

**CITY OF HARTFORD
DEPARTMENT OF DEVELOPMENT
SERVICES
HOUSING DIVISION**

**HOUSING CHOICE
VOUCHER PROGRAM
ADMINISTRATIVE PLAN**

2018

**HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN
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HOUSING CHOICE VOUCHER PROGRAM

1.0 APPLICABILITY AND SCOPE

1.1 MISSION STATEMENT

The primary objective of the City of Hartford Section 8 Tenant Based Assistance, Housing Choice Voucher program is to assist eligible low-income families to obtain decent, safe and sanitary housing. The mission of the City of Hartford Department of Development Services Housing Division through the Section 8 program is to promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

1.2 GENERAL

The Department of Housing and Community Development is the designated Housing Agency (HA) for the City of Hartford. The HA has contracted for the preparation and submission of Section 8 Housing Assistance funding applications and for the administration and enforcement of these programs. The HA's HA is Imagineers, LLC.

The City of Hartford recognizes the housing needs of its low and moderate-income residents. The Section 8 Tenant Based Assistance, Housing Choice Voucher program is a responsive mechanism for providing immediate housing assistance for low and very-low income households. The rental subsidy enables tenants to afford standard units while providing rental income sufficient to meet the operating expenses of the landlords.

The Contractor prepares for HA review and approval all necessary annual budgets, revisions, increments, and quarterly requisitions required by HUD. The Contractor processes monthly Housing Assistance Payments requisitions through the HA. The Contractor submits financial audits and management reports as required by the HA or Housing and Urban Development (HUD) office. The Contractor makes available for review at any time all program financial records. The Contractor maintains a financial system designed to comply with HUD issuances HM75-32 and the applicable section of the "Low-Rent Housing Accounting Handbook" 7501.1 as well as other directives of HUD and the HA.

In addition to the reports required from the HA by HUD, the Contractor provides monthly program activity reports to the HA. More frequent and additional reports can be provided as requested by the HA. Special reports required by HUD will be prepared and additional requests will be met as directed by the HA.

The policies and procedures contained herein are applicable to implementation of housing assistance payments on behalf of eligible families by leasing existing housing pursuant to the

provisions of Section 8 of the U.S. Housing Act of 1937. All issues related to the Section 8 not addressed in the document are generated by such federal regulations, HUD memos, notices and guidelines or applicable law.

The overall administrative approach includes an accessible office suitable to accommodate client households and other interested parties, in the performance of all tasks required by the Section 8 regulations.

The HA through its Contractor provides the following program services as specified by HUD for proper administration of Section 8 Tenant Based Assistance, Housing Choice Voucher program. (Hereinafter the administrative plan will refer to the Contractor and the City of Hartford Department of Development Services Housing Division Department of Housing and Community Development as the HA)

1.3 FAIR HOUSING POLICY AND EQUAL OPPORTUNITY STATEMENT

The HA will comply with the Fair Housing Act, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act and all related rules, regulations, and requirements.

The HA will not on account of race, color, creed, national origin, sex, handicap, or familial status deny to any family the opportunity to apply for admission nor deny an eligible applicant the opportunity to lease or rent a dwelling unit; if suitable to its needs. In the selection of families, there will be no discrimination against families otherwise eligible for admission because their income is derived in whole or in part from public assistance.

It is the policy of the HA to comply fully with all federal, state, and local nondiscrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment.

The HA shall not deny any family or individual the equal opportunity to apply for or receive assistance under the Section 8 program on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, handicap or disability or sexual orientation. The HA will make every effort to provide training and material to its staff to enable them to inform owners and tenants of State Statute 46a-11F (discrimination based on sources of income) and 46a-7 (discrimination based on physical or mental disability).

To further its commitment to full compliance with applicable civil rights laws, the HA will provide federal/state/local information to voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. Such information will be made available during the family briefing session, and all applicable fair housing information and discrimination compliant forms will be made a part of the voucher holder's briefing packet and available upon request at the front desk.

All HA staff will be required to attend fair housing training and informed of the importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities, as a part of the overall commitment to quality customer service. Fair housing posters are posted throughout HA office's including in the lobby and interview rooms, and the equal opportunity logo will be used on all outreach materials. Staff will attend local fair housing update training sponsored by HUD and other local organizations to keep current with new developments.

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 the HA's facilities are inaccessible to or unusable by persons with disabilities. Posters and housing information are displayed in locations throughout the HA's offices in such a manner as to be easily readable from a wheelchair.

The HA's offices are accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TTD/TDY telephone service provider.

The HA will attempt to remedy discrimination complaints made against the HA.

The HA will provide a copy of a discrimination complaint form to the complainant and provide the family with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

1.4 REASONABLE ACCOMODATION POLICY

This policy is intended to afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this administrative plan.

The HA must ensure that persons with disabilities have full access to the HA's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the program.

A person with a disability may require special accommodations in order to have equal access to the program. The types of reasonable accommodations the HA can provide include changes, exceptions, or adjustments to a rule, policy, practice, or service.

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the HA, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

When needed, the HA must modify normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Permitting applications and reexaminations to be completed by mail
- Conducting home visits
- Using higher payment standards (either within the acceptable range or with HUD approval of a payment standard outside the HA range) if the HA determines this is necessary to enable a person with disabilities to obtain a suitable housing unit
- Providing time extensions for locating a unit when necessary because of lack of availability of accessible units or special challenges of the family in seeking a unit
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with HA staff

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before the HA will treat a person differently than anyone else.

To be eligible to request a reasonable accommodation, the requester must first certify that they are a person with a disability in accordance with following ADA definition:

- a. A physical or mental impairment that substantially limits one or more major life activities.
- b. A record of such impairment.
- c. Being regarded as having such impairment.

The family must explain what type of accommodation is needed to provide the person with the disability full access to the HA's programs and services. If the need for the accommodation is not readily apparent or known to the HA, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

The HA will encourage the family to make its request in writing using a reasonable accommodation request form. However, the HA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

Before providing an accommodation, the HA must (1) verify that the person meets the definition of a person with a disability:

- a. A physical or mental impairment that substantially limits one or more major life activities;
- b. A record of such impairment;
- c. Being regarded as having such impairment;

(2) that the limitations imposed by the disability require the requested accommodation and
(3) that the accommodation will enhance the family's access to the HA's programs and services.

The following requirements apply when verifying a disability: Third-party verification must be obtained. Once the person's status as a qualified person with a disability is confirmed, the HA will require that a professional third party competent to make the assessment, provides 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.

The HA must request only information that is necessary to evaluate the disability-related need for the accommodation. The HA will not inquire about the nature or extent of any disability. Medical records will not be accepted or retained in the participant file.

If the HA finds that the requested accommodation creates an undue administrative or financial burden, the HA will either 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 a fundamental alteration of the essential functions of the HA (i.e. waiving a family obligation).

An undue financial burden is one that when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on the HA.

The HA 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, they may request an informal hearing to review the HA's decision.

The HA must approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability
- There is a disability-related need for the accommodation
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the HA, or fundamentally alter the nature of the HA's program operations (including the obligation to comply with HUD requirements and regulations).

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as the cost of the requested accommodation, the financial resources of the HA at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, the HA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the HA may verify the need for the requested accommodation.

After a request for an accommodation is presented, the HA will respond, in writing, within 20 days.

If the HA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the HA's operations), the HA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the program and without imposing an undue financial and administrative burden.

If the HA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the HA will notify the family, in writing, of its determination within 20 business days from the date of the most recent discussion or communication with the family.

1.5 *GRIEVANCE PROCEDURES/RIGHT TO APPEAL*

The HA has a grievance procedure in place through which participants are provided an opportunity to request a meeting to discuss action or inaction on the part of HA.

First Step: Informal settlement

A request for an informal settlement of a grievance can be made orally or in writing within 10 business days of the event. The HA will send a written notice of the meeting date and time within 10 business days of the request.

If the participant fails to attend the scheduled meeting without prior notice, the HA will reschedule the appointment only if the participant can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities. (Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family).

A written summary of this informal settlement meeting will be sent to the participant, and a copy will be retained in the HA's participant file.

If the participant is not satisfied with the outcome of the informal settlement, they have the opportunity to request an informal hearing. This must be submitted in writing to the HA within 5 business days of the receipt of the informal settlement summary.

If the participant does not request an informal hearing, the outcome of the informal settlement process will become final. (Failure to request an informal hearing does not waive the participant's right to an appropriate legal proceeding.)

Second Step: Informal hearing

The request for an informal hearing must be submitted in writing within 5 business days of the receipt of the informal settlement summary. The request must specify the reasons for the grievance and the action or relief sought.

If the participant has complied with the steps as described above, the HA will schedule and send written notice of the informal hearing within 10 business days of the receipt of the request.

The participant may request to reschedule the hearing for good cause or if it is needed as a reasonable accommodation for a person with disabilities. Requests to reschedule the hearing may be made orally or in writing prior to the hearing date.

Third Step: Appeal

A participant may, at any time, exercise their right to appeal a HA decision through the local HUD office or the United States Department of Justice. Individuals may contact the local HUD office at: Hartford Field Office

Dept. of Housing and Urban Development
One Corporate Center
20 Church Street, 10th Floor
Hartford, CT 06103-3220
Phone: (860) 240-4800
Fax: (860) 240-4850
TTY: (860) 240-4665

1.6 SECURITY AND PRIVACY RIGHTS

The HA will ensure that practices, controls and safeguards used by the HA will adequately protect the confidentiality of the tenant wage data, third-party income, medical and other documents. The practices, controls and safeguards used by the HA will be in compliance with the Federal laws regarding the protection of this information.

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the condition under which HUD will release and obtain family information and protect privacy rights.

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

The HA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicants and participants' files will be stored in a secure location, which is only accessible by authorized staff.

The use of EIV information is only used for the limited purposes, which is the tenant recertification process and oversight of the tenant recertification process. All HA EIV users must adhere to the EIV Rules of Behavior that is signed as part of the access request form. EIV printed outputs and downloaded data that contain Privacy act information will be treated as sensitive. The printout and downloaded data copied onto other media will be stored in a secure place, which is only accessible by authorized staff. When this information is not needed it will be destroyed in a manner to prevent the reconstruction of the contents.

Regular security awareness training of program staff will be conducted to ensure the proper access and proper safeguard of sensitive information. The program administrator's Security Officer will ensure compliance with program administrator's security policies and procedures. Including the following:

- Maintaining and enforcing the security procedure;
- Keeping records and monitoring security issues;
- Communicating security information and requirements to appropriate staff, including coordinating and conducting security awareness training.
- Conducting a quarterly review of all User Ids issues to determine if the users still have a valid need to access the EIV data and taking the necessary steps to ensure that access rights are revoked or modified as appropriate; and
- Reporting any evidence of unauthorized access or known security breaches to the HA Executive Director and taking immediate action to address the impact breach including but not limited to prompt notification to appropriate authorities including HUD Field Office.

All tenant files will be treated as having EIV information or private information and handled in such a manner so that it does not become misplaced or available to unauthorized personnel. All authorized program staff handling tenant files will be trained to treat tenant files in this manner. Security of computer systems is covered in detail under the Quality Control Plan.

1.7 OUTREACH TO FAMILIES AND CONTACT WITH OWNERS

The HA utilizes a variety of means to publicize and disseminate information regarding the Section 8 Tenant Based Assistance, Housing Choice Voucher program for income-eligible households. Aside from the conventional print and broadcast media, the HA meets with community organizations, owner and renter associations, block groups, neighborhood planning and development committees, housing advocates, governmental departments, advocacy agencies, and church groups. The HA will use its management experience and capabilities to disseminate useful relevant information to the widest audience.

The HA also recognizes that special outreach may be necessary to assist the following: families suffering a language barrier, disabled or handicapped persons, and the very low income, or very large families. Notices will also be provided in Spanish and other languages spoken in communities when necessary. Please refer to the attached Limited English Proficiency (LEP) Policy for further information on steps taken to ensure meaningful access of our housing program and activities by LEP persons identified through a program assessment.

2.0 ELIGIBILITY FOR ADMISSION

2.1 ELIGIBILITY

Housing Assistance may be provided to citizens and to non-citizens that have eligible immigration status.

The head of household must have legal capacity to enter into a lease under state or local law.

At least 75% of families admitted to a HA tenant-based voucher program during the HA's fiscal year must qualify as extremely low income (ELI), annual income does not exceed 30 percent of median income in area.

A family qualifying as Lower Income must have been continuously assisted under the U.S. Housing Act of 1937. An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Act program when the family is admitted to the certificate or voucher program.

"Family" includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

A single person, who may be elderly, displaced, disabled, near-elderly, or any other single person; or

A group of persons residing together and such group includes, but is not limited to the following families: a family with or without children (the temporary absence of a child from the home due to placement in foster care is considered a member of the family); elderly, near-elderly, disabled, displaced, and remaining member of a tenant family.

2.2 ADMISSION STANDARDS

In order to be eligible for admission to the Housing Choice Voucher program all applicants must meet the following admission standards:

1. An applicant's income cannot exceed the applicable Section 8 very-low income limits or an applicant must be income eligible according to the HUD Housing Choice Voucher program standards. For the purposes of determining whether a family is initially eligible according to the HUD published income limits, the size of the family may be determined by counting a family that consists of a pregnant woman as a two-person household in addition to any other family members. The HA may elect to require that a physician's statement support pregnancy in matters that impact the family size for the purpose of determining income-limit eligibility (Income limits apply only at admission and are not applicable for continued occupancy; however, as income increases the assistance will decrease).
2. An applicant must meet the HUD citizenship/eligible immigrant status criteria. For each household member to be eligible for assistance they must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U. S. C. 1436a(a)).
3. An applicant must provide social security number documentation for all family members with the exception of individuals who do not contend to have eligible immigration status.

If a child under the age of 6 years is added to the applicant household within the 6-month period prior to the household's date of admission, they may become a participant, so long as the required documentation is provided to the HA within 90 calendar days from the date of admission into the program. The HA will grant an extension of one additional 90-day period if it determines that, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the applicant. If the applicant family fails to produce the documentation required within this required time period, the HA must deny eligibility.

4. An applicant must have each member of the family who is 18 years of age or older and each family head of household and spouse regardless of age sign one or more of the following consent forms; HUD-9886 Authorization for the Release of Information/Privacy Act Notice, INS consent forms, Certification to HUD Admission and Continued Occupancy Standards, Consent to Obtain Criminal History Records and Contact Drug and Alcohol Treatment Facilities.
5. An applicant head of household and spouse must sign the Applicant Certification form to certify that the information given to the HA on household composition, income, net family assets and allowances and deductions is accurate and complete.
6. An applicant has not committed fraud or misrepresentation in connection with any federally assisted housing program.

7. An applicant does not owe rent or other amounts to the HA or any public housing in connection with Section 8 or public housing assistance under the U.S. Housing Act of 1937.
8. An applicant must not be evicted from public housing or any Section 8 program for drug-related criminal activity within the last three years.
9. The head of household or oldest family member is at least 18 years old or have the demonstrated “legal capacity” to enter into a lease under State or local law.
10. All applicants will be screened using criminal history background checks. Applicants will be denied admission for the following offenses:
 - Persons currently engaged in drug related criminal activity or violent criminal activity
 - Fugitives felons, parole violators and persons fleeing to avoid prosecution, or custody or confinement after convictions, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individuals flees
 - Persons convicted for producing Methamphetamine on federal assisted housing property
 - Sex offenders who are required by law to maintain permanent/lifetime registration with a State program. (The attempted background will be carried out with respect to the State of Connecticut and where members of the applicant household are known to have resided and/or information is obtainable.)
 - Persons whom a HA determines it has a reasonable cause to believe the household member’s illegal drug or alcohol abuse threatens the health, safety, or interferes with the peaceful enjoyment of the premises by other residents
 - Persons evicted from federally assisted housing for drug-related criminal activity less than 3 years ago, unless the tenant successfully completes a rehabilitation program approved by a HA or the circumstances for the eviction no longer exist

2.3 HA SCREENING

All new applicants including each adult household member (18 years of age or older) must meet the HA admission standards in order to be eligible for admission to the covered programs. The HA will conduct the following screening in order to determine an applicant’s ability to meet the admission standards:

Criminal history background checks will be conducted on all adult applicants through the use of a criminal search provider. The HA will conduct background checks for violent criminal charges and convictions, illegal drug or alcohol abuse, or eviction from federally assisted housing for drug-related criminal activity. The applicant’s consent to the background check is mandatory prior to the background check. The applicant’s refusal to

provide consent is grounds for denying admission to the program. The applicant is prohibited admission if the background checks determine that any household member is engaged in, or has engaged in drug related criminal activity or violent criminal activity during the three (3) year time period before the admission decision.

If the background check reveals that the applicant does not meet the admission standards then the applicant member will be denied admission. When applicants are denied admission based on having a criminal record, the HA will provide the applicant with a copy of the criminal record and opportunity to dispute the accuracy and relevance of the record.

All applicants will be required to certify prior to admission that they do not have a pattern of illegal use of controlled substance or pattern of abuse of alcohol that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. If the HA background check provides a reason to dispute the applicants certification or the applicant elects not to sign Certification to HUD Admission and Continued Occupancy Standards for reasons of drug or alcohol abuse then the applicant must demonstrate to the HA's satisfaction that they are no longer engaging in illegal use of a controlled substance or abuse of alcohol through one of the following means: a.) Applicant that has successfully completed a supervised drug or alcohol rehabilitation program; b.) Applicant has otherwise been rehabilitated successfully; c.) Applicant is participating in a supervised drug or alcohol rehabilitation program.

2.4 HA CONSIDERATION OF CIRCUMSTANCES

If the HA receives unfavorable information about an applicant's behavior that could disqualify the household based on the admission standards, the HA will also consider the nature, time since occurrence, and extent of the applicant's conduct and may consider whether an applicant is likely to display favorable conduct in the future.

In determining whether to deny assistance because of action or failure to act by members of the family the HA may consider the following: a.) The HA may consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure. b.) The HA reserves the right to impose, as a condition of continued assistance for other family members, a requirement that other family members who participated in or were culpable for the action or failure will not reside in the unit. The HA may permit the other family members of a participant family to continue receiving assistance; c.) If the family includes a person with disabilities, the HA decision concerning such action is subject to consideration of reasonable accommodations.

2.5 HA RECORDS OF MANAGEMENT

The HA will have a system of records management that ensures that any criminal record received by the HA is: a.) Maintained confidentially; b.) Not misused or improperly disseminated; and c.) Destroyed, once the purpose(s) for which the record was requested has been accomplished, including expiration of the period for filing a challenge or final disposition of any such litigation. The HA shall designate one Manager with the responsibility of requesting, receiving, maintaining and destroying criminal background information access through the criminal search provider.

Any criminal history record information obtained may be provided to the subject of the record upon his/her request. In order to receive this information, the subject must sign a receipt indicating the acceptance of this information.

2.6 OWNERS REQUESTING HA SCREENING

The HA may obtain and use criminal record information to screen applicants or residents for lease enforcement purposes on behalf of owners. In order to accomplish this, the owner must submit a written request to the HA requesting that the HA obtain criminal records for adults who are applicants or current program participants. The letter must include the following: a.) A copy of a consent form signed by the household member in accordance with 24CFR Section 5.903; b.) Admission standards for drug criminal activity in accordance with 24CFR 5.854; c.) Admission standards for prohibiting admission for other criminal activity in accordance with 24CFR 5.857; d.) Standards for eviction for illegal drug activity in accordance with Section 5.858; and e.) Standards for evictions for other criminal activity in accordance 24CFR 5.858. The HA may charge the owner a reasonable fee for providing this service.

When an owner properly submits this type of request the HA will notify the owner in writing whether the HA received any criminal conviction records that authorize a denial, eviction or termination. The HA will not release any criminal conviction records or the content of the records to the owner. The HA is permitted to release criminal records to owner only for use in connection with a judicial eviction proceeding and then only in accordance with CFR24 Section 5.903.

Definitions pertaining to this section:

“Currently engaging in” – With respect to behavior such as illegal use of a drug, other drug related criminal activity, or other criminal activity, currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual’s behavior is current.

“Drug” – A controlled substance as defined in section 1012 of the Controlled Substances Act (21 U.S.C. 802).

“Drug related criminal activity” – the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

“Violent criminal activity” – means 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.

“Covered Programs” – Housing Choice Voucher Program, Moderate Rehabilitation program, Project Based Program.

3.0 MANAGING THE WAITING LIST

3.1 OPENING AND CLOSING THE WAITING LIST

The decision to open or close the waiting list will be based on whether the existing waiting list contains an adequate pool of applicants for the use of available program funding.

Opening of the waiting list will be announced via public notice. The public notice will announce that applications for the Housing Choice Voucher program will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation, and also through available minority media. The public notice will state any limitations to who may apply. Closing the waiting list will be advertised through a similar manner.

The notice will include the Fair Housing logo and slogan and otherwise be in compliance with Fair Housing requirements.

Public Notice will be provided (at minimum) to the following media:

Hartford Courant
285 Broad Street
Hartford, CT 06115

The Hartford News
563 Franklin Avenue
Hartford, CT 06114-2517

Northend Agent
P.O. Box 2308
Hartford, CT 06146-2308

City of Hartford and Imagineers' respective websites

United Way of CT website for announcement of wait list openings:

www.cthcvp.org

3.2 TAKING APPLICATIONS

All applicants will be required to complete a pre-application form, which will contain information necessary for the HA to determine whether the applicant is eligible.

The method that the HA will use to take pre-applications will include advertising that applications will be accepted during a defined time period. Applicants will be required to complete a standardized pre-application form on-line via a web-based internet application system, instead of applying in person, or by telephone or by fax. Reasonable accommodations will be afforded to those elderly or disabled applicants that need support to make application through this method.

The HA will use the pre-application as the basis for follow-up phone calls, correspondence or direct appointments to obtain additional information and to ascertain the accuracy of all entries on the application form.

Pre-applications will not be established based on the date and time of application but instead by lottery random selection. All pre-applications that meet the minimum qualifications will be ranked randomly by lottery. The rules that govern who qualify to participate in the lottery selection are as follows:

1. Only pre-applications that are eligible for admission will be considered.
2. Only one pre-application will be allowed per family.
3. Only pre-applications that are received during the advertised commencement date and deadline date will be considered.
4. The lottery will randomly rank all of the qualified pre-applications.

The random lottery selection will be conducted in the following manner:

After the deadline date for submitting pre-applications has expired, the lottery will be conducted based on the number of pre-applications that was advertised that would be selected for the waiting list. Multiple witnesses will observe the lottery selection (including person(s) that are outside the direct management of the waiting list).

After the lottery selection is conducted, a report will be generated that will list all of the pre-applicants alphabetically by name and numerically by social security number. The lottery report will be maintained for the active duration of waiting list for audit control purposes. The numerical position assigned by the lottery will be added to the applicant's pre-application.

3.3 COMPLETION OF APPLICATION

The application process will involve two phases. The first phase is the initial application for housing assistance or the pre-application. The pre-application requires the family to provide basic information including name, address, phone number, family composition, income category, and information establishing any preferences to which they may be entitled. This first phase results in the family's placement on the waiting list.

Upon receipt of the families' initial application, the HA will make a preliminary determination of eligibility. If the HA determines the family to be ineligible, a letter will be sent to the applicant. The notice will state the reason(s) and offer the family the opportunity for an informal review of this determination within a set number of days.

An applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. The HA will annotate the applicant's file and will update their place on the waiting list.

The HA will provide written notification confirming initial acceptance of pre-application. The notice will also inform applicants that it their responsibility to notify the HA immediately of any changes affecting (1) their eligibility status or (2) the HA's ability to locate the applicant. The applicant's failure to comply with these requirements is grounds for removal from the waiting list.

The second phase is the final determination of eligibility and verification of information presented. This takes place when the family nears the top of the waiting list. The HA will ensure that verification of all preferences and eligibility factors are confirmed. In addition, the applicant must meet the HA admission standards outlined in the administrative plan.

Applicant data is maintained on the initial pre-application form. Waiting list reports will maintain data in two different manners first; in chronological order by lottery selection and level of priority and second; alphabetically by applicant's last name.

3.4 FAMILIES NEARING THE TOP OF THE WAITING LIST

When the family appears to be within two months of being offered assistance, the family will be invited to an interview and the final verification process will be completed. It is at this point in time that the family's preference will be verified and the applicant must meet the HA admission standards.

Once the preference has been verified the pre-application process will be completed. All the remaining documents must be submitted at this time. All required signatures must be obtained.

Split Households Prior to Voucher Issuance - When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the HA will make the decision taking into consideration the following factors:

1. Which family member applied as head of household;
2. Which family unit retains the children or any disabled or elderly members;
3. Recommendations of social service agencies or qualified professionals such as children's protective services.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by the HA.

3.5 MISSED APPOINTMENTS

All applicants who fail to keep a scheduled appointment in accordance with the paragraph below will be sent a notice of denial.

The HA will allow the family to reschedule appointments for good cause. Generally, no more than one opportunity will be given to reschedule without good cause and no more than two opportunities with good cause. When a good cause exists, the HA will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

3.6 PURGING THE WAITING LIST

Periodically the HA conducts mailings to purge inactive applicants from the waiting list. The purging of the waiting list enables the HA to update address information and to ensure that applicants are still interested in housing assistance.

Applicants who do not return the inquiry form by the requested deadline date will be removed from the waiting. An exception will be granted when an applicant has demonstrated that they have a disability that prevented them from responding to our correspondence.

3.7 REMOVAL OF APPLICANTS FROM THE WAITING LIST

All mailings to an applicant which requires a response will state that failure to respond within the time frame listed on the notice will result in the applicant's name being removed from the waiting list and that no further correspondence will be issued from our housing agency.

If correspondence is returned by the post office marked "undeliverable" without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated on the envelope.

If a family is removed from the waiting list for failure to respond, the housing director may reinstate the family if it is determined that the lack of response was due to an HA error, family medical disability or circumstances beyond the family's control. The HA will reinstate the applicant in the family's former position on the waiting list.

The HA will not remove an applicant's name from the waiting list unless:

1. The applicant requests that the name be removed.
2. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program or the applicant misses scheduled appointments.
3. The applicant does not meet admission standards or screening criteria for the program.
4. The applicant has been offered a housing voucher.

3.8 GROUNDINGS FOR DENIAL

The following will constitute grounds for denying assistance to applicants on the waiting list:

1. Failure to supply information or documentation required by the application process.
2. Failure to respond to a written request for information or a request to declare continued interest in the program.
3. Failure to complete any aspect of the application process.
4. Failure to sign and submit any consent forms that are required by the HA.
5. The applicant does not meet all of the HA admission standards.
6. Violation of any of the family obligations under 24 CFR 982.551.
7. An applicant, participant or family member engaged in drug-related criminal activity or violent criminal activity or other criminal activity that is a threat to the health, safety or property of others.
8. An applicant, participant or family member has committed fraud (bribery or any other corrupt or criminal act) at the time of application or during assisted tenancy.
9. Failure to make payments for monies owed the HA or another HA.
10. If any family members of the family have been evicted from public housing within the last three years.

11. If any family member has engaged in or threatened abusive or violent behavior toward HA personnel; verbal or physical abuse or violence or use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
12. If it is determined that a family member has a lifetime registration under a State sex offender registration program.
13. An applicant or participant that abuses alcohol or drugs in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.
14. All applicants that fail to certify prior to admission that they do not have a pattern of illegal use of controlled substance or pattern of abuse of alcohol that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
15. An applicant, participant or family member has failed to comply with the requirements under any Homeownership program or has defaulted on a mortgage securing debt incurred to purchase a home.

3.9 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by the HA, in writing, that they have ten (10) business days from the date of the written correspondence, to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the specified timeframe.

When applicants are denied admission based on criminal record, the HA will provide the applicant with a copy of the criminal record and opportunity to dispute the accuracy and relevance of the record.

The HA system of removing applicants' names from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, the HA will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, the HA will verify that there is in fact a disability and that a reasonable accommodation they are requesting is necessary based on the disability.

3.10 INFORMAL REVIEW FOR APPLICANT

The HA will provide an applicant an opportunity for an informal review of a decision denying an applicant:

1. A listing on the waiting list.
2. Participation in the program or assistance to the applicant.

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

1. Discretionary administrative determinations by the HA.
2. General policy issues or class grievances.
3. A determination of the family unit size under the HA subsidy standards.
4. An HA determination not to approve an extension or suspension of a voucher term.
5. A HA determination not to grant approval of the tenancy.
6. An HA determination that a unit selected by the applicant is not in compliance with HQS.
7. An HA determination that the unit is not in accordance with HQS because of the family size or composition.

The HA shall give the applicant written notice of a decision denying assistance to the applicant or a place on the waiting list. The notice shall:

1. contain a brief statement of the reasons for the HA decision;
2. be given personally to the applicant or member of the family or sent by first class mail to the last known address;
3. inform the applicant that ten (10) days of the date of the notice, the applicant may request, in writing, that an informal hearing be held to present objections and review the decision

3.11 CONDUCT OF INFORMAL REVIEW

If the applicant requests an informal review within the time frame required, the HA shall conduct an informal review in accordance with the following procedures:

1. The informal review will be conducted by a HA person designated by the HA. The designated HA person cannot be the same person who made or approved the decision under review or a subordinate of this person.
2. The applicant will be given an opportunity to present written or oral objections to the HA decision.
3. The HA will notify the applicant of the HA final decision after the informal review, including a brief statement of the reasons for the final decision.

4.0 SELECTING FAMILIES FROM THE WAITING LIST

4.1 MAINTENANCE OF THE WAITING LIST AND SELECTION OF FAMILIES

The HA will maintain a single waiting list for its Housing Choice Voucher Program (HCV) regardless of the bedroom size the applicant may need. Each applicant shall be assigned an appropriate place on the waiting list in sequence based upon lottery assigned number (lower digit numbers have priority over higher digit numbers), as well as the following identified preference factors.

The HA must select participants from a HA waiting list, unless they are Special Admissions.

Special Admissions

The HA may admit an applicant for participation in the program either as a special admission or as a waiting list admission. If HUD awards special allocations funding that is targeted for families with specific characteristics or families living in specific units, the HA will use the assistance for those families with specific characteristics or living in those units. The HA will maintain records showing that the family was issued a HUD-targeted Voucher and is authorized for priority admission. This priority will not exceed the special allocation of housing vouchers made available by HUD for the HUD stated purposes.

Moving On Waiting List

The HA will also maintain a separate waiting list for the Project-Based Voucher Program for the Moving On pilot initiative (see Project-Based Voucher Program Administrative Plan).

Family Unification Program

The Family Unification Program (FUP) is a targeted program making Housing Choice Vouchers (HCVs) available to FUP-eligible families and or FUP-eligible youths as defined below to provide adequate housing as a means to promote family unification through the FUP.

FUP-eligible families are families for whom the lack of adequate housing is a primary factor in the imminent placement of the family's child, or children, in out-of-home care; or the delay in the discharge of the child, or children, to the family from out-of-home care. FUP-eligible youths are youths at least 18 years old and not more than 21 years old (have not reached their 22nd birthday) who left foster care at age 16 or older and who do not have adequate housing, are also eligible to receive housing assistance under FUP. A FUP voucher issued to such a youth may only be used to provide housing assistance for the youth for a maximum of 18 months.

All FUP-eligible families and FUP-eligible youths must be referred by the State of Connecticut Department of Children and Families (DCF) and have an open case with DCF at the time of referral, selection and when the FUP voucher is issued.

The HA will accept families or youths certified by the DCF as eligible for the FUP.

The HA first reviews its waiting list for any DCF referred FUP-eligible families or youths; these families will be among the first served through FUP assistance in order of their position on the waiting list in accordance with HA admission policies, once they are determined to meet Section 8 criteria.

The HA will determine if any family or youth on the HCV waiting list are living in temporary shelters or on the street and may qualify for the FUP and refer such applicants to DCF.

A separate waiting list will be maintained for the Family Unification Program. Referrals/pre-applications will be placed on the FUP waiting list by the date and time of receipt until further notice. Any new FUP eligible applicants will be placed at the bottom of the FUP waiting list. If found ineligible for the FUP, they will be removed from the FUP wait list, however if they are on the HCV wait list they will retain their position on the HCV wait list.

If there are not enough FUP eligible applicants either on the HCV wait list or the FUP wait list, the HA will advertise the announcement of opening the FUP wait list for FUP eligible applicants only.

When an FUP voucher becomes available a family will be selected from the list. After the family is determined eligible to receive a Section 8 subsidy, the family will be admitted to participate in the program in accordance with HUD regulations and other requirements, and with policies stated in the HA's administrative plan.

All FUP vouchers will be issued to other FUP-eligible applicants upon turnover.

The HA will adhere to the following requirements regarding the FUP program:

- Once a FUP-eligible family or FUP-eligible youth is admitted to the program, the HA will track the family/youth via the HUD-50058, Family Report with the program code "FUPF" on line "2n" of the Family Report. The HA must maintain this code on the form HUD-50058 for the duration of the FUP family/youth's participation in the HCV program.
- A FUP voucher issued to a FUP-eligible youth may only be used to provide housing assistance for the youth for a maximum of 18 months.
- Documentation of a family or youth's eligibility for a FUP voucher must supply a clear audit trail to show the families were admitted to the program according to the applicable program rules and requirements.
- The HA shall administer the funding awarded for the FUP in accordance with the Notice of Funding Availability (NOFA) specifications, program requirements and regulations and the executed Memorandum of Understanding (MOU) between the HA and Department of Children and Families (DCF).

Homeless Wait List

Information from all pre-application forms will be entered into a secure Access Database. A waiting list will be generated for all eligible referrals based on the scoring system. Households with the same prioritization score will be placed onto the waitlist according to the date that the pre-application form was received. Journey Home will refer applicants to

the HA as vouchers become available. A physical copy of the waitlist will be timestamped, saved and printed on a monthly basis. Physical copies of all pre-application forms will be securely retained for seven years. Copies of preference and priority verification methods and forms will be submitted with the pre-application at time of referral and made a permanent part of each client's case file.

A printed version of the preference and priority waiting lists reports will be maintained and shared with the HA on a monthly basis for audit trail support and audit requirements needs.

Referrals from the Greater Hartford Coordinated Access Network

The Greater Hartford Coordinated Access Network (GH CAN) currently holds three housing matching meetings, one for families, one for individual re-housing referrals and one for those identified as Chronically Homeless. All households that have been in an emergency shelter for two weeks or more, or have been in a place not meant for human habitation for two weeks OR more and are working with an outreach worker, complete a VI-SPDAT assessment, or Next Step Tool for youth, and their names are automatically placed onto the GH CAN "By Name List" in the Homeless Management Information System. This is the centralized list used in the greater Hartford region to make referrals for available housing units and this will be the same list that is used for purposes of determining eligibility for referral under this program. Other potentially eligible households, including those in Department of Social Services or State of CT Department of Children and Families emergency shelters, or those in hotels or motels paid for by government or charity can be added to this list by calling Journey Home and completing a VI-SPDAT or Next Step Tool with them or another CAN provider, and providing evidence that they have been in a hotel/shelter paid for by government or charity for two weeks or more. Being on the By Name List will be the threshold for determining that the household is being referred from the GH CAN.

GH CAN providers will, at the housing matching meetings of families and youth households, assist in determining whether a given individual/family would be a good fit for the Housing Choice Voucher program, though any eligible household who is on the By Name List will be allowed to apply. For households coming from Rapid re-housing programs, they will be required to produce a Rapid Rehousing referral form which designates that in the professional opinion of the program staff the household will not be able to maintain permanent housing when they are terminated from the rapid re-housing program. Households recently enrolled in Rapid re-housing or households that are believed to "graduate" from rapid rehousing successfully able to afford their housing will not be eligible. Rapid Re-housing staff will be thoroughly trained to understand the preference requirements.

4.2 IDENTIFICATION OF PREFERENCES

The following categories represent preferences on the waiting list:

As with any waiting list and any published added preference, the HA will first review its existing waiting list for any eligible family that would meet the preference criteria in order to give that family, by order of their wait list position, the opportunity to see if they qualify for the specific preference and be able to be among the first served in accordance with HA admission policies, once they are determined to meet Section 8 criteria.

Chronically Homeless – an individual or family who has been homeless for 12 months continuously or who has had four occasions of homelessness in the past three years and has a disability as defined by HUD in 24 CFR Parts 91 and 578, December 4, 2015 where an individual or family is referred by Journey Home on behalf of the Greater Hartford Coordinated Access Network, a consortium of over 20 different homeless service agencies.

Redevelopment Displacement - to address the displacement of families residing in Bowles Park and Westbrook Village where relocation is triggered by redevelopment through new construction.

Homeless Families with children and unaccompanied homeless youth - A family that has at least one adult and at least one child under the age of 18 that is experiencing homelessness, or an individual who is 18-24 years old, or an individual or family where the head of household is under the age of 18 and is legally emancipated that is experiencing homeless as defined by HUD in 24 CFR 578.3: Category 1 or Category 4 for a minimum of at least 30 days, or is unsuccessfully terminating out of a rapid rehousing program and where this individual or family is referred by Journey Home on behalf of the Greater Hartford Coordinated Access Network.

Homeless household – An individual or family who lacks a fixed, regular, and adequate nighttime residence, as defined by HUD in 24 CFR 578.3: Category 1 or Category 4.

Elderly family - A family whose head or spouse (or sole member) is 62 years or older and a family that includes an elderly person(s).

Disabled/Handicapped family - A family whose member(s) include a person(s) who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423) or 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)). *Handicapped family* - A family whose member(s) include a person(s) having a physical or mental impairment that (a) is expected to be of a long-continued and indefinite duration, (b) substantially impedes his or her ability to live independently, and (c) is of such nature that such ability could be improved by more suitable housing.

4.3 RANKING OF THE PREFERENCES

Ranking preferences are identified below by the numeric value next to the preference category (example: a “1” in the space that represents the first priority, a “2” in the box representing the second priority, and so on.) If equal weight is given to one or more of these choices the same number will be next to both.

Preferences

- 1** Chronically homeless - An individual or family who has been homeless for 12 months continuously or who has had four occasions of homelessness in the past three years and has a disability and as defined by HUD in 24 CFR Parts 91 and 578. December 4, 2015. This preference will also include persons transitioning out of permanent supportive housing programs, who were previously homeless prior to entry into the permanent supportive housing program. All referrals will come from Journey Home on behalf of the Greater Hartford Coordinated Access Network and will be prioritized based on need according to length of time homeless and the VI SPDAT assessment.

- 2** Redevelopment Displacement – A family currently living in Bowles Park and Westbrook Village who is being displaced by redevelopment due to new construction.

- 3** Homeless Families with children and unaccompanied homeless youth - A family that has at least one adult and at least one child under the age of 18 that is experiencing homelessness, or an individual who is 18-24 years old, or an individual or family where the head of household is under the age of 18 and is legally emancipated that is experiencing homeless as defined by HUD in 24 CFR 578.3: Category 1 or Category 4 for a minimum of at least 30 days, or is unsuccessfully terminating out of a rapid rehousing program and where this individual or family is referred by Journey Home on behalf of the Greater Hartford Coordinated Access Network. Eligible families and individuals will be referred on a prioritized basis as determined by a point system; described below:

Housing Choice Voucher- Homeless Families and Youth Preference Point System:

Points	Criteria
(+1)	For each month of homelessness (in a transitional living program, sleeping outside or place not meant for human habitation, in a shelter, or in a hotel paid for by charity, or in an institution where they have resided for less than 90 days and were in one of the aforementioned locations immediately prior to entering the institution) that is verified by a third-party provider (shelter provider, doctor, police, etc.)
(+1)	If the household has any children under the age of 6
(+1)	If the household has a history of involvement with the CT Department of Children and Families

(+1)	If the household’s current occasion of homelessness is due to them being kicked out of a parent or guardian’s home.
(+1)	If the individual or family is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking or other dangers or life threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individuals’ or families primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence, and has no other residence, and lacks the resources or support networks, e.g. family, friends and faith-based or other social networks, to obtain other permanent housing.

Within the “Homeless Families and Youth” preference category is a priority point system. One priority point will be awarded for each criteria with the exception of the first listed criteria. In the case of the first criteria one priority point will be awarded for each month of homelessness. The highest number of priority points that an applicant can qualify for with this preference category will determine the top ranked applicants. Ties will be broken by date of application.

Eligibility Screening and the Point System:

Families with children under 18, youth or young adults on the HA current waitlist wishing to be screened for the preference and households referred by the GH CAN will be asked to complete the **City of Hartford Homeless Youth and Family Waiting List Pre-Application Form**. This form and required documentation that must be submitted with the form will collect the information necessary to determine if the household is eligible for the preference as well as to determine the household’s level or prioritization.

Households that may be eligible for the preference, but are ineligible for a Housing Choice Voucher because they do not meet the HA’s admission standards as outlined in the Administrative Plan, will be denied for the preference.

- 4** Homeless Households – An individual or family who lacks a fixed, regular, and adequate nighttime residence, as defined by HUD in 24 CFR 578.3: Category 1 or Category 4.
- 5** Elderly family - A family whose head or spouse (or sole member) is 62 years or older.
- 6** Disabled/Handicapped family - A family whose member(s) include a person(s) who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423) or 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)). Handicapped family – A family whose member(s) include a person(s) having a physical or mental impairment

that (a) is expected to be of a long-continued and indefinite duration, (b) substantially impedes his or her ability to live.

7 No Preference - All other qualified applicants with no preference.

4.4 VERIFICATION REQUIREMENTS OF PREFERENCE CATEGORIES

In order to be eligible to apply and to qualify for the preference categories, sufficient documentation must be provided by the applicant prior to admission. Applicants may provide additional documentation while on the waiting list that may improve their ranking.

Chronically Homeless households - verification documentation will be obtained by the Greater Hartford Coordinated Access Network before referrals are made to the HA.

Redevelopment Displacement – documentation must be provided by the Hartford Housing Authority verifying that tenant household is a qualified family in good standing (current lease listing all existing household members) or a current dated written statement from the Hartford Housing Authority indicating that tenant household is in good standing and lists all household members.

Homeless families with children and unaccompanied homeless youth – documentation must be provided to verify that the individual or family qualifies for the preference. The HA may rely on the Greater Hartford Coordinated Access Network or partnering homeless service organizations to verify the individual or family qualifies for the preference before the individual or family is referred to the HA.

Verification Method (priority points)

- Number of months experiencing homelessness – third party verification as outlined in 24 CFR 576.500(b)(1)(2) and (5) as elaborated on in the CoC FAQs at <https://www.hudexchange.info/coc/faqs/> for every month of homelessness in order to be awarded a point.
- Household with children under the age of 6 – Birth certificates will be the method used to verify an applicant’s ability to meet this priority point however, the self-certification by the head of household on the pre-application form will be sufficient to award this point on the waitlist placement until birth certificates are obtained. Birth certificates must be produced prior to referral to the HA in order to receive this point and confirm the household’s priority on the waitlist.
- Household that have a history of involvement with the CT Department of Children and Families – a letter from a DCF employee indicating current or previous history with the

Department of Children and Families is the preferred method of verification. Where such a letter cannot be obtained, a letter from another services provider, as defined by HUD, on their letterhead, indicating they knew the client to currently or historically be engaged with DCF may be accepted to qualify for this point.

- Household's current occasion of homelessness is due to being kicked out of a parent or guardian's home – Preferred method of verification is a letter from a service provider, as defined by HUD, on letterhead indicating that they believe the household's homelessness is a result of them being kicked out of the home of a parent or guardian. In the instance where such documentation cannot be obtained, applicant self-certification as indicated by an answer of "yes" to this question on the pre-application form, will be sufficient to be awarded this point.
- Individual or family is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking or other dangers or life threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individuals' or families primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence, and has no other residence, and lacks the resources or support networks, e.g. family, friends and faith-based or other social networks, to obtain other permanent housing. – Preferred methods of verification for this include letters from a domestic violence provider or other service provider as defined by HUD, police report or other form of police verification, or a completed HUD Form 5382. Where these documents cannot be obtained an applicant's self-certification as indicated by an answer of "yes" to this question on the pre-application form, will be sufficient to be awarded this point.

Elderly family member(s) – documentation must be provided of birth date or senior citizen/elderly status. A birth certificate, third-party verification or sworn affidavit will constitute sufficient documentation.

Disabled/Handicapped family member(s) – documentation must be provided that an applicant family member(s) is disabled or handicapped. A social security disability award letter or a medical letter that supports that the applicants meet the definition will constitute sufficient documentation.

4.5 SELECTION FROM THE WAITING LIST

Families will be selected from the waiting list based on the numerical position assigned by the lottery and above stated preferences. If it is necessary to meet the statutory requirements that 75% of newly admitted families in any fiscal year be families who are extremely low-income, the HA retains the right to skip higher income families on the waiting list to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure that this goal is met, the HA will monitor incomes of newly

admitted families and the income of the families on the waiting list. If there are not enough extremely low-income families on the waiting list, we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

When it is determined that there are openings on the program, a letter is sent to the next eligible applicant from the waiting list regardless of the bedroom size that the applicant needs. The letter explains the papers needed in order to document eligibility, i.e., employer wage verification form, welfare budget sheets, social security award letters, savings account books, daycare receipts, etc. The family is assigned to a Program Supervisor who certifies the family's eligibility, conducts an orientation and issues the Housing Choice Voucher.

An applicant's income status may change while on the waiting list. Occasionally, a family who has been contacted for the purposes of enrollment may no longer meet the income eligibility requirements. When this happens, the reasons are fully explained by the HA at the time of the enrollment interview. Ineligible applicants may request an informal review.

Applicants may obtain their numerical position on the waiting list by requesting it in writing or in person. The request must include the applicant's name, current address and social security number. All requests will be responded to in writing promptly. This waiting list information will not be provided to applicants via the telephone or in person for security concerns. Once on the waiting list, it is the applicant's responsibility to maintain their current address. Failure to do so may result in removal from the waiting list. Update of applicant's address must be done in writing or in person.

All vacant units from the Project-Based Assistance or Moderate Rehabilitation program will be listed as available to all qualified applicants of the City of Hartford waiting list. Project owners must select from applicants of the City of Hartford waiting list (unless the waiting list is exhausted or property owner can demonstrate that waiting list applicants are not sufficiently meeting the property owner's selection criteria). All interested applicants will receive a referral letter to present to the project owner to confirm that they are qualified City of Hartford applicants. The project owner is responsible for screening applicants for suitability of tenancy.

Applicants who elect to accept a Mod Rehab unit are eligible to remain on the waiting list if they can still qualify for a ranking preference upon acceptance of the Mod Rehab units. Applicants who qualify to do this will maintain their original application date on the waiting list.

Families may also be absorbed directly onto the program through portability if properly referred and authorized.

The HA may admit an applicant for participation in the program either as special admission or as a waiting list admission. If HUD awards special allocations funding that is targeted for families with specific characteristics or families living in specific units, the HA will use the

assistance for those families with specific characteristics or living in those units. The HA will maintain records showing that the family was issued a HUD-targeted Voucher and is authorized for priority admission.

5.0 SUBSIDY STANDARDS AND BRIEFING

5.1 BEDROOM SIZE DETERMINATION (SUBSIDY STANDARDS)

The HA will issue a voucher for a particular bedroom size – the bedroom size is the factor in determining the family’s level of assistance. The following guidelines will determine each family’s level of assistance. To avoid overcrowding and prevent waste of space and program funds, units shall be leased in accordance with the subsidy standards set below.

<u>Number of Bedrooms</u>	<u>Number of Persons</u>	
	<u>Minimum</u>	<u>Maximum</u>
0	1	1
1	1	2
2	2	4
3	3	6
4	5	8
5	8	10
6	10	12

The family's unit size shall be determined using the following criteria:

1. The bedroom size assigned shall provide for the smallest number of bedrooms needed to house a family without overcrowding.
2. The bedroom size assigned shall not require more than two persons to occupy the same bedroom.
3. The bedroom size assigned shall not require persons of the opposite sex other than an adult couple to occupy the same bedroom with the exception of infants and very young children.
4. A family that consists of a pregnant woman only, and (no other persons), will be treated as a two-person family. The HA may elect to require that a physician’s statement support pregnancy in matters that impact subsidy standards.
5. Foster adults and children will not be required to share a bedroom with family members.

6. Live-in aides will get a separate bedroom if providing the following: a) the family properly qualifies and documents the need for a live-in aide; b) the live-in aide provides income and other required documentation (birth certificate, SSN card) and signs required paperwork; c) the live-in aide meets the HUD admission standard; d) the live-in aide resides with the family permanently (i.e. occasional, intermittent, multiple or rotating caregivers do not meet the definition of live-in aide); e) the live-in aide is required to sign the “Live-In Aide Understanding Statement” (refusal to sign form will constitute non-approval of live-in aide status) and f) under no circumstances can a live-in aide be considered the head of household/remaining household member.
 - The HA will not approve a Live-in aide who has a family, therefore the Live-in aide must be a single individual.
7. The family has the option to select a smaller-sized unit provided there is at least one bedroom of appropriate size for each two persons in the household. (For example, a two-bedroom voucher holder with a mother with an infant may select a one-bedroom unit.) For the Voucher Program, the payment standard that is used for the family will be the lower of the subsidy standard that the family qualifies for or the payment standard for the unit rented by the family.
8. Provided there is adequate documentation, a child who is temporarily away from the house because of placement in foster care will be considered a member of the family for purposes of determining the family unit size.
9. The bedroom size assigned may be increased to a larger size than the family would ordinarily need if there were a documented medical or health reason that adequately supports the need for a larger size unit or to provide a reasonable accommodation to a family member with a disability.
10. The HA will not approve a request to add an entire family, two persons or more, to the current household composition.
11. For administrative and budgetary reasons, the HA will only consider one request to add a family member to the household composition on an annual basis and may not consider a request to approve the return of a household member that was removed from the household composition within the last 12 months following the request for removal; one-time approval for adding back the family member that was previously removed. Exceptions may be granted as a reasonable accommodation for a person with a disability or other emergency situation.
 - Any individual returning to a household after being permanently removed is subject to all eligibility and screening requirements.

5.2 BRIEFING OF FAMILIES AND ISSUANCE OF HOUSING CHOICE VOUCHER

If a person is determined to be eligible by the HA and is selected for participation, the applicant will be notified of an orientation meeting.

When a family initially receives its Housing Choice Voucher, a full explanation of the following shall be provided to assist the family in finding a suitable unit and to apprise the family of its responsibilities and the responsibilities of the owner.

Full opportunity shall be provided to the families to ask questions and receive answers.

5.3 ORIENTATION PACKET

The Housing Choice Voucher Holder's packet shall include the following:

1. Voucher
2. The HUD-required "Lease Addendum".
3. The policy on providing information about a family to prospective owners.
4. The subsidy standards.
5. A listing of available apartment units.
6. A list of the obligations of being a participant of the Section 8 Tenant Based Assistance Housing Choice Voucher program.
7. Protect Your Family From Lead In Your Home Booklet.
8. "A Good Place to Live" HUD publication.
9. How Portability Works.
10. Where You Live Should Be Your Choice.
11. Your Housing Choice Voucher - Resource Page.
12. Rights and Responsibilities of Landlords and Tenants in Connecticut.
13. Discrimination Form.
14. Applying for HUD Housing Assistance?
15. What you should know about EIV
16. Debts Owed to Public Housing Agencies and Terminations
17. Protecting Tenants at Foreclosure Act of 2009
18. Federal Privacy Act form
19. "Lead-Based Paint A Threat To Your Children" form
20. Request for Tenancy Approval Packet (which includes the following)
 - a) Instructions for Program Participant and Instructions for Landlord
 - b) Request For Lease Approval
 - c) Lead Disclosure Form
 - d) Owner's Certification Of Rent Reasonableness
 - e) Landlord Payment Information
 - f) W-9
 - g) Sample of EIN Letter from IRS
 - h) Move-In Move-Out Form

- i) “Most common viol...” – Helpful Hints sheet
- 21. Utility Allowance Sheet
- 22. If disabled include Handicap Accessible Units booklet
- 23. A guide booklet to the Housing Voucher program (Appendix II); which includes but it not limited to information pertaining to the following:
 - a) Term of the voucher and policy regarding extensions or suspensions.
 - b) How the housing assistance payment is calculated.
 - c) What the family should consider in deciding whether to lease a unit.
 - d) Informal hearing procedures.
 - e) Information on how to select unit.
 - f) VAWA information and Notice of Occupancy Rights Under VAWA Act; included form HUD-5382 Certification of Domestic Violence, Dating Violence and Stalking

5.4 INFORMATION TO BE PROVIDED TO PROSPECTIVE OWNERS

Information is provided to prospective owners regarding participating families in the following manner; upon written request the HA will give prospective owners the family's current address and if known, the name and address of the owner at the family's current and prior address. If the HA has this information, it will also provide the name and address of the landlord at the family's current and prior address.

The HA will inform the owner that it is the landlord's responsibility to screen prospective tenants for suitability as tenants as evidenced by the family's previous rental history. When the HA has information related to a family's previous tenancies, the HA will inform the landlord that the information is available and provide it upon a written request from the landlord. Information will be provided when it is a part of the HA tenant file from a previous housing choice voucher, certificate, moderate rehabilitation, or public housing tenancy. Only the HA designated person may provide information about the previous tenancies other than landlord names and addresses. The information may be provided in writing or during an in-person meeting with the prospective landlord.

5.5 ASSISTANCE TO APPLICANTS AND PARTICIPANTS CLAIMING ILLEGAL DISCRIMINATION

If families believe that they have been discriminated against on the basis of race, color, national origin, sex, disability, or familial status, the HA will offer to assist them in filling out HUD form 903 (Housing Discrimination Compliant form). This form is included in their briefing packet or available upon request. If the family requests assistance, we will also forward the completed Housing Discrimination Compliant form to the Department of Housing and Urban Development Regional Office in Boston. The family will be informed of other available options in which to pursue a discrimination complaint including an

appropriate referral to the State Commission on Human Rights and Opportunities, the Connecticut Fair Housing Center and Statewide Legal Services of CT.

The HA may approve a request for extension or suspension on the term of the family's Housing Voucher if deemed necessary due to the compliant.

5.6 TERM OF THE HOUSING VOUCHER

The Housing Choice Voucher shall expire at the end of sixty (60) days unless within that time the family locates an apartment unit. The inspection of the apartment need not occur prior to the Housing Voucher expiration but must occur within a reasonable time period.

If the Housing Voucher expires or is about to expire, a family may submit the Housing Voucher to the HA with a request for an extension. If the applicant has demonstrated a good faith effort to secure an apartment unit, the HA may grant one or more extensions, provided the HA determines that the family's failure to find a suitable unit is not due to the fault or lack of diligence of the family.

The initial term of the Housing Voucher may also be extended at the discretion of the HA due to the voucher holder's difficulty securing available and affordable apartment units due to rental market difficulties and/or as reasonable accommodations to make the program accessible to a family member who is a person with disabilities.

The HA may require that any extension that is granted on the term of the Housing Voucher be supported by progress reports made by the family during the initial term of the voucher and the HA's review of overall rental market conditions.

To be eligible for consideration the request must be done promptly and for a documented medical reason or for a family emergency nature to justify the inability of the participant to make use of the Housing Voucher during that time period. Request will be reviewed on a case-by-case basis.

Once the Housing Voucher has expired with any approved additional extensions, the family will not be able to use the subsidy and the subsidy will then be reissued to the next family on the waiting list. If the HA is accepting applications to the waiting list, the family is welcome to apply under the published criteria of the waiting list.

The HA does not provide for *suspension of term*. However, the HA will provide suspension of the initial or extended term of the voucher from the date that the family submits a Request for Tenancy Approval (RTA). The suspension or "tolling" essentially "stops the clock" on a voucher term when an applicant or participant submits an RTA. The suspension period is the period of time between the date that the RTA is received by the HA and the date that the HA is notified that the either a) the tenant or landlord do not agree on tenancy b) the unit did not pass inspection or c) the RTA has been declined by the HA. The HA will notify the

household in writing the details of the suspension as well as the days that have been added onto the voucher (voucher's expiration date + number of days the voucher was suspended). The total days that were suspended will be added to the original voucher expiration date.

The HA will only accept one Request for Tenancy Approval (RTA) at a time.

There will be a 60-day maximum suspension. If the HA is unable to approve the unit within 60 days from the date of suspension, the family must look for another unit. On the 61st day, the clock would begin again and the remaining time on the voucher would be calculated.

5.7 ASSISTANCE PROVIDED TO FAMILIES THAT INCLUDE PERSONS WITH DISABILITIES

The HA will provide additional assistance on behalf of families that include persons with disabilities by attempting to collect a listing of available apartment units that are handicap accessible units and providing this information to the family. Additional time may be granted as outlined in the "term of the voucher" section and a higher payment standard may be granted (if possible) as a reasonable accommodation due to a disability.

5.8 EXPANDING HOUSING OPPORTUNITIES & HOUSING MOBILITY POLICY

The HA will encourage participation by owners of units outside areas of poverty or minority concentration. Outreach will be conducted on an ongoing basis by the HA.

The City of Hartford Department of Development Services Housing Division voluntarily sought and obtained HUD approval to administer a regional Housing Mobility Program for the City's Section 8 Housing Choice Voucher program, which has been in place since 1990. Under Connecticut State law the City of Hartford Department of Development Services Housing Division Section 8 Housing Choice Voucher program has the right to enter into contracts outside its jurisdictional boundaries (which most Public Housing Authorities lack). Therefore, the City of Hartford is able to contract directly with suburban landlords in placing Housing Choice Voucher households in low-poverty or non-minority areas.

The program has continued to provide all Housing Choice Voucher holders with multiple written and oral notices about their rights to move and support services available to them so that participants can expand their housing opportunities. There are two levels of 'counseling' in the Hartford program. The Contract Administrator provides basic information on the apartment availability, including regularly compiled listings of suburban apartment, copies of weekly newspapers, outreach to suburban landlords, and distribution of information on suburban communities including maps, town and transportation information. Secondly, since 1992, the Housing Education Resource Center (HERC) has provided additional one-on-one housing counseling and support services for Section 8 participants who decide to move. HERC operates independently of the City of Hartford Section 8 Housing Voucher administration, first under a grant provided from the Hartford Foundation for Public Giving and then through the Regional Opportunity Counseling program services it provides in

association with the Hartford Housing Authority. HERC has provided participants with van tours to suburban towns, shown specific apartment units, and helped match households with social services, transportation, and day care support they will require after moving. The City of Hartford is also a participant in the Regional Opportunity Counseling (ROC) program.

The prepared booklet “An Owners Guide to the Housing Choice Voucher Program” is distributed to all interested parties to answer questions and encourage program participation. In addition, landlord workshops are conducted on a regular basis to encourage participation.

Voucher holders are counseled regarding the benefits of choosing housing opportunities outside areas of poverty and minority concentration. The HA will make available information about job opportunities, schools, services, maps and related information.

The HA briefing packet includes an explanation of how mobility and portability works and explains how the HA assists in identifying a portability contact person in other jurisdictions.

The HA will collect and distribute known available apartment units to Voucher-holders including subscribing to local newspapers to identify apartment rentals. When available the HA will refer clients to agencies that will help support finding units outside areas of poverty or minority concentration.

Housing Mobility Policy

An important objective of the Hartford Section 8 Program will be to expand the housing opportunities for its' Voucher holders throughout the Greater Hartford Area. The City of Hartford will assist Section 8 Voucher holders who wish to use their Hartford Section 8 Vouchers to seek housing opportunities outside the geographic boundaries of the City. The City through its HUD approved extra-territorial jurisdiction will continue to administer the Hartford Section 8 Vouchers used outside the City.

Notification to Clients

Oral notification of this policy will be given during the recertification interview, as well as in response to telephone inquiries. Enrolled clients – Clients who are enrolled will be notified as part of the recertification process. The recertification letter is mailed two months in advance of the anniversary of the lease. Tenants will be advised of the mobility procedures, as well as a list of towns to which they may wish to move. New Voucher Holders – The mobility policy will be discussed as part of the orientation process.

Notification to Participating Landlords

All participating landlords will be encouraged to list any properties they may have in neighboring communities in order to develop a larger resource of available apartments.

Outreach to Non-Participating Property Owners

We will contact realtors in the region and explain the program procedures in order to encourage a wider range of participation. We will maintain copies of area newspapers in order to provide access to the “want” ads from surrounding communities. We will contact

social services agencies in surrounding communities to explain the program and ask for any assistance they may provide. We will encourage any local agency engaged in housing counseling, especially those with regional offices to assist in developing the market. In addition, we will ask these agencies to accept referrals for on-going support for the client within the new community. We will develop and maintain a directory or listing of suburban landlords and housing opportunities for use by Voucher holders within a reasonable time. The Contractor also compiles community profile of towns in the Hartford SMSA.

Continued Development of Resources

We will continue to encourage agencies in other towns to accept referrals for the purposes of ongoing support services. We will contact the Capitol Region Council of Governments and area Chambers to solicit information about individual communities in order to develop a directory to be used by participating clients.

5.9 DISAPPROVAL OF OWNER

The HA reserves the right to deny approval to lease a unit from an owner for any of the following reasons:

1. The owner has violated obligations under a housing assistance payment contract under Section 8 of the 1937 Act.
2. The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing programs.
3. The owner has engaged in drug trafficking.
4. The owner has a history or practice of noncompliance 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 programs.
5. The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that: (i)Threatens the right to peaceful enjoyment of the premises by other residents; (ii)Threatens the health or safety of other residents, of employees of the HA, or of owner employees or other persons engaged in management of the housing; (iii)Threatens the health or safety of, or the right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; (iv)Is drug-related criminal activity or violent criminal activity.
6. The owner has a history or practice of renting units that fail to meet State or local housing codes.

7. The owner has not paid State or local real estate taxes, fines or assessments.

5.10 SECURITY DEPOSIT

The owner may collect a security deposit from the tenant in an amount not in excess of amounts charged in the private market practice and not in excess of amounts charged by the owner to unassisted tenants. The limit on the amount of security deposit that owners can collect Housing Choice Voucher tenants is based on Connecticut State law (i.e. two month's rent unless the tenant is 62 years of age or older than the amount is one month's rent).

When the tenant moves out of the dwelling unit, the owner may use the security deposit, including interest on the deposit, as reimbursement for any unpaid rent payable by the tenant for damages to the unit or for other amounts the tenant owes under the lease.

The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must promptly refund the full amount of the unused balance to the tenant.

If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant.

6.0 RECERTIFICATION

6.1 VERIFICATION OF INCOME AND DETERMINATION OF TOTAL TENANT PAYMENT

Verification of income will be obtained by third-party verification when possible, such as through the Department of Labor. If third party verification is not available, the file will document why.

Accuracy of calculations of Total Tenant Payments is ensured through the following methods; computer software is programmed to make correct calculations of entered data. The HA has Program Supervisors who review calculations of all executed HAP contracts, as well as a random sampling of case files is audited to ascertain among other things that the Total Tenant Payment is calculated accurately.

Verification of income and determination of Total Tenant Payment will follow program regulations as identified in 24 CFR 813 with the exception of the issues identified below:

For the purposes of determining whether income is considered annual income or temporary and/or sporadic income; temporary or sporadic income is defined as follows: income amounts that are considered sporadic and neither reliable nor periodic. This type of income is excluded from annual income.

6.2 *RECERTIFICATION NOTICE TO THE FAMILY AND COMPLETION OF ANNUAL RECERTIFICATION*

The HA will maintain a re-examination tracking system and the household will be notified by mail of the date and time of their interview at least 60-90 days in advance of the anniversary date. If requested as a reasonable accommodation by a person with a disability, the HA will provide the notice in an accessible format. The HA will also mail to a third party, if requested as a reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

The HA will have all re-examination for families completed before the anniversary date. This includes notifying the family of any changes in rent at least 30 days before the scheduled date of the change in family rent.

6.3 *TENANT RENT INCREASE AND DECREASE*

If the tenant rent increases, a thirty (30) day notice is mailed to the family prior to the annual re-examination date.

If less than thirty days are remaining before the scheduled effective date of the annual re-examination, the tenant rent increase will be effective on the first of the month following the thirty (30) day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the re-examination processing, there will be a retroactive increase in rent to the anniversary date.

If the tenant rent decreases as a result of an annual re-examination, it will be effective on the anniversary date or on the first day of the month following completion of the re-examination process, whichever is sooner.

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

6.4 *MISSED RECERTIFICATION APPOINTMENT*

If the family fails to respond to the recertification letter and fails to attend the recertification appointment, a second letter will be mailed. The second letter will advise the family of the deficiency and require the family to correct. If the deficiency is not corrected within a reasonable time frame than a notice of intent to terminate Section 8 benefits will be mailed. If the client fails to respond properly than they are subject to termination proceedings.

6.5 INTERIM REEXAMINATIONS OF INCOME AND HOUSEHOLD COMPOSITION

All interim changes of family income or household composition must be reported to the housing agency as an interim reexamination within thirty days of the occurrence. Interim reexamination will be processed for the next month in which the change became effective. Families will be required to report increases in household income of more than \$100 per month. If changes of income occur frequently, the housing agency reserves the right to review household income changes in terms of a yearly average so as to excuse program participants from excessive reporting. Interim reporting is not required for Social Security recipients who are afforded an annual cost of living adjustment at the beginning of the calendar year. All households who receive this adjustment do not have to report this change.

6.6 TIMELY REPORTING OF CHANGES IN INCOME AND ASSETS

Standard for Timely Reporting of Changes

The HA requires that families report interim changes to the HA within 30 days of when the change occurs. Any information, document or signature needed from the family, which is needed to verify the change, must be provided within 30 days of the change.

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

Procedures when the Change is reported in a Timely Manner

The HA will notify the family and the owner of any change in the HAP to be effective according to the following guidelines:

1. An increase in tenant rent will be effective retroactive to the date on which 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 repayment.
2. A decrease in tenant rent will be effective on the first of the month following the month in which the change was reported.

Procedures when the Change is Not Processed by the HA in a Timely Manner

Processed in a timely manner means that the change goes into effect on the date it should when the family reports the change in a timely manner, as described above. If the change is not made effective on that date, the change is not processed by the HA in a timely manner.

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

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

6.7 MINIMUM RENT

The HA has imposed a \$50 rent minimum and will help those that qualify for exemptions as identified below:

QHWRA established certain exemptions to the minimum rent requirements for hardship circumstances. Section 3(a)(3)(B) of the USHA generally states that financial hardship includes the following situations: (1) the family has lost eligibility determinations for a Federal, State, or local assistance program; (2) the family would be evicted as a result of the imposition of the minimum rent requirement; (3) the income of the family has decreased because of changed circumstances, including loss of employment; (4) a death in the family has occurred; and (5) other circumstances determined by the HA or HUD.)

Families or individuals claiming zero income will need to report income status quarterly.

The family must request a hardship exception with supporting documentation. The HA will promptly review all family requests made for exception to the minimum rent due to financial hardship. The HA will use its standard verification procedures to verify circumstances which are claimed to have resulted in financial hardship.

Suspension of Minimum Rent

The HA will grant the minimum rent exception to all families who request it, effective the first of the following month. The minimum rent will be suspended until the HA determines whether a hardship exists and, if it exists, whether the hardship is temporary or long-term.

Suspension means that the HA must enforce the minimum rent calculation until the HA has made its decision whether to grant a request for an exception. During the minimum rent suspension period, the family will not be required to pay a minimum rent and the housing assistance payment will be increase accordingly.

Denial of Hardship Exception

If the HA determines that there is not a qualifying financial hardship, the HA must promptly notify the family in writing of the denial of its request. The HA will offer a repayment

agreement to the family for any rent not paid during the period when the HA was evaluating the hardship exception request.

6.8 LEASE APPROVAL AND HOUSING ASSISTANCE PAYMENTS CONTRACT EXECUTION

The following HA representatives are authorized to execute a contract on behalf of the HA: The executive director or his or her designee. The Contractor will execute contract renewals.

Owners must provide the current street address of their residence (not a post office box). If families lease properties owned by relatives, the owner's current address will be compared to the address of the subsidized unit.

An owner must provide his or her social security number card. The owner must provide a business or home telephone number.

PROOF OF OWNERSHIP

Owners must also submit proof of ownership of the property, such as a property deed, tax bill, online printout from city/town assessor's office or a mortgage statement (include the volume and page number from the most recent transaction in the municipal land records), and a copy of the management agreement if the property is managed by a management agent.

CHANGE OF OWNERSHIP

A change in ownership does not require the execution of a new contract; however, a new HAP contract and lease must be executed upon the tenant's re-examination date.

The HA will process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the warranty deed or other document showing the transfer of title and the Federal Employee Identification Number or Social Security Number card of the new owner.

Owners must submit all required verifications and paperwork (i.e. signed leases, housing assistance payments contract, etc.) to the office within 90 days of the effective date of the lease. No retro payments will be made beyond the 90-day period.

6.9 VERIFICATION PROCEDURES

Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/participant is operating a “cash and carry” operation (which may or may not be licensed), the HA will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours’ child is being care for, method of payment (check/cash), amount paid, and signature of person.

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

Child care for work: The maximum child care expense allowed must be less than the amount earned by the person enabled to work which is included in the family’ annual income. The person enabled to work will be the adult member of the household who earns the least amount of income from working.

Amount of expense: All childcare providers will provide a signed statement of childcare expenses.

Medical Expenses

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

Non-prescription medicines will be counted toward medical expenses for families who qualify, if the family furnishes legible receipts.

Recurring Gifts

The family must furnish a self-certification, which contains the following information:

- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

Verification of Legal Identity

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

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- Certificate of Birth, naturalization process
- Church issued baptismal certificate
- Current, valid Driver’s license
- U.S. military discharge (DD 214)
- U.S. passport

- Voter's registration
- Company/agency Identification Card
- State or Federal government issued identification card
- DSS Eligibility Management System (EMS) print-out

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

- Certificate of Birth
- Adoption papers
- Custody agreement
- Health and Human Services ID
- School records

Verification of Permanent Absence of Family Member. If an adult member who was formerly a member of the household is reported permanently absent by the family, the HA will consider any of the following as verification with at least 3 forms of proof:

1. Husband and wife institutes legal separation or divorce action.
2. Order of protection/restraining order obtained by one family member against another.
3. Proof of another home address; such as utility bills, paystubs with change of address, canceled checks for rent, driver's license, or lease or rental agreement, if available.
4. Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
5. If no other proof can be provided, the HA will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.
6. If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.

Verification of Social Security Numbers

Social security numbers must be provided as a condition of eligibility for all family members with the exception of individuals who do not contend to have eligible immigration status. Verification of Social security numbers will be done through a Social Security Card issued by the Social Security Administration. If a family member cannot produce a Social Security Card, only the documents listed below showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

- Identification card issued by a Federal, State or local agency
- Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)
- An identification card issued by an employer or trade union
- Earnings statement or payroll stubs

- Bank Statements
- IRS Form 1099
- Benefit award letters from government agencies
- Retirement benefit letter
- Life insurance policies
- Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
- Verification of benefits or Social Security Number from Social Security Administration
- EMS print-out

New family members will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the HA.

If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must show proof they have applied to Social Security for a replacement card. The applicant/participant or family member will have an additional 30 days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's assistance will be terminated.

If a child under the age of 6 years is added to the household and has no assigned Social Security Number, the participant may request to add the child, so long as the Social Security Number assigned to the child and required documentation is provided to the HA within 90 calendar days from being added to the household. The HA will grant an extension of one additional 90-day period if it determines that, in its discretion, the participant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the participant. If the participant fails to produce the documentation required within this required time period, the HA must terminate assistance for the participant household.

In the case of an individual at least 62 years of age, the HA may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

If the family member states they have not been issued a number, the family member will be required to show they have applied for a Social Security Number.

7.0 INSPECTION POLICIES

7.1 HOUSING QUALITY STANDARDS AND INSPECTIONS

The HA will use the guidelines delineated in 24 CFR 982.401 as the appropriate Housing Quality Standards. Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards.

Before approving a lease, the HA shall inspect the unit for compliance with the Housing Quality Standards. The inspection will be made as quickly as possible, but no later than ten (10) days after the owner's request.

If there are violations that must be corrected in order for the unit to be decent, safe and sanitary, the HA will advise both the owner and tenant of the work required to be done. The unit will be re-inspected to ascertain that necessary work has been performed and that the unit meets the Housing Quality Standards before a contract is executed. The Assistant Director maintains a report to monitor Housing Quality Standards violations and the noncompliance sanctions.

All utilities must be in service prior to the effective date of the HAP contract. If the utilities are not in service at the time of inspection, the HQS inspector will notify the owner or the tenant (whomever is responsible for the utilities, according to the RTA) to have the utilities turned on. The inspector will either schedule or conduct a re-inspection, or the owner and the tenant shall both certify that the utilities are in service.

If the tenant is responsible for supplying the stove and/or the refrigerator, the HA will allow the stove and/or the refrigerator to be placed in the unit after the inspection if, after the unit has passed all other HQS, the owner and the tenant certify that the appliances are in the unit and working according to HQS. The HA will not conduct a re-inspection in that event.

7.2 ANNUAL HQS INSPECTIONS

Inspection: The tenant is notified of the date and time of inspection appointment by mail. If the tenant is unable to be present, he or she must reschedule the appointment so that the inspection is completed within 7 days.

If the tenant does not contact the HA to reschedule the inspection, or if the tenant misses two (2) inspection appointments without good cause such as emergency, illness or disability, the HA will consider the tenant to have violated a family obligation and his or her assistance may be terminated in accordance with the termination procedures in the administrative plan.

Rent Increases -Increases in the rent paid to the owner may not be approved if the unit is in a failed condition.

7.3 ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS

The HA adheres to the acceptability criteria in the program regulations and HUD inspection booklet with the additions described below:

Security:

If window security bars or security screens are present on emergency exit windows, they must be equipped with a quick release system or the unit must be in compliance with NFPA requirements for means of escape. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.

Smoke Detector Batteries:

Owners are responsible for providing batteries and for replacing (old) non-functioning batteries for battery-powered (units) smoke detectors or fire detectors and ensuring that the smoke detector is properly installed and working.

Bedrooms Size:

- Bedrooms must be at least seventy (70) square feet in size if occupied by one person and one hundred (100) square feet if intended occupancy is two persons.
- Bedrooms in basements are not allowed unless they meet local code requirements. Bedrooms must have adequate ventilation and emergency exit capability.

Modifications:

Modifications or adaptations made to a unit (due) to accommodate a person with a disability must meet all applicable HQS and building codes.

Admittance to Basement:

Owners are required to allow the inspector access to the basement to inspect the heating system. If the owner does not allow access, he or she may instead present a safety inspection certificate from a local public agency or evidence that the heating equipment was recently serviced and is in good working order. The evidence of recent inspection or service must not be over one-year-old.

Ground Fault Circuit Interrupters (GFCI):

In accordance with Federal Housing Quality Standards GFCI's are not required to be present in each apartment unit. When Ground fault circuit interrupters (GFCI) are present in an apartment unit they will be tested to confirm whether they are functioning properly. The testing of GFCI's will consist of tripping the manual GFCI test button, as is recommended by manufacturers, to determine whether the trip button confirms that GFCI is functioning properly. A separate GFCI outlet tester will not be used, because the results from GFCI outlet testers are misleading. The manufacturer of GFCI outlet testers acknowledge directly on their product that when testing GFCI's installed in 2-wire systems (no ground wire available), "the tester may give a false indication that the GFCI is not functioning properly." When this occurs manufacturers recommend rechecking the operation of the GFCI using the test and reset buttons. The GFCI button test function will demonstrate proper operation. The method of testing GFCI's by manually tripping the GFCI test button to confirm whether

it is functioning properly is consistent with the testing procedures of other housing code enforcement agencies that choose to test GFCI routinely.

Significant Modification or Rehabilitation made by the Owner

The HA reserves to the right to require property owners to provide supporting documentation that significant modification or rehabilitation made by the owner to the apartment unit are in compliance with local housing, fire or zoning code requirements and/or regulations before approving an apartment unit (e.g. local code approval of modification/rehab of converting a porch room to a bedroom or an attic space to bedroom).

In addition, two-pronged ungrounded outlets are acceptable under HQS as long as the outlet is in proper working condition. In order for a three-pronged outlet to meet minimum HQS requirements and be considered in proper operating condition it must meet one of the following three standards:

1. The outlet is properly grounded.
2. A GFCI protects the ungrounded three-pronged outlet.
3. The outlet complies with the applicable state or local building code (National Electrical Code - NEC).

As a possible additional option an ungrounded three-prong outlet may be replaced with a GFCI or a GFCI breaker, protecting any ungrounded outlet, may be located on the circuit breaker at the load center.

7.4 DETERIORATED PAINT SURFACES

All painted surfaces of all buildings used or intended to be used in whole or part for human habitation shall be kept free of deteriorated paint surfaces. Deteriorated paint surfaces are defined as any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

All deteriorated paint must be stabilized or abated, even property exempt under the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C.4851-4856), and part 35, subparts A, B, M, and R of Code of Federal Regulations (CFR).

Property with deteriorated paint that is specifically exempt from part 35, subparts A, B, M, and R of the Code of Federal Regulations (*i.e. property where all occupants are age 6 or older; property that is built after January 1, 1978; properties that has zero bedrooms dwelling; property where all lead-based paint has been removed or the property has been found to be free of lead-based paint by a certified lead-based paint inspector*), will not

require a clearance examination but will still need to be stabilized or abated according to “safe work practices”. For further detail please refer to the Lead Paint Policy Appendix VII.

7.5 EMERGENCY REPAIR REQUIREMENT

According to HUD regulations all life-threatening HQS deficiencies must be corrected within twenty-four hours of inspection (depending on the severity of the violations immediate termination of the contract may be necessary). Examples of life-threatening HQS deficiencies may include: severe natural gas odor, severe structural defects threatening to collapse; severe electrical hazards endangering life, etc. Smoke detectors that are properly installed are frequently cited for not working due to the fact the tenant has recently pulled the battery or because the battery has loss charge. Since inoperable smoke detectors have the potential to cause life-threatening hazard, we will cite these instances as needing immediate correction. In instances where there is an actual life-threatening HQS deficiency or the potential of a life-threatening hazard (i.e. inoperable smoke detector) the following procedures shall apply.

A separate *Emergency Repair Notice* will be generated and mailed directly to the landlord and tenant on the date of the inspection. The housing inspector will also attempt to reach the owner or owner representative directly by telephone to notify them of the violation(s). The emergency repair notice will require that emergency repairs to be completed immediately.

The emergency repair notice requires that the owner make immediate repair and certify through the *Owner Certification of Completion of Emergency or Life-Threatening Violations* that the cited violations have been corrected immediately.

The next month’s rent will be abated if the owner does not submit the *Owner Certification of Completion of Emergency or Life-Threatening Violations* or if the subsequent re-inspection reveals that the repairs were not completed. A re-inspection will be conducted even if the owner certified that violations have been corrected. In lieu of the *Owner Certification of Completion of Emergency or Life-Threatening Violations* the HA may accept other documentation provided by the owner that adequately supports that the emergency repairs were corrected timely.

7.6 HQS ENFORCEMENT

Each HQS inspection of a unit under contract where the unit fails to meet HQS, any life-threatening HQS deficiencies must be corrected within 24 hours from the inspection and all other cited HQS deficiencies must corrected within no more than 30 calendar days from the inspection or any HA approved extension. If any life-threatening HQS deficiencies are not corrected within 24 hours and all other HQS deficiencies are not corrected within 30 calendar days or any HA-approved extension, the HA will withhold, abate or terminate the

housing assistance payments. A landlord's request for extension may be made verbally or in writing. The HA approval will be documented or notated in the case file.

7.7 EXTENSION TIME TO COMPLETE REPAIRS

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

- The owner has a good history of HQS compliance.
- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
- The repairs are expensive (such as exterior painting of roof repair) and the owner needs time to obtain the funds.
- The repairs must be delayed due to climate conditions.

The extension will be made for a period to be determined by the HA. At the end of that time, if the work is not completed, the HA will begin the abatement.

7.8 CITY OF HARTFORD HQS QUALITY CONTROL TESTING POLICY AND PROCEDURES

CITY OF HARTFORD HQS QUALITY CONTROL SUPERVISORY INSPECTION PROCEDURES AND REPORT

On a monthly basis the City of Hartford Quality Assurance Manager (HQS) will inspect a random sample of recently inspected apartment units. The sample size will equal or exceeds the SEMAP testing requirement on an annual basis. The City Quality Assurance Manager selection of units is drawn from recently completed inspections (i.e. inspections performed during the 3 months preceding quality control re-inspection) and includes a cross section of the type of inspections that are conducted, a cross section of the location of the units and a cross section of housing inspectors. The random sampling is determined by using the program software system to generate a list of apartment units that present a cross section of inspectors, neighborhoods and types of inspections.

The City's Quality Assurance Manager will prepare a monthly summary report called the **City of Hartford HQS Quality Control Supervisory Inspection Report** (see attached sample report) that identifies any discrepancies or inconsistency between the contractor's program staff inspections and the subsequent follow-up inspections conducted by the City's Quality Assurance Manager. This report will detail any discrepancies in overall pass/fail ratings and individual items, for each inspector and for all inspections. The quality control inspection results are first reconciled with the City contractor to ensure accuracy or to verify

any explainable exceptions. This report is distributed to the COH Director of Housing for the Department of Development Services Housing Division and contractor's Program Managers for their review and for appropriate follow-up action.

The quality control inspections that are completed by the City's Quality Assurance Manager serve the following purpose. First, they provide assurance that Housing Quality Standards are being enforced fully. Secondly, the results provide program managers with information concerning the general level of competence and consistency of program staff. Thirdly, they test the occupancy status of the apartment unit. Finally, it encourages higher performance by the inspectors since they are aware that their work is subject to periodic review.

CITY OF HARTFORD HQS QUALITY CONTROL ABATEMENT & 24 HOUR EMERGENCY REPAIRS TESTING REPORT

On a monthly basis the City of Hartford Quality Assurance Manager (HQS) will select a random sample of recently inspected failed apartment units. These will be selected and tested to confirm the following: a.) to determine whether housing assistance payments are being abated when required; and b.) to determine whether 24-hour emergency repairs are repaired and repairs are verified. The monthly sample size selected will include more than one case per inspector. The City's Quality Assurance Manager's selection of units is drawn from recently completed failed inspections (i.e. inspections performed during the 120 days' months preceding quality control review) and includes a cross section of the type of inspections that are conducted, a cross section of the location of the units and a cross section of housing inspectors.

The random sampling is determined by using the program software system to generate a report that will give the City's Quality Assurance Manager the pool of recently inspected apartment units that failed at least twice within the selected timeframe (the name of this report to draw the random sample from is the Query Report for Abatement and 24 Hour Emergency Testing). Once the testing cases are selected the QA Manager will report and conduct testing on the following:

- Payee; Tenant's Allocation Code; Inspector; and Reason for Abatement
- Do the repairs include 24 emergency repairs? (If so):
- What was the reason for the emergency repair?
- Was a separate emergency repair notice mailed to the landlord?
- Did the inspector record the emergency repair violation into the emergency log?
- Did the owner sign and return the owner certification that repairs were completed in a timely basis?
- Was the abatement action issued according to HUD compliance requirements?
- Did the inspector meet the HUD abatement testing compliance requirement?

The City's QA manager will record the results of the audit review onto monthly summary report called the ***City of Hartford HQS Quality Control Abatement & 24 Hour Emergency Repairs Testing Report*** (see attached sample report). The results of the audit review are

first reconciled with the City contractor to ensure accuracy and/or to verify any explainable exceptions. This report is distributed to the COH Director of Housing for the Department of Development Services Housing Division and contractor's Program Managers for their review and for appropriate follow-up action.

This audit review will serve the purpose of confirming whether 24-hour emergency repairs are being completed and that repairs are verified. It will serve the purpose of confirming whether housing assistance payments are being abated when required. This will serve to provide assurance that Housing Quality Standards are being enforced fully and identify the general level of competence and consistency of program staff.

8.0 RENT AND HOUSING ASSISTANCE PAYMENTS

8.1 PAYMENT STANDARDS

The Payment Standard sets the maximum subsidy payment a family can receive from the HA each month. Payment Standards are based on fair market rents (FMRs) published annually by HUD. HUD has implemented the Small Area Fair Market Rents (SAFMRs) in determining Fair Market Rents. The SAFMRs are based on zip codes instead of the 40th or 50th percentile in each FMR area.

The HA's schedule of payment standards is used to calculate housing assistance payments for program participants within 90 to 110 percent of the published SAFMR for each unit size.

The payment standard for a family is the lower of (1) the payment standard for the family unit size, which is defined as the appropriate number of bedrooms for the family under the HAs subsidy standards, or (2) the payment standard for the size of the dwelling unit rented by the family.

The HA will set up an applicable payment standard schedule for each bedroom size for each SAFMR area within the HA's jurisdiction and in accordance with HUD regulations. The HA may establish an adjustment standard schedule on an annual basis (prior to fair market rent increases) in order to assure continued affordability for participating families.

The following factors will be considered in the assessment of the adequacy of the payment standard:

1. *Funding availability*: The HA will review the budget to determine the impact projected subsidy adjustments will have on funding available for the program and the number of families served. The HA will compare the number of families who could be served under revised payment standard amounts with the number assisted under current payment standard amounts.

2. *Success rates of program participants:* The HA will review the number of voucher holders whose vouchers expire without having a leased unit. The HA will review the average time required for voucher holders to find units.
3. *Availability of suitable vacant units with rent below the payment standards (Rent survey data):* The HA will review its rent reasonableness data, vacancy rate data, and other relevant information to determine whether there is an ample supply of vacant units with rents below the payment standard amounts in each bedroom category.
4. *Rent burdens of program participants:* The HA will review the percentage of income voucher families use to pay rent to determine the extent to which rent burdens exceed 30 percent of income.
5. *Availability of greater housing choices:* The HA will review the availability of greater housing choices for voucher holders.

Decreases in Payment Standards:

If the amount on the payment standard schedule is decreased during the term of the HAP contract, the lower payment standard will be used beginning at the effective date of the family's second regular reexamination following the effective date of the decrease in the payment standard. The HA will provide the program participant a 12-month notification advising that the application of the lower payment standard will be deferred until the second regular annual reexamination following the effective date of the decrease in the payment standard. The HA policy on decreases in the payment standard during the term of the HAP contract will be applied to all families under HAP contract uniformly.

Increases in Payment Standards:

If the payment standard is increased during the term of the HAP contract, the increased payment standard will be used to calculate the monthly housing assistance payment for the family beginning on the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard.

Program Participants requiring or requesting interim reexaminations will not have their HAP payments calculated using the higher payment standard until their next regular annual reexamination.

Changes in Family Unit Size:

Irrespective of any increase or decrease in the payment standard, if the family unit size increases or decreases during the HAP contract term, the new family unit size must be used to determine the payment standard for the family beginning at the family's first regular reexamination following the change in family unit size.

Changes due to Reasonable Accommodation:

The HA will review and/or approve on a case by case basis a higher payment standard of not more than 120 percent of the fair market rent without HUD approval if presented with a written request for a reasonable accommodation for a family that includes a person with a disability. Under the SAFMR rule a HA may request HUD approval to establish a payment standard that exceeds 120 percent of FMR if necessary as a reasonable accommodation for such a family.

8.2 REVIEW, ADJUSTMENT AND APPLYING ALLOWANCES FOR UTILITIES

The HA shall at least annually determine whether there has been a substantial change in utility rates or other charges of general applicability and whether an adjustment is required in the allowance for utilities and other services by reason of such change or because of errors in the original determination. The procedure for this determination shall be as follows:

The HA will request estimates and actual data from utility companies, heating companies and program participants. The HA may also contract with an industry recognized service company in order to obtain the appropriate analysis with regard to cost and consumption value information. Utility Allowance schedules may be collected from other housing authorities in region to review ongoing rates currently in use.

After reviewing the aforementioned data decisions will be made to determine if the utility allowance schedule needs to be adjusted. If the HA determines that an adjustment should be made, the HA shall make the necessary adjustments taking into account the size of dwelling units and other pertinent factors.

The HA must use the appropriate utility allowance for the lesser of the size of dwelling unit actually leased by the family or the family unit size as determined under the HA subsidy standards. In cases where the unit size leased exceeds the family unit size as determined under the HA subsidy standards as a result of a reasonable accommodation, the HA must use the appropriate utility allowance for the size of the dwelling unit actually leased by the family.

8.3 RENT REASONABLENESS

The HA will determine and document on a case-by case- basis that the rent approved for a unit is reasonable in comparison with rent charged for other comparable unassisted units in the market.

Rent Reasonableness Methodology:

In determining rent reasonableness for units located in a multi-family building of 20 or more units and where an owner does not provide three (3) comparable unassisted unit rental

amounts with the most current lease-up dates on the Request for Lease Approval, the HA will require the owner to submit their current rent roll.

The HA will not approve tenancy until it determines that the initial rent to the owner is a reasonable rent. The HA must re-determine the reasonable rent before any increase in the rent to the owner. The HA must also re-determine the reasonable rent if there is a five percent (5%) decrease in the published fair market rent (FMR) for the unit size rented by the family which goes into effect sixty (60) days before the contract anniversary, as compared with the FMR in effect one year before the contract anniversary.

Rent is reviewed at initial lease-up, as well as, requested rent increase, to determine whether it is reasonable in relation to rents currently being charged for other comparable unassisted units in the private market.

Initial rents and rent increase requests, will be reviewed for reasonableness by referring to the HA's compiled rental survey data for appropriateness. The location, quality, size, unit type, and age of the contract unit will be considered when making this determination. If the rent is deemed unreasonable the HA may provide the owner with a reasonable rental amount based on the compiled rental survey data. If the owner disputes the HA's determination the owner may be afforded the opportunity to provide additional rental survey data that supports the rent that is being requested. The owner's submission of rental survey information does not ensure approval of the requested rent. The HA will determine the rent based on the best rental survey data that is available.

The rental survey data used to make comparisons may be obtained through the services of a state certified real estate appraiser or through collected rental data information.

Each approved rent will contain a "Certification of Rent Reasonableness" form in the file that will certify and document that the rent has been approved. The "Certification of Rent Reasonableness" form will identify a specific comparable rent for a similar type unit considering the location, quality, size, unit type, and age of the contract unit.

In addition, initial lease-up rent request will require the owner to sign the "Owner's Certification of Rent Reasonableness" form to require owners to support the rent they are charging. The "Owner's Certification of Rent Reasonableness" form will require the owner to acknowledge that acceptance of housing assistance payments certifies that the rent is not more than rent charged by the owner for comparable unassisted units in the premises. The HA reserves the right to request and obtain information on the rents being charged by the owner for other units in the premises or elsewhere. Each case-file will contain this certification at initial lease-up.

Each file is subject to file review for completeness before payment is authorized. Payment will not be authorized unless the "Certification of Rent Reasonableness" form and the "Owner's Certification of Rent Reasonableness" form are contained in the file.

If the compiled rental survey data does not have a comparable unit by location, quality, size, or unit type, then the next best comparable unit from the compiled rental survey data may be used to support the approved rent.

8.4 REVIEW OF FAMILY CIRCUMSTANCES, RENTS, UTILITIES AND HOUSING QUALITY STANDARDS.

The HA's Director or Assistant Director of the program assigns annual re-examinations at least two months prior to each lease anniversary date, based on a computer generated monthly report intended for such purposes. The HA's Program Representatives thereby have sufficient opportunity to notify, in writing, both the owner and the tenant. Should either party have issues to resolve, there is then adequate time to explore the issues and to work toward their resolution prior to the expiration of the lease.

Changes in tenant income are processed upon verification throughout the lease term. All tenants who report zero income are asked to certify their income status at least every three months.

As detailed above, the HA will assign new cases, as well as annual re-certifications, to Occupancy Specialists. The Occupancy Specialist determines tenants continued eligibility and payment amounts.

Reinspection is done as required by the Housing Inspector or as requested by the tenant or owner.

The Assistant Director maintains a record of all requested repairs. The completion dates are monitored monthly to ensure that reinspection deadlines are met or if not, then the appropriate administrative sanctions are taken. Before monthly housing assistance payments are made, all repairs that are requested are reviewed to ensure that the Housing Inspector follow through on administrative sanctions. In the instance where monies need to be recovered from participating families or program landlords, the attached Quality Control Plan (Appendix IV) outline HA policy on this matter.

8.5 FAMILY BREAK-UP

In the event that a family break-up occurs in an assisted household, the HA will review the following factors to determine which members of the family continue to receive assistance in the program:

1. What is in the best interest of minor children or ill, elderly or disabled family members?
2. Which family member has recognized custody of minor children in family?

3. Whether family members are forced to leave the unit as a result of actual or threatened domestic violence, dating violence, sexual assault, or stalking.
4. Whether any of the family members are receiving protection as victims of domestic violence, dating violence, sexual assault, or stalking, and whether the abuser is still in the household.

8.6 ABSENCE FROM UNIT

The family may be absent from the unit for brief periods. For longer absences the following HA policy shall apply:

Absence is defined as no family member residing in the unit.

Family members need to notify the HA of any extended absence from the unit and the reason for the absence. The HA may require the family to document the reason for the extended absence. In any event, family members may not be absent from the unit for a period of more than 60 consecutive calendar days.

Housing Assistance Payments terminate if the family is absent for longer than the maximum period permitted. The term of the HAP Contract and the assisted lease also terminate.

The HA reserves the right to consider special circumstances (such as absence due to hospitalization, medical emergency, etc.) as a basis to determine whether the HA may want to allow a resumption of assistance to the family. The family must supply any information requested by the HA to verify the special circumstances.

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

Temporary Absence of Any Member

The HA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the HA must count the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease.

If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when a person is exposed to hostile fire, and any other exceptions to military pay which HUD may define) is counted as income.

Permanent Absence of Any Member

Any member of the household will be considered permanently absent if she or he is away from the unit for three (3) consecutive months except as otherwise provided in this chapter. Income of persons permanently absent will not be counted.

Absence Due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the HA will seek advice from a reliable qualified source as to the likelihood and timing of their 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, within a calendar year, the verification indicates that the family member will return in less than three (3) months, 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 the HA’s “Absence of Entire Family” policy.

Absence Due to Full-time Student Status

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

A student (other than the head of household or spouse) 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. Income over \$480 is not counted for full-time students. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of voucher size.

Absence Due to Incarceration

Any member of the household will be considered permanent absent if she or he is incarcerated for three (3) consecutive months. The HA will determine if the reason for incarceration is for drug-related or violent criminal activity.

Absence of Children Due to Placement in Foster Care

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

If the time period is to be greater than twelve (12) months from the date of removal of the child or children, the voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the HA’s subsidy standards.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the

HA will terminate assistance in accordance with appropriated termination procedures contained in this plan.

Families are required both to notify the HA before they move out of a unit and to give the HA information about any family absence from the unit.

Families must notify their landlord and HA if they are going to be absent from the unit for more than thirty (30) consecutive days. Approval will be granted by the HA on a case-by-case basis.

If the entire family is absent from the assisted unit for more than sixty (60) consecutive days, the unit will be considered to be vacated and the assistance will be terminated.

A person with a disability may request an extension of time as an accommodation, provided that the extension requested does not go beyond the HUD-allowed limit of one-hundred eighty (180) consecutive calendar days.

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

Caretaker for Children

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the HA will treat that adult as a temporary member of the household until court-awarded custody or legal guardianship has been awarded to the caretaker. The voucher will then be transferred to the caretaker.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the HA will review that status at thirty (30) day intervals.

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

When the HA approves a person to reside in the unit as caretaker for the children, the income of the caretaker should be counted pending a final disposition. The HA will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him or her from the home for more than three (3) months, the person will be considered permanently absent.

Visitors

Any adult, regardless of degree of relationship, not included on the HUD form 50058 who has been in the unit for more than thirty (30) consecutive days without HA approval will be considered to be living in the unit as an unauthorized household member. Absence of evidence of any other address will be considered verification that the visitor is a member of the household. Statements from neighbors and/or the landlord 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 evidence of 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 the HA will terminate assistance to the family, since prior approval was not requested for the addition.

Minors and college 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 sixty (60) consecutive days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 90 days per year, the minor will be considered to be an eligible visitor and not a family member.

8.7 PAYMENT OF MONIES OWED BY OWNER OR FAMILY TO THE HA

The HA staff must report all cases of suspected overpayments of program funds to the Program Supervisor(s). In every case, efforts will be undertaken to recover actual overpayments. The money may be recovered by withholding future HAP or utility payments, or by written mutual agreement to a repayment schedule approved by the HA. A monthly Accounts Receivable Report, which tracks all such activity, is generated by the Payments Coordinator and available for review by the HA staff.

If reasonable efforts do not result in repayment, the HA will re-evaluate each account for referral of legal action where appropriate.

Accounts receivable procedures for payments made to a landlord for damages, unpaid rent or vacancy reimbursement or overpayments made on behalf of a tenant:

1. *Cancelled or inactive tenants* - for tenants who owe money and whose rental assistance benefits have been terminated either voluntarily or involuntarily the following will occur: The amount that the tenant owes will be maintained in the tenant's permanent file for future reference. Clients cannot reapply without paying money owed in full. If other Housing Authorities request status information, balance owed will be reported.

2. *Active tenants* - for tenants on the program who owe money as a result of payments being made on their behalf for damages, unpaid rent, vacancy reimbursement or overpayments the following will occur: Clients will enter into a repayment agreement for the amount of the monies owed. The terms and conditions of the payment schedule will be based on a reasonable standard. Tenant's name, allocation code, and the amount owed are entered onto the "Active Tenants with Damages Report". This report is updated monthly to identify delinquent accounts for subsequent mailing notices. Tenant's name and the total amount owed are entered into the Accounts Receivable computer program. If applicable, tenants' utility checks are held by the Payments Coordinator.

8.8 CONTINUED PARTICIPATION SCREENING

At reexamination each adult household member (18 years of age and older) must certify that they do not meet any of the following offenses. Additional certifications must be obtained from new adult members joining the household or whenever members of the household become 18 years of age:

- Persons currently engaged in drug related criminal activity or violent criminal activity.
- Fugitives felons, parole violators and persons fleeing to avoid prosecution, or custody or confinement after convictions, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individuals flees.
- Persons convicted for producing Methamphetamine on federal assisted housing property.
- Sex offenders who are required by law to maintain permanent/lifetime registration with a State program.
- Persons whom a HA determines it has a reasonable cause to believe the household member's illegal drug or alcohol abuse threatens the health, safety, or interferes with the peaceful enjoyment of the premises by other residents.
- Persons evicted from federally assisted housing for drug-related criminal activity less than 3 years ago, unless the tenant successfully completes a rehabilitation program approved by a HA or the circumstances for the eviction no longer exist.
- Persons with outstanding debt to any federal subsidized housing programs or if outstanding debt to a federal subsidized program not current with a repayment schedule.
- Person(s) who have committed fraud, bribery, or corrupt or criminal action, or engaged in drug-related or violent criminal activity or been incarcerated, paroled or placed on probation for these offenses within the last three years.

Failure of all adult household members to certify that they do not meet these offenses may be grounds for termination of housing program benefits. The HA reserves the right to conduct a criminal history background check for current program participants if written information is

provided to the HA that alleges an offense to this certification and the HA determines there to be a reasonable cause for conducting a criminal history background check to verify. If the HA conducts a criminal history background check it will be with the consent of the participant and in accordance with HA screening policy outline within the administrative plan. In these instances, the participant will be first asked to meet with the HA to review the issues and if deemed necessary be asked to sign the consent to the criminal history background check.

9.0 TERMINATION OF ASSISTANCE TO THE FAMILY

9.1 TERMINATION POLICY AND PROCEDURE

The following will constitute grounds for removal of a participant from the Housing Choice Voucher programs:

1. Failure to make payments for monies owed the HA or another HA.
2. Violation of any of the family obligations under 24 CFR 982.551.
3. Serious and repeated lease violations which will include but are not limited to non-payment of rent, eviction for non-payment of rent, failure to provide tenant supplied utilities, disturbance of neighbors, destruction of property, living or housekeeping habits that cause damage to the unit or premises and failure to sign and submit any consent forms that are required by the HA.
4. The assisted household, guest or person in unit with expressed or implied permission of the assisted household, must not engage in drug-related criminal activity, violent criminal activity, alcohol abuse or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
5. A participant or family member has committed fraud (bribery or any other corrupt or criminal act) at the time of application or during assisted tenancy.
6. A participant has failed to comply with the requirements under the family's contract of participation in the Family Self-Sufficiency program.
7. If a participant or family member has been evicted from public housing.
8. If a participant or family member has engaged in or threatened abusive or violent behavior toward HA personnel; verbal or physical abuse or violence or use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
9. If the address of the assisted unit is used by anyone other than those persons listed on the lease. Use of the address for receipt of mail, or any other reason, by another person will be considered evidence that the individual is residing in the unit without authorization.

9.2 PROCEDURE FOR REMOVING A SECTION 8 TENANT FROM THE

PROGRAM:

1. The tenant and landlord will be mailed a notice of intent to terminate Section 8 benefits. The notice shall state the grounds for removal. It shall advise the tenant that they have 10 days in which to respond and contest the action by requesting a hearing.
2. The tenant may have an advocate or attorney present at the hearing.
3. If the tenant does not respond, they may be automatically removed from the program effective the first day of the month coming after the date of the notice. Notice of termination will be sent to the tenant and landlord simultaneously.

10.0 COMPLAINTS AND APPEALS**10.1 INFORMAL HEARING FOR PARTICIPANT**

The HA will give a participant family an opportunity for an informal hearing to consider whether the following HA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and HA policies:

1. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
2. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the HA utility allowance schedule.
3. A determination of the family unit size under the HA subsidy standards.
4. A determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the HA subsidy standards, or the HA determination to deny the family's request for an exception from the standards.
5. A determination to terminate assistance for a participant family because of the family's action or failure to act (see 24 CFR Sec. 982.552).
6. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under HA policy and HUD rules.

In the cases described in paragraphs (1), (2) and (3) of this section, the HA will notify the family that the family may ask for an explanation of the basis of the HA determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.

In the cases described in (4), (5) and (6) of this section of this section, the HA will give the family prompt written notice that the family may request a hearing before the HA terminates housing assistance payments for the family under an outstanding HAP contract.

In the situations that require a notification to the family that they may request a hearing, the notice will:

1. Contain a brief statement of reasons for the decision;
2. State that if the family does not agree with the decision, the family may request an informal hearing on the decision, and
3. State that the family must make the request for an informal hearing in writing within ten (10) days of the date of the notice so that an informal hearing may be held to present objections and review the decision.

10.2 CONDUCT OF HEARING

When a hearing for a participant family is required the HA procedures for conducting informal hearings for participants will be as follows:

1. The HA shall appoint a hearing officer to conduct the hearing who must be an employee or outside person other than the person who made or approved the decision under review or a subordinate of such person.
2. The hearing officer shall issue a written decision stating briefly the factual and other basis for the decision, a copy of which shall be furnished promptly to the family. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

When a hearