing
- Congregate Housing
- Group Homes

PCHCD will not set aside any program funding for special housing types, or for a special housing type.

B. CONGREGATE HOUSING [24 CFR 982.606, 982.607, 982.608]

An elderly person or a person with a disability may reside in a congregate housing unit. PCHCD may approve a family member or live-in aide to reside with the elderly person or a person with a disability.

PCHCD will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by a person with a disability.

1. Congregate Housing Lease and HAP Contract

For congregate housing, there will be a separate lease and HAP contract for each assisted family.

The payment standard for a family that resides in a congregate housing unit is the zero-bedroom payment standard on PCHCD payment standard schedule unless there is a live-in aide. For a family residing in congregate housing in an exception area, the payment standard is the HUD-approved zero bedroom exception payment standard amount.

However, if there are two or more rooms in the unit (*not including kitchen or sanitary facilities*), the payment standard for a family that resides in a congregate housing unit is the one bedroom payment standard amount.

If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

2. Housing Quality Standards

PCHCD will ensure that all congregate housing units approved for the program are in compliance with all of the Housing Quality Standards for congregate housing as regulated in 24 CFR 982.609.

D. GROUP HOMES [24 CFR 982.610, 982.612, 982.613]

A group home must be licensed, certified, or otherwise approved in writing by the State, or the State's licensing department as a group home for elderly persons or persons with disabilities.

An elderly person or a person with a disability may reside in a state-approved group home. If approved by

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[24 CFR Part 982, Subpart M]

PCHCD, a live-in aide may reside with a person with a disability.

PCHCD may approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by a person with a disability. Except for a live-in aide, all residents of a group home must be elderly persons or a person with a disability.

PCHCD will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continual medical or nursing care.

No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

1. Group Home Lease and HAP Contract

There will be a separate HAP contract and lease for each assisted person living in a group home. For a group home the term "pro-rata portion" means that which is derived by dividing the number of persons in the assisted household by the total number of residents (*assisted and unassisted*) residing in the group home. The number of persons in the assisted household equals one assisted person and any PCHCD approved live-in aide.

2. Group Home Rent and HAP Contract

The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.

The reasonable rent for a group home is determined in accordance with 24 CFR 982.507. In determining reasonable rent PCHCD will consider whether sanitary facilities, and facilities for food preparation and service, are common or private facilities.

3. Maximum Subsidy

Unless there is a live-in aide, the family unit size is one bedroom. If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

The payment standard for a person who resides in a group home is the lower of the payment standard for the family unit size or the pro-rata portion of the payment standard amount on PCHCD payment standard schedule for the group home size.

4. Utility Allowance

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

5. Housing Quality Standards

PCHCD will ensure that all group home units approved for the program are in compliance with all of the Housing Quality Standards for group homes as regulated in 24 CFR 982.614.

E. SHARED HOUSING [24 CFR 982.615, 982.616, 982.617, 982.618]

1. Occupancy

An elderly person or a person with a disability may reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment. Persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit. The owner of a shared housing unit may reside in the unit as

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[24 CFR Part 982, Subpart M]

long as the resident owner is not related to the participant. A resident owner may enter into a HAP contract with PCHCD; however, housing assistance may not be paid on behalf of an owner.

PCHCD may approve a live-in aide to reside with a family in order to care for a person with a disability. PCHCD must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by, a person with a disability.

There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

2. Rent and HAP Contract

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five-bedroom unit, the ratio would be 3/5.

The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set in the "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

3. Maximum Subsidy

For a family that resides in a shared housing unit the payment standard is the lower of the payment standard amount on PCHCD payment standard schedule for the family unit size or the pro-rata portion of the payment standard amount on PCHCD payment standard for the shared housing unit size.

If PCHCD approves a live-in aide, the live-in aide will be counted in determining the family unit size.

4. Utility Allowance

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

5. Housing Quality Standard

PCHCD will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards for shared housing as regulated in 24 CFR 982.618.

F. MANUFACTURED HOMES [24 CFR 982.620]

PCHCD will permit a family to lease a manufactured home and space with assistance under the program. PCHCD will provide assistance for a family that owns the manufactured home and leases only the space.

PCHCD may approve a live-in aide to reside with a family to care for a person with a disability. PCHCD will approve a live-in aide if needed as a reasonable accommodation so that the program is accessible to and usable by, a person with a disability. If PCHCD approves a live-in aide, the live-in aide must be counted when determining the family unit size.

1. Housing Quality Standards

A manufactured home must meet all the HQS requirements outlined in the "Housing Quality Standards and Inspections" chapter and regulated by 24 CFR 982.401. In addition, the manufactured home also must meet the following requirements:

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[24 CFR Part 982, Subpart M]

- a. A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage.
- b. A tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding must securely anchor a manufactured home.

2. Manufactured Home Space Rental

Rent to owner for a manufactured home space will include payment for maintenance services that the owner must provide to the tenant under the lease for the space.

Rent to owner does not include the cost of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

3. Reasonable Rent

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by PCHCD.

PCHCD will not approve a lease for a manufactured home space until PCHCD has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, PCHCD will re-determine that the rent is reasonable.

PCHCD will determine whether the rent to owner for a manufactured home space is a reasonable rent in comparison to rents for other comparable manufactured home spaces. PCHCD will consider the size and location of the space and any services and maintenance provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from PCHCD, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. If requested by PCHCD, the owner must provide PCHCD information on rents for other manufactured home spaces.

4. Utility Allowance

The utility allowance for manufactured homes will be the established utility allowances based on the unit size.

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[24 CFR Part 982, Subpart M]

RESERVED

NON-ELDERLY PERSONS WITH DISABILITIES VOUCHERS

PCHCD will take reasonable steps to affirmatively further fair housing for classes protected under the Fair Housing Act in regards to the vouchers awarded under the Non-Elderly Persons with Disabilities Notice of Funding Availability, Section III.C.4.b.

In addition to the current Fair Housing Policy as stated in the PCHCD Housing Choice Voucher Program Administrative Plan (attached), the PCHCD will take reasonable steps to inform affected applicants on how to file a fair housing complaint, including the provision of the toll-free number for the Fair Housing Complaint Hotline: 1-800-669-9777. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at 1- 800-887-8339.

Additionally, PCHCD will comply with the affirmatively furthering fair housing requirements of 24 CFR Section 903.7(o) by:

1. Examining its programs or proposed programs;
2. Identifying any impediments to fair housing choice within those programs;
3. Addressing those impediments in a reasonable fashion in view of the resources available;
4. Working with local jurisdictions to implement any of the jurisdiction's initiative to affirmatively further fair housing that require the PCHCD 's involvement; and
5. Maintaining records reflecting these analyses and actions. Further, the PCHCD will take the following protective steps in addressing accessibility problems for persons with disabilities;
6. Where requested by an individual, help program applicants and participants gain access to supportive services available within the community, but not require eligible applicants or participants to accept such supportive services as condition of continued participation in the program;
7. Identify public and private funding sources to assist participants with disabilities in covering the costs of structural alterations and other accessibility features that are needed as accommodations for their disabilities;
8. Not deny other housing opportunities to persons who qualify for an HCV under this program other housing opportunities, or otherwise restrict access to PCHCD programs to eligible applicants who choose not to participate;
9. Provide housing search assistance (24CFR Section 8.28(a)(3));
10. In accordance with rent reasonableness requirements, approve higher rents to owners that provide accessible units with structural modifications for persons with disabilities (24 CFR Section 8.28(a)(5));
11. Provide technical assistance, through referrals to local fair housing and equal opportunity offices, to owners interested in making reasonable accommodations or units accessible to persons with disabilities.

RESERVED

Chapter 14 –Family Self-Sufficiency Program - Action Plan

A. INTRODUCTION

The following Action Plan describes the policies and procedures for operating PCHCD's Family Self-Sufficiency (FSS) Program. These policies adhere to the regulations set forth by the U.S. Department of Housing and Urban Development (HUD) for administering the FSS Program.

B. FAMILY SELF SUFFICIENCY (FSS) PROGRAM

Family Self Sufficiency (FSS) is a program funded by the Department of Housing and Urban Development (HUD) that encourages communities to develop local strategies to help voucher families obtain employment and become economically independent and self-sufficient.

1. PROGRAM OBJECTIVES

The goal of the Pinal County Housing Authority's (PCHCD) Family Self Sufficiency (FSS) Program is to coordinate public and private resources to assist and enable low income families to increase employment opportunities and enhance life skills necessary to become self-sufficient.

C. DEFINITIONS

Family Self Sufficiency Program (FSS). The program established by the PCHCD to promote self-sufficiency of assisted families, including the provisions of supportive services.

Participant. A family admitted to the PCHCD's FSS program. The family becomes a participant on the effective date of the Contract of Participation.

D. FSS FAMILIES

PCHCD FSS Program will consist of the minimum number of mandatory slots required by HUD. PCHCD initial mandatory program size requirement is 17 families. The mandatory program size will be reduced by one slot for each program graduate on or after October 21, 1998, by fulfilling their contract of participation obligations.

E. FAMILY DEMOGRAPHICS

It is anticipated that the demographics composition of the families participating on the FSS Program will be consistent with the Section 8 program participants. These households primarily consist of:

1. Female unmarried persons
2. Women head of household
3. Persons at or below poverty
4. High school graduate or lower

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These participants will require child care, continuing education and job training skills.

F. FSS FAMILY SELECTION PROCEDURES

FSS participants will be selected on a first come first serve basis from active PCHCD Section 8 rental assistance program. Families will be selected in a nondiscriminatory manner without regard to race, color, religion, sex, handicap, family status or national origin.

PCHCD will make all reasonable accommodations in order to allow client participation in the FSS program. The PCHCD may decide that an accommodation is not reasonable if it causes undue financial and/or administrative burdens, participant will be referred to other available agencies that may be able to best assist participant's needs.

Once a participant has shown interest to the FSS program, they will be contacted and an appointment will be scheduled to meet with the FSS Coordinator/ or a group orientation may be scheduled to review policies and procedures regarding FSS program.

The participant will complete an intake assessment/questionnaire and all information provided will be reviewed and discussed with participant and FSS Coordinator. The participant may be given a set of specific tasks to complete and may be referred to an agency for essential services that may be required (example: apply and obtain childcare services) to assess motivation level and ability/willingness to succeed. FSS Coordinator will follow up within a two week period with the participant in regards to completing the tasks. Should the participant not succeeded in completing the tasks the following shall apply to participant:

1. If participant wants to participate in FSS program, then FSS applicant must:
 - a. Provide verification why tasks were not completed due to: Personal or dependent medical situations, lack of available services necessary to complete tasks and/or inability to complete tasks due to disability of applicant.
2. Agree to complete tasks within time period set by FSS Coordinator (tasks may be revised based on above issues)
3. Complete tasks assigned.
4. Should applicant not want to participate in FSS Program, or fails to complete tasks in accordance with above rules, then applicant's FSS file shall be closed and a letter will be sent out to applicant in regards to closure of file. Applicant must re-apply if interested in future FSS participation.

Eligible applicants who meet above criteria will be enrolled into the FSS Program provided that they have completed an assessment/questionnaire of their skills, abilities, needs and resources. Have identified realistic objectives to reach their goals, and developed an Individual Training and Services Plan (ITSP). Applicant has identified target dates for completing objectives and reaching goals in a consistent and timely manner. Applicant and FSS Coordinator will review and complete the FSS Program Contract of Participation and how the escrow account is developed.

Also, at the time of initial assessment, each participating family member will be informed of their rights and responsibilities under the FSS Program, Section 8 rental assistance program of the possible consequences of non-compliance.

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The participating family must comply with the family obligations under the Section 8 rental assistance program and live in the jurisdiction of the PCHCD that enrolled the family in the FSS Program at least 12 months from the effective date of the CoP (Contract of Participation).

G. INCENTIVES TO ENCOURAGE PARTICIPATION

PCHCD will establish an FSS escrow account for the participating family. A portion of the increases in the family's rent, because of increases earned income will be credited to the FSS escrow account in accordance with HUD requirements.

The additional incentives include; but are not limited to, access to educational, training and employment opportunities. FSS participants also have a number of personal incentives for involvement including structured goal planning, greater opportunity to increase their standard living, an enhanced support system, increased self-esteem. FSS participants will also have access to financial counseling and credit repair, and ability to attend home ownership workshops and receive available resources regarding the home buying process.

H. OUTREACH EFFORTS

All current and new households obtaining Section 8 rental assistance will receive notification of opportunity to participate in the FSS program at voucher briefings and every recertification. Furthermore, a brochure, or flyer will be made available to all PCHCD Section 8 households. Periodically, mass mailings and distribution of any available materials to all eligible households may occur at discretion of PCHCD manager and with constraints of the PCHCD budget.

I. ACTIVITIES AND SUPPORTIVE SERVICES

All activities and supportive services provided to all FSS participants will vary based on the needs of the participant and the service coordination efforts. FSS coordinator will upon request, use all local resources available to obtain any all information clients may need to complete an objective or goal. The FSS Coordinator may contact the local community college for information on GED classes regarding dates, times, contact person and for participant and information regarding other sites available that may be closer for participant to be able to attend such course to achieve goal in obtaining GED. Such information will be provided directly to participant through personal referral, phone, fax or mail contact. The FSS coordinator will maintain an effective relationship with local representatives from local agencies or any other programs that may provide assistance to participants in completing objectives and goals as needed. These services may include but are not limited to:

1. GED
2. High School
3. Vocational/Job Training
4. Job Retention
5. Child care services
6. Transportation solutions

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7. Job search and placement
8. Post-secondary education
9. Health Services
10. Alcohol and other drug abuse prevention services
11. Mentoring
12. Home-ownership counseling

All participants may receive supportive services based on the resources available to the FSS program.

J. METHOD FOR IDENTIFICATION OF FAMILY SUPPORT NEEDS

Households selected for participation in the FSS program will have developed and completed an Individual Training Service Plan (ITSP) and have signed the Contract of Participation (CoP). Each participant will work closely with the FSS Coordinator to identify the family's needs.

The ITSP will identify the participant's needs and will address them according to the resources and services available. The ITSP will be developed upon enrollment of entering FSS program.

The FSS Coordinator will make contact by phone to the referring agency and discuss the service that is needed to assist participant, FSS Coordinator will complete a referral form for participant to take with at time of appointment.

The FSS Coordinator will follow up with participant and agency to obtain outcome information regarding referral and will document information obtained.

The participant may be required to submit either in writing or verbally to the FSS Coordinator the quality of service provided by agency referred to.

In conjunction with the ITSP, identified objectives will be broken down into small steps that participant will be able to work through and achieve the goal intended.

The participant's progress will be tracked through regular scheduled meetings, phone contact, via mail or fax.

1. Any new or continuing needs will be addressed by scheduled appointments in person or by phone contact.
2. All participants will continue to receive referrals to supportive services and available resources based on needs and at participant's request and notification.

K. PROGRAM TERMINATION; WITHHOLDING OF SERVICES AND GRIEVANCE PROCEDURES

1. PROGRAM TERMINATION

a. Successful completion of FSS Program when:

- I. All objectives and goals as indicated on the ITPS have been met; family members receiving cash assistance must be independent of cash assistance for

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at least 12 consecutive months before the contract expires. All participants who meet these qualifications will receive escrow monies available under their name will then be considered a successful termination.

- II. Thirty percent of adjusted income equals or exceeds the Fair Market Rent for the number of bedroom voucher size entitled to the family.

b. Termination for cause:

- I. Any participant, who consistently fails to complete objectives and goals as indicated within the ITSP, will meet with the FSS Coordinator and discuss why participant is not able to fulfill their obligation with ITSP. The ITSP may be revised to suit the need of participant.
 - i. The purpose of these meetings is to provide FSS participants with every possible opportunity to successfully complete the FSS Program. Any family (participants) who remains out of compliance after attending a meeting will be terminated from participation in the FSS Program and will be notified in writing.
 - ii. Client may be placed on a probation period of thirty days. Should participant not meet the required objectives within probationary period (exception due to medical reasons may be given upon verification) then participant may be terminated from the FSS Program and any escrow monies will be forfeited.
- II. Reasons as outlined in the FSS Program Contract of Participation:
 - a) the family and the HA agree to terminate the contract;
 - b) the HA determines that the family has not fulfilled its responsibilities under this contract;
 - c) the family withdraws from the FSS program;
 - d) an act occurs that is inconsistent with the purpose of the FSS program;
or
 - e) the HA is permitted in accordance with HUD requirements.
- III. Any participant who has had their Section 8 rental assistance terminated shall be terminated from the FSS Program immediately and any escrow monies will be forfeited.
- IV. All participants will be required to maintain contact with their FSS Coordinator on a monthly basis, once a participant has begun to make progress, contact can be adjusted. Participants who consistently fail to maintain contact shall be notified in writing to make contact with FSS Coordinator immediately. Should participant fail to make contact they will be notified in writing that they shall be terminated from FSS Program and any escrow monies shall be forfeited. Any participant who fails to no show, no call for two scheduled appointments, consecutively shall be immediately terminated and any escrow monies shall be forfeited.

2. WITHHOLDING OF SERVICES

Should a participating household fail to make a good faith effort to comply with the terms of the CoP and ITSP, support services may be terminated or withheld, based on the policies and procedures as listed in the Termination for Cause section, page 7.

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PCHCD will not terminate or withhold Section 8 rental assistance on the basis of a participating family's failure to comply with the requirements of the Contract of Participation or Individual Training Services Plan.

3. GRIEVANCE PROCEDURES

Participating households who have a grievance are encouraged to first try to resolve the issue with their FSS Coordinator. If participant feels that they were unable to resolve issue at this level, they may request, in writing, an informal hearing with the FSS Coordinator, Section 8 Supervisor or an assigned PCHCD representative to attempt and resolve issue. Participant will have ten (10) working days from the date of mailing to submit a request for an informal hearing. If hearing request is not made within the ten (10) working days, it will be deemed waived. The PCHCD shall give the applicant an opportunity for an informal hearing on the decision in accordance with the following procedure:

- a. The informal hearing shall be conducted by the Hearing Officer.
- b. The participant shall be given an opportunity to present written or oral objections to the PCHCD's decision.
- c. The PCHCD shall notify the participant in writing of the final decision within 14 days after the informal hearing, including a brief statement of the reasons for the final determination.

The PCHCD is not required to provide an opportunity for an informal hearing in regards to the following:

- a. To review discretionary administrative determination by PCHCD, or to consider general-policy issues or class grievances.
- b. To review the PCHCD's determination of the number of bedrooms entered on the housing choice voucher under the standards established by the department in accordance with HUD regulations.
- c. To review the PCHCD's determination that a unit located by a voucher holder does not comply with the departments HQS established determination not to approve a lease for the unit.
- d. To review the PCHCD's decision not to approve a request by voucher holder for an extension of the term of the voucher.
- e. Policy concerning informal hearing of PCHCD's decision on application affecting participants in the Section 8 Program.

The PCHCD's shall give a participant in the Section 8 Program an opportunity for an informal hearing to consider whether decisions relating to individual circumstances of the family are in accordance with the law, HUD regulations and PCH's rules, in the following cases:

- a. A determination of the amount of the total tenant payment or tenant rent (not including determination of PCHCD's schedule of utility allowances for families in the Section 8 Program).
- b. A decision to deny or terminate assistance on behalf of the participating family.
- c. A determination that the participating family is residing in a unit with larger number of bedrooms than appropriate under the Housing Department standards adopted in accordance with HUD regulations, and the Housing Department's determination to deny the family's request for an exception from the standards.

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- d. In the case of an assisted family which wants to move to another dwelling unit with continued participation in the Housing Department’s program, a determination of the number of bedrooms entered on the Housing Choice Voucher under the standards established by the Housing Department in accordance with the HUD regulations.
- e. The Housing Department is not required to provide an opportunity for an informal hearing in the following instances:
 - I. To review discretionary administrative determination by the Housing Department, have to consider general policy issues of class grievances.
 - II. To review the Housing Department’s determination that a unit does not comply with the Housing Departments HQS established in accordance with HUD regulations, that the owner has failed to maintain or operate a unit to provide decent, safe, and sanitary housing in accordance with the required HQS (including all services, maintenance and utilities required under the lease), or that the contract unit is not decent, safe, and sanitary because of an increase in family size or change in family composition.
 - III. To review a decision by the Housing Department to exercise any remedy against the owner under an outstanding Housing Assistance Payments Contract, Housing Voucher Contract, including the termination of Housing Assistance Payments to owner.
 - IV. The Housing Department shall give a participant written notice of the decision. The notice shall contain a brief statement of the reasons for the decision, and shall state that if the participant does not agree with the decision, the participant may request an informal hearing on the decision and shall state the time, which the request for an informal hearing must be made by the participant.
 - V. When the Housing Department determines the amount of total rent payment or tenant rent as defined in HUD regulations of determines the number of bedrooms entered on the Housing Choice Voucher of an assisted family which wants to move to another dwelling unit, the Housing Department shall notify the participant that may ask for an explanation of the basis for the Housing department determination, the participant does not agree with the determination, the participant may request and informal hearing.
 - VI. If the Housing Department has decided to terminate Housing Assistance Payments on behalf of a participant under an outstanding Contract and if the Housing Department is required to give the participant an informal hearing on such decision, the participant shall be afforded the opportunity for such hearing before termination of Housing Assistance Payments.
 - VII. In all cases where a hearing is required, the Housing Department shall proceed with the hearing in a reasonably expeditious manner upon the request of the participant.
 - VIII. The procedure for all informal hearings required under this policy shall be as follows:

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- a) A Hearing Officer shall conduct the hearing. An attorney or other representative, at his/her own expense, may represent the participant. We MUST be notified in advance if an attorney will be present.
- b) The person who conducts the hearing shall regulate the conduct of the hearing in accordance with these Housing Departments Hearing Procedures.
- c) The Housing Department and the participant shall be given the opportunity to present evidence and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- d) The person who conducts the hearing shall issue a written decision stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the participants shall be based on the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the participant.
- e) The Housing Department is not bound by a hearing decision:
 - 1) Concerning a matter for which the Housing Department is not required to provide an opportunity for an informal hearing; or, otherwise in excess of the authority if the person conducting the hearing under the hearing procedures:

OR

 - 2) Contrary to HUD regulations, or requirements, or otherwise contrary to Federal, State, or Local Law.

If the Housing Department determines that it is not bound by hearing decision, the Housing Department shall promptly notify the participant of the determination, and of the reason for such determination.

4. ASSURANCE OF NON-INTERFERENCE

No individual or family that chooses not to participate or is terminated from the FSS Program will be discriminated against in any way including denial, delay or termination of the Section 8 Housing Choice Voucher Program participation. Termination from the FSS Program will not be a means for termination from the Section 8 Housing Choice Voucher Program at Pinal County Division of Housing.

5. TIME TABLE FOR PROGRAM IMPLEMENTATION

The Contract of Participation is a five (5) year contract, however the HA can extend the term of the contract up to 2 years if the family gives the HA a written request for an extension and the HA finds that good cause exists for the extension.

There is no deadline for implementation of a voluntary program; however a voluntary program may not be implemented before the requirements of Sec. 984.201 (Action Plan) have been satisfied.

6. CERTIFICATION OF COORDINATION

Implementation of services and activities will be coordinated with agencies as the program fully develops. Communication will be coordinated on various levels to avoid any duplication of services rendered to FSS participants. FSS Coordinator will work closely with case managers, and anyone else

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involved in providing services to participating FSS households to ensure the appropriate services and resources are efficiently delivered.

7. PROGRAM COORDINATING COMMITTEE (PCC)

The PCC membership will include a representative from the PCHCD and a participant from the FSS Program. Additional members will be recruited from PCHCD, local welfare agency, social service agencies and any other public and private organization that can be of assistance to the FSS participants.

The PCC will meet at least once on a quarterly basis to ensure continued involvement and cooperation between all agencies involved.

The PCC will also work together to become a strong resource in implementing needed resources and support services to the FSS Program participants. The PCC will also ensure services are available and not be duplicated or remain unavailable to FSS participants.

8. CONTRACT OF PARTICIPATION

Each family that is selected to participate in the FSS Program must enter into a five-year Contract of Participation (CoP) HUD-52650 form with the head of household's signature. The CoP will incorporate the Individual Training and Services Plan (ITSP) and shall set forth the principle terms, conditions governing participation in the FSS Program, which will include the rights, responsibilities of the FSS participating family and of the PCHCD, the services to be provided, activities to be completed by the head of household and each adult member of the family who elects to participate in the program.

The Interim Goal:

For each participating FSS family that is a recipient of welfare assistance must have an interim goal of becoming independent from welfare assistance at least one year before the expiration of the CoP.

Compliance with the lease terms:

All FSS participating families must comply with the terms and conditions of the Section 8 Housing Choice Voucher Program.

Employment Obligation:

Only the head of household is required to seek and maintain suitable employment. Suitable employment shall be made specifically to the individual's education, skills, job training, and jobs available in the area.

However, other adult members of the family may seek and maintain employment during the term of the contract.

9. CONTRACT TERM/ CONTRACT EXTENSION

The effective date of contract is the first day of the month following the date the CoP was signed by the family head of household and the FSS Coordinator. The expiration date is five years from the effective date of the contract.

PCHCD may, in writing, extend the term of the CoP for a period not to exceed two years for any FSS participating family that requests, in writing an extension of the contract. The family's written request for an extension must include a description of the need for an extension. Such a circumstance would be a serious illness or involuntary loss of employment. Extensions will be granted at the discretion of PCHCD. If an extension has been granted; the original date will be

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crossed out and the new expiration date will be added on the CoP. Extensions of the CoP will entitle the participating FSS family to continue to have amounts credited to the family's FSS account.

10. UNAVAILABILITY OF SUPPORT SERVICES

Should a social service agency fail to deliver the supportive services pledged under an FSS family member's ITSP, the PCHCD shall make good faith effort to obtain these services from another agency.

11. ASSESSMENT OF NECESSITY OF SERVICES

If the FSS Coordinator is unable to obtain services from another agency the coordinator will reassess the family member's needs and determine whether other available services would not achieve the same purpose or if the unavailable services are necessary to the advancement of progress towards self sufficiency. The ITSP shall be revised and delete these services and modify the CoP to remove any obligation on the part of the FSS family to accept the unavailable services. Should the unavailable services be determined to be necessary to the advancement towards self sufficiency for the head of household, the PCHCD shall declare the CoP null and void. Nullification of the CoP on the basis of unavailability of support services shall not be grounds for termination of Section 8 assistance.

12. Modification:

The PCHCD and FSS participant (head of household) may agree to modify the CoP with respect to the ITSP, should both parties reach a mutual agreement.

13. Completion of the contract:

The contract will be considered completed when:

- a. The head of household has fulfilled all of its obligations under the contract of participation on or before the expired date of the contract, including extension date issued or
- b. Thirty percent (30%) of the monthly adjusted income of the FSS family equals or exceeds the fair market rent in effect at the time for the unit size for which the family qualifies under the PCHCD's occupancy standards.
- c. The head of household certifies that all family members have remained independent of welfare assistance for twelve months.
- d. The family's participation in the FSS Program concluded on this basis even though the contract term, including extension has not expired. The family members have not completed all the activities as set in their ITPS.

14. Termination of the contract:

The CoP is automatically terminated if the family's Section 8 assistance is terminated in accordance with HUD requirements, or if a family moves outside the PCHCD's jurisdiction under portability procedures and enters the FSS Program of another Housing Authority.

15. TOTAL TENANT PAYMENT, FAMILY RENT, INCREASES IN FAMILY INCOME

Calculation of family rent for the Section 8 HCV (Housing Choice Voucher) will be determined in accordance with HUD regulations.

Any increase in earned income of a participating FSS family may not be considered as income or a resource for purposes of eligibility of other benefits payable to the FSS family under any other

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program administered by HUD unless the income equals or exceeds eighty percent (80%) of the median income of the area (as determined by HUD, with adjustments for smaller or larger families).

16. FAMILY SELF SUFFICIENCY ACCOUNT

PCHCD shall deposit the FSS account funds of all participating families in the FSS Program into a single depository account. The FSS accounts will be supported by the PCHCD accounting records, and show balance applicable to each FSS family. During the term of the CoP, PCHCD shall credit periodically but not less than annually to each family's FSS account.

The investment income for funds will be prorated and credited to each family's FSS account based on balance in each family's FSS account at the end of the period for which the investment income is credited.

Should the family not contribute their obligated portion of rent or other amounts, if any due to Section 8 lease, the balance in the family's FSS account will be reduced by that amount (as reported by the owner to the PCHCD in the Section 8 FSS program) before prorating the interest income.

Should the FSS family fraudulently under-report income, the amount credited to the FSS account will be based on the income amounts originally reported by the FSS family.

PCHCD will report once a year to each FSS family on the status of their FSS account. The report will include:

Balance at the beginning of the reporting period; the amount of the family's rent payment that was credited to the FSS account during the reporting period; any deductions made from the account for amounts due to PCHCD before interest is distributed; the amount of interest earned on the account during the year and at the end of the reporting period. Computation of FSS credit will be based on the Section 8 Housing Choice Voucher of thirty percent of adjusted monthly income.

PCHCD will not make any additional credits to the FSS account when the family has completed the CoP or when the CoP is terminated or otherwise nullified.

17. DISBURSEMENT OF FSS ACCOUNT FUNDS

In excess of any monies owed to PCHCD by the FSS family, the head of household will be paid, when the CoP is completed, and the head of household has provided verification that no family member of household is receiving welfare assistance.

Disbursement before expiration of contract term:

Based on determination of PCHCD that the FSS family has completed their obligations under the CoP before the expiration date, the head of household has provided verification that no family member of household is receiving welfare assistance, and in excess of any monies owed to PCHCD by the FSS family, shall then payment go to the head of household.

Should the FSS family fulfill certain interim goals under the CoP and need a portion of the FSS account funds for purposes consistent with the CoP such as obtaining reliable transportation, cleaning up credit (for purpose of becoming a homeowner), PCHCD may distribute a portion of the funds from the family's FSS account to assist family meet those expenses.

Verification of family certification:

Before disbursement of the FSS account funds to the head of the household, the FSS Coordinator may verify that the FSS family is no longer receiving welfare assistance by requesting verification from the local welfare office.

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Succession to FSS account:

Should the head of household cease to reside with another family in public housing or Section 8 HCV unit, the remaining members of the FSS family, will after consulting with PCHCD, shall have the right to designate another family member to receive the funds as head of household. Any change of the head of the family under the contract must be including as an attachment to the CoP. The attachment must contain the name of new designated head of the family, signatures of the new head of the family and the FSS Coordinator, and date signed.

Use of FSS account funds for homeownership:

FSS accounts may be used for the purchase of a new home including the purchase of a home under one of HUD's homeownership programs, or other Federal, State, or local homeownership programs, unless such use is prohibited by the statute or regulations governing the particular homeownership program.

Forfeiture of FSS Account Funds:

Amounts in the FSS account shall be forfeited upon the occurrence of the following:

The contract of participation is completed but the FSS family is receiving welfare assistance at the time of expiration of the term of the CoP, including extension thereof, or the CoP has been terminated.

Treatment of forfeited FSS account funds:

FSS account funds forfeited by the FSS families will be treated as program receipts for payment of program expenses under the PCHCD budget for the applicable Section 8 program, and shall be used in accordance with HUD requirements governing the use of program receipts.

18. SECTION 8 RESIDENCY AND PORTABILITY

Initial Occupancy:

A family participating in the Section 8 FSS program must lease an assisted unit for a minimum period of twelve (12) months after the effective date of the contract of participation, and in the jurisdiction of PCHCD that selected the family for the FSS program. PCHCD may approve a family's request to move outside the initial PHA jurisdiction under portability during this period.

After the first 12 months of the CoP the FSS family may move outside the initial PHA jurisdiction under portability procedures.

Relocation:

A relocating FSS family may continue in the FSS program of the initial PHA if the family demonstrates to the satisfaction of the initial PHA that the family will be able to fulfill its responsibilities under the initial or modified contract of participation at its new place of residence.

Portability:

A relocating and participating FSS family may take part in the FSS program of the receiving PHA, if the receiving PHA allows the family to participate in its program.

PCHCD is not obligated to enroll a relocating FSS family in its FSS program.

Single Contract of Participation:

Should the relocating family remain in the FSS program of the initial PHA, there will be only one (1) CoP which shall be the contract executed by the initial PHA.

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Two contracts of participation:

Should PCHCD allow a relocating FSS family to participate in its FSS program, PCHCD will enter into a new CoP with the FSS family for the term on the remaining contract. The initial PHA will terminate its CoP with the family.

Single FSS account:

There will only be a single FSS account regardless of whether the relocating FSS family remains in the FSS program of the initial PHA, or is enrolled with PCHCD, the FSS account will be maintained by the initial PHA, once the family is absorbed by PCHCD, the initial PHA will transfer the family's FSS account to PCHCD.

FSS program termination:

Should an FSS family that relocated to another jurisdiction, is unable to fulfill its obligations under the CoP, or any modifications thereto, PCHCD may terminate the FSS family from the FSS program and the family's FSS account will be forfeited. In the event the account is forfeited the funds will revert to the PHA maintaining the FSS account for the family.

Initial Occupancy:

A family participating in the Section 8 FSS program must lease an assisted unit, for a minimum period of 12 months after the effective date of the CoP, in the jurisdiction of the PHA which selected the family for the FSS program. After the 12 months the family may move outside the jurisdiction of the initial PHA.

19. REPORTING

The report shall include; a description of the activities carried out under the program; the effectiveness of the program in assisting families to achieve economic independence and self sufficiency; effectiveness coordinating resources of communities to assist families to achieve economic independence and self sufficiency; and any recommendations by PCHCD or the Program Coordinating Committee for legislative or administrative action that would improve the FSS program to ensure effectiveness of the program.

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RESERVED

A. **ACRONYMS USED IN SUBSIDIZED HOUSING**

AAF	Annual Adjustment Factor
ACC	Annual Contributions Contract
ADA	Americans with Disabilities Act of 1990
AMI	Adjusted Monthly Income
BMIR	Below Market Interest Rate
BR	Bedroom
CC	Choice Communities
CDBG	Community Development Block Grant
CFR	Code of Federal Regulations.
COLA	Cost of Living Adjustment.
CPI	Consumer Price Index.
EIV	Enterprise Income Verification System
ELI	Extremely low income
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration
FICA	Federal Insurance Contributions Act - Social Security taxes
FMR	Fair Market Rent
FUP	Family Unification Program
FY	Fiscal Year
GAO	Government Accounting Office
GR	Gross Rent
HAP	Housing Assistance Payment
HAP Plan	Housing Assistance Plan

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HCDA	Housing and Community Development Act
HOME	Home Investment Partnership Program
HQS	Housing Quality Standards
HUD	The Department of Housing and Urban Development
HURRA	Housing and Urban/Rural Recovery Act of 1983;
IG	Inspector General
IGR	Independent Group Residence
IPA	Independent Public Accountant
IRA	Individual Retirement Account
LAP	Language Access Plan
LEP	Limited English Proficiency.
MSA	Metropolitan Statistical Area
NCR	National Credit Reporting
NED	Non Elderly Disabled.
NEPD	Non-Elderly Persons with Disabilities program
NIMH	National Institute of Mental Health
MTW	Moving To Work
PHA	Public Housing Agency
PCHCD	Pinal County Housing and Community Development
PMSA	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
PS	Payment Standard
QA	Quality Assurance
RFP	Request for Proposals
RFTA	Request for Tenancy Approval
RTO	Rent to Owner

Glossary

SRO	Single Room Occupancy
TBRA	Tenant Based Rental Assistance
TR	Tenant Rent
TTP	Total Tenant Payment
UA	Utility Allowance
UIV	Upfront Income Verification
URP	Utility Reimbursement Payment
VASH	Veterans Affairs Supportive Housing
VAWA	Violence Against Women Act

B. DEFINITION OF TERMS IN SUBSIDIZED HOUSING

ANNUAL ADJUSTMENT FACTOR. A factor published by HUD in the Federal Register that is used to compute annual rent adjustment.

ADMINISTRATIVE PLAN The HUD required written policy of the PHA governing its administration of the Section 8 Voucher program. The Administrative Plan and any revisions must be approved by the PHA's board and a copy submitted to HUD.

ABSORPTION In portability, the point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA uses funds available under the receiving PHA consolidated ACC.

ACC RESERVE ACCOUNT (FORMERLY "PROJECT RESERVE") Account established by HUD from amounts by which the maximum payment to the PHA under the consolidated ACC (during a PHA fiscal year) exceeds the amount actually approved and paid. This account is used is the source of additional payments for the program.

ACTIVE U.S. SERVICEPERSON A person in the active military of the United States.

ADJUSTED INCOME Annual income, less allowable HUD deductions.

ADMINISTRATIVE FEE Fee paid by HUD to the PHA for administration of the program.

ADMINISTRATIVE FEE RESERVE (Formerly "Operating Reserve") Account established by PHA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

ADMISSION The effective date of the execution of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

ALCOHOL ABUSE Abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

ANNUAL BUDGET AUTHORITY The maximum annual payment by HUD to a PHA for a funding increment.

ANNUAL CONTRIBUTIONS CONTRACT (ACC) A written contract between HUD and a PHA. Under the contract HUD agrees to provide funding for operation of the program, and the PHA agrees to comply with HUD requirements for the program.

ANNUAL INCOME The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

ANNUAL REEXAMINATION The process of securing documentation and verification of the family's income, assets and household composition used to determine the rent the family will pay. The term is

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sometimes called recertification.

APPLICANT (or applicant family) A family that has applied for admission to a program, but is not yet a participant in the program.

AREA EXCEPTION RENT Rent based on a HUD- approved payment standard amount that is higher than the basic range for a designated part of the fair market rent area ("*exception area*").

ASSETS (*See Net Family Assets.*)

ASSISTED TENANT A person or family who pays less than the market rent and in receiving rent subsidies

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

CODE OF FEDERAL REGULATIONS (CFR). Commonly referred to as "the regulations". The CFR is the compilation of federal rules that are first published in the Federal Register and define and implement a statute.

COST OF LIVING ADJUSTMENT (COLA). Published increases or decreases to be used for adjusting, Social Security, and Veteran's Benefits income amounts.

CONSUMER PRICE INDEX (CPI). The CPI is published monthly by the Department of Labor as an inflation indicator.

ENTERPRISE INCOME VERIFICATION SYSTEM. HUD's computer matching up front verification (UIV) tool between HUD, Health & Human Services (HHS) and Social Security Administration (SSA)

CHILD CARE EXPENSES Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

CHRONICALLY HOMELESS A person who is "chronically homeless" is or can be; an unaccompanied homeless individual with a disabling condition; children (with disabilities and without disabilities) who are homeless with their parents; parents (with disabilities and without disabilities) who are homeless and who have children with them; youth on their own without disabilities; unaccompanied individuals without disabilities; unaccompanied individuals who are unwilling to be declared disabled. Can include a person, who has completed a preliminary stay in a short-term treatment facility (this participant would retain the status of "chronically homeless" as long as they "entered" into the treatment program while meeting the definition of "chronically homeless"). And

- has either been continuously homeless for six (6) months or more, OR has had at least two (2) episodes of homelessness in the past three (3) years.
- has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations including:
- welfare hotels; congregate shelters; transitional housing for the mentally ill; an institution that

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provides a temporary residence for individuals intended to be institutionalized; a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

CO-HEAD An individual in the household who is equally responsible for the lease with the Head of Household. *(A family never has a Co-head and a Spouse and; a Co-head is never a Dependent).*

CONGREGATE HOUSING Housing for elderly persons or a person with a disability that meets the HQS for congregate housing.

COOPERATIVE A dwelling unit owned and or shared by a group of individuals who have individual sleeping quarters and share common facilities such as kitchen, living room and some bathrooms.

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT (*Consolidated ACC*) See 24 CFR 982.151.

CONTIGUOUS MSA An MSA which shares a common boundary with another MSA.

CONTINUOUSLY ASSISTED An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program.

CONTRACT *(See Housing Assistance Payments Contract)*

DEPENDENT A member of the family household (excluding foster children) other than the family head, spouse, or co-head who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or over.

DISABILITY ASSISTANCE EXPENSE Anticipated costs for care attendants and auxiliary apparatus for disabled family members that enable a family member (including the disabled family member) to work.

DISABLED PERSON A person who is any of the following:

- A person who has a disability as defined in section 223 of the Social Security Act. (42 U.S.C.423).
- A person who has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently; and is of such a nature that ability to live independently could be improved by more suitable housing conditions.
- A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

DISABLED FAMILY A family where the head, spouse, or co-head meet any of the above criteria for disabled person.

DISASTER HOUSING ASSISTANCE PROGRAM Specifically funded Housing Vouchers provided by the HUD via FEMA to provide rental assistance subsidy to victims of natural disasters, such as Hurricane Katrina.

DISPLACED PERSON/FAMILY A person or family displaced by governmental action, or a person

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whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

DOMICILE The legal residence of the household head, spouse, or co-head as determined in accordance with state and local law.

DRUG-RELATED CRIMINAL ACTIVITY The illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance. Drug-related criminal activity means on or off the premises, not just on or near the premises.

DRUG TRAFFICKING The illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (*as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)*).

DISASTER VOUCHER PROGRAM Specially funded Voucher Program by HUD for victims of natural disasters.

EARNED INCOME VERIFICATION (EIV) The EIV System is a web-based application, which provides PHAs with employment, wage, unemployment compensation and social security benefit information of tenants who participate in the Public Housing and various Section 8 programs under the jurisdiction of the Office of Public and Indian Housing (PIH). This system is available to all PHAs nationwide. Information in EIV is derived from computer matching programs initiated by HUD with the Social Security Administration (SSA) and the U.S. Department of Health and Human Services (HHS), for all program participants with valid personal identifying information (name, date of birth (DOB), and social security number (SSN)) reported on the form HUD-50058.

ELDERLY FAMILY A family whose head, spouse, or co-head or whose sole member is at least 62 years of age; may include two or more elderly persons living together or one or more such persons living with another person who is determined to be essential to his/her care and well-being.

ELDERLY PERSON A person who is at least 62 years old.

ELIGIBLE FAMILY (Family) A family as defined by the PHA in the Administrative Plan.

EXCESS MEDICAL EXPENSES Any medical expenses incurred by elderly or disabled families only in excess of 3% of Annual Income that are not reimbursable from any other source.

EXTREMELY LOW-INCOME FAMILY A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

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 in the Federal Register.

FAMILY A family is either a single person or a two or more people and includes:

- A household with or without children. A child who is temporarily away from home due to

placement in foster care should be considered a member of the family.

- An elderly family, which is defined as a family whose head, co-head, spouse, or sole member is at least 62 years of age; or two or more persons, each of whom are at least 62, living together; or one or more persons who are at least 62 living with one or more live-in aides.
- A disabled family, which means a family whose head, co-head, spouse, or sole member is a person with a disability; or two or more persons with a disability; or one or more persons with a disability with one or more live-in aides.
- A displaced family, which is a family in which each member or the sole member is a person displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized by federal disaster relief laws.
- A remaining member of a tenant family is a family member of an assisted tenant family who remains in the unit when other members of the family have left the unit.
- A single person who is not an elderly or displaced person, or a person with a disability, or the remaining member of a tenant family.

FAMILY OF VETERAN OR SERVICE PERSON A spouse or ex-spouse that has not remarried.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM) The program established by a PHA to promote self-sufficiency of assisted families, including the provision of an escrow account.

FAMILY SHARE The family's rent amount calculated by subtracting the housing assistance payment from the gross rent.

FAMILY UNIFICATION PROGRAM The PHA collaborates with Child Welfare Agencies (CWA) to provide timely housing voucher assistance for reunifying families or for families whose children are at risk of out-of-home placement due to inadequate housing. FUP provides CWA families with Section 8 rental assistance.

FAMILY UNIT SIZE The size of the voucher issued to the family based on the PHA's subsidy standards.

FMR/EXCEPTION RENT LIMIT The fair market rent published by HUD headquarters. In the voucher program the PHA may adopt a payment standard up to 110% of the FMR/exception rent limit.

FOSTER CHILD CARE PAYMENT Payment to eligible households by state, local, or private agencies appointed by the state, to administer payments for the care of foster children.

FULL-TIME STUDENT (NON MTW) A person who is attending school or vocational training on a full-time basis as defined by the institution.

FUNDING INCREMENT Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contract for the PHA program.

GROSS RENT The sum of the Rent to Owner and the utility allowance. If there is no utility allowance, Rent to Owner equals Gross Rent.

GROUP HOME A dwelling unit that is licensed by a state as a group home for the exclusive residential use of two to twelve persons who are elderly or a person with a disability (*including any live-in aide*).

HAP CONTRACT *(See Housing Assistance Payments contract)*

HARDSHIP EXEMPTION: Eligible applicants or participants may request an exception to the minimum rent requirement if they are experiencing a financial hardship due to an unexpected or unprecedented economic burden on the family.

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 An applicant is considered homeless if the applicant lacks a fixed, regular and adequate nighttime residence and can provide verification that their nighttime residence is:

- A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
- An institution that provides temporary residence for individuals intended to be institutionalized (not incarcerated); or
- A public or private place not designed for, or ordinarily used as, a regular place for human beings.

HOUSING AGENCY A state, country, municipality or other governmental entity or public body authorized to administer the program. The term "PHA" includes an Indian housing authority (IHA). ("HA" and "PHA" mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was re-codified, and which added the Section 8 Programs.

HOUSING ASSISTANCE PAYMENT The monthly assistance payment by a PHA. The total assistance payment consists of:

- A payment to the owner for rent under the family's lease.
- An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a "utility reimbursement" payment.

HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP contract) A written contract between a PHA and an owner in the form prescribed by HUD headquarters, in which the PHA agrees to make housing assistance payments to the owner on behalf of an eligible family.

HOUSING ASSISTANCE PLAN (1) A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. (2) A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

HOUSING QUALITY STANDARDS (HQS) The HUD minimum quality standards for housing assisted under the tenant-based programs.

HUD REQUIREMENTS HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations, Federal Register notices or other binding program directives.

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IMPUTED ASSET Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

IMPUTED INCOME HUD passbook rate times total cash value of assets. Calculation used when assets exceed \$5,000.

INITIAL PHA In portability, the term refers to both:

- A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and
- A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

INITIAL PAYMENT STANDARD The payment standard at the beginning of the HAP contract term.

INITIAL RENT TO OWNER The rent to owner at the beginning of the HAP contract term.

INCOME Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

INCOME FOR ELIGIBILITY Annual Income.

INDIAN 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:

- By exercise of the power of self-government of an Indian Tribe, independent of state law, or
- 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 mortgages of Section 236 projects and front-end loan discounts paid on BMIR projects.

JURISDICTION The area in which the PHA has authority under state and local law to administer the program.

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.

LEASE A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the PHA. In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the PHA.

LEASE ADDENDUM (*See Tenancy Addendum*)

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LIMITED ENGLISH PROFICIENCY Complying with Fair Housing Executive Order 13166, the HC eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation and access to programs and activities.

LIVE-IN AIDE A person who resides with an elderly person or disabled person and who:

- Is determined to be essential to the care and well-being of the person.
- Is not obligated for the support of the person.
- Would not be living in the unit except to provide necessary supportive services.

LOCAL PREFERENCE A preference used by the PHA to select among applicant.

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.

MANUFACTURED HOME A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type. See 24 CFR 982.620 and 982.621.

MANUFACTURED HOME SPACE Is a space leased by an owner to a family in a manufactured home space rental. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624

MARKET RENT The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES The total medical expenses, including medical insurance premiums that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. A deduction for Elderly/Disabled Households only. These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

MINOR A member of the family household (*excluding foster children*) other than the family head, spouse or co-head who is under 18 years of age.

MIXED FAMILY A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status as defined in 24 CFR 5.504(b)(3)

MONTHLY ADJUSTED INCOME One twelfth of the Annual Income after Allowances or Adjusted Income.

MONTHLY INCOME One twelfth of the Annual Income.

MOVING TO WORK (MTW) A program for Public Housing Authorities (PHAs) that provides them the opportunity to design and test innovative, locally-designed strategies that use Federal dollars more

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efficiently, help residents find employment and become self-sufficient, and increase housing.

NATIONAL CREDIT REPORTING A search of Criminal Convictions in any country across the nation, including all information available regarding convictions.

NEGATIVE RENT Utility Reimbursement Payment (URP).

NET FAMILY ASSETS Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

NET FAMILY CONTRIBUTION Tenant Rent.

NON-CITIZEN A person who is neither a citizen nor a national of the United States.

NON ELDERLY DISABLED A family (non-elderly, non-disabled) household is one in which the head, spouse, or sole member is not an elderly person or a person with disabilities. Rental assistance is awarded under various special purpose HCV programs, specifically for non-elderly disabled (NED) families.

OCCUPANCY STANDARDS Subsidy Standards.

OWNER Any persons or entity having the legal right to lease or sublease a unit to a participant.

PARTICIPANT A family that has been admitted to the PHA's voucher program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (First day of initial lease term).

PAYMENT STANDARD The maximum subsidy payment for a family (before deducting the family contribution). The PHA sets a payment standard in the range from 90 to 110 percent of the current FMR/exception rent limit.

PERSONS WITH DISABILITIES Individuals with any condition or characteristic that renders a person an individual with a handicap as defined in 24 CFR 8.2.

PORTABILITY Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial PHA

PREMISES The building or complex in which the dwelling unit is located, including common areas and grounds.

PREPONDERANCE OF EVIDENCE Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

PRIVATE SPACE In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

PROGRAM The Section 8 tenant-based assistance program under this part.

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PROGRAM RECEIPTS HUD payments to the PHA under the consolidated ACC, and any other mounts received by the PHA in connection with the program.

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) PHA includes any State, county, municipality or other governmental entity or public body which is authorized to administer the program (or an agency or instrumentality of such an entity), or any of the following:

- A consortia of housing agencies, each of which meets the qualifications in paragraph (1) of this definition, that HUD determines has the capacity and capability to efficiently administer the program (in which case, HUD may enter into a consolidated ACC with any legal entity authorized to act as the legal representative of the consortia members):
- Any other public or private non-profit entity that was administering a Section 8 tenant-based assistance program pursuant to a contract with the contract administrator of such program (HUD or a PHA) on October 21, 1998; or
- For any area outside the jurisdiction of a PHA that is administering a tenant-based program, or where HUD determines that such PHA is not administering the program effectively, a private non-profit entity or a governmental entity or public body that would otherwise lack jurisdiction to administer the program in such area.

REASONABLE RENT A rent to owner that is not more than rent charged for comparable units in the private unassisted market, and not more than the rent charged for comparable unassisted units in the premises.

RECEIVING PHA In portability: An PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a certificate or voucher and provides program assistance to the family.

RENT TO OWNER The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

RESIDENCY PREFERENCE A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area (*"residency preference area"*).

RESIDENCY PREFERENCE AREA The specified area where families must reside to qualify for a residency preference.

RESIDENT ASSISTANT A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly, handicapped, and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or well-being. A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute to a portion of his/her income or resources towards the expenses of these individuals.

RESPONSIBLE ENTITY For the public housing and Section 8 tenant-based assistance, project-based

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voucher assistance and moderate rehabilitation program, the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

SECRETARY The Secretary of Housing and Urban Development.

SECURITY DEPOSIT A dollar amount that can be applied to unpaid rent, damages or other amounts to the owner under the lease.

SERVICE PERSON A person in the active military of the United States.

SINGLE PERSON A person living alone or intending to live alone who is not elderly or displaced or a person with a disability, or the remaining member of a tenant family.

SPECIAL ADMISSION Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

SPECIAL HOUSING TYPES See Subpart M of 24 CFR 982, which states the special regulatory requirements for SRO housing, congregate housing, group homes, shared housing, cooperatives (*including mutual housing*), and manufactured homes (*including manufactured home space rental*).

SPOUSE The husband or wife of the head of the household.

SUB-REGIONAL AREAS Homogeneous geographic areas created by combining census tracts.

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

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

SUBSIDY STANDARDS Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

SUSPENSION Stopping the clock on the term of a family's voucher, for such period as determined by the PHA, from the time when the family submits a request for PHA approval to lease a unit, until the time when the PHA approves or denies the request.

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TENANCY ADDENDUM The lease language required by HUD contained in the lease between the tenant and the owner.

TENANT The person or a person (other than a live-in-aide) who executes the lease as lessee of the dwelling unit.

TENANT RENT The amount payable monthly by the family as rent to the unit owner.

TOTAL TENANT PAYMENT (TTP) The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

TRANSITIONAL BED ASSISTANCE Housing subsidy paid for transitional or shelter beds.

UNIT Residential space for the private use of a family.

UTILITIES Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE If the cost of utilities (except telephone) including range and refrigerator, and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD 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.

VIOLENCE AGAINST WOMEN ACT (VAWA) The new act was signed into law on January 5, 2006. It establishes compliance requirements for Public Housing Agency. The act defines these acts of violence as actual or threatened domestic violence, dating violence and/or stalking.

VACANCY LOSS PAYMENTS (For contracts effective prior to 10/2/95) When a family vacates its unit in violation of its lease, the owner is eligible for 80% of the Contract Rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if s/he notifies the PHA as soon as s/he learns of the vacancy, makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.

VERY LOW INCOME FAMILY A Lower-Income Family who's Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the Voucher Program.

VETERAN A person who has served in the active military service of the United States at least four (4) months or longer and who shall have been released under conditions other than dishonorable, bad conduct or court martial.

VIOLENCE AGAINST WOMEN ACT (VAWA) A federal law that provides certain rights and

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protections to program applicants or Section 8 program participants, who are victims of domestic violence, dating violence or stalking, and who are otherwise compliant with all program obligations. The law protects against denial of assistance or denial of admission by a PHA or evictions by an owner or manager for an incident or incidents of actual or threatened domestic violence, dating violence, or stalking.

VIOLENT CRIMINAL ACTIVITY Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

VOUCHER HOLDER A family holding a voucher with an unexpired term (*search time*).

VOUCHER PROGRAM The Housing Choice Voucher program.

WAITING LIST ADMISSION An admission from the PHA waiting list.

WAITING LIST A list of families organized according to HUD regulations and PHA policy that are waiting for subsidy to become available.

WELFARE ASSISTANCE Income assistance from federal or state welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely for meeting housing expenses, nor programs that provide health care, childcare or other services for working families.

WORK-ABLE FAMILY Family in which at least one adult member is less than 55 years old, not disabled and not a full-time student ages 18 to 23 (excluding Head, Spouse or Co-head).

C. GLOSSARY OF TERMS USED IN THE NONCITIZEN RULE

CHILD - A member of the family other than the family head, spouse, or co-head who is under 18 years of age.

CITIZEN - A citizen or national of the United States.

EVIDENCE - Evidence of citizenship or eligible immigration status means the documents, which must be submitted to evidence citizenship or eligible immigration status.

HEAD OF HOUSEHOLD - The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

HUD - Department of Housing and Urban Development.

INS - The U.S. Immigration and Naturalization Service.

MIXED FAMILY - A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

NATIONAL - A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

NONCITIZEN - A person who is neither a citizen nor nation of the United States.

PHA - A housing authority that operates Rental Assistance or Public Housing.

RESPONSIBLE ENTITY - The person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status (the PHA).

SECTION 214 - Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214.

SPOUSE - 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 includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by HUD.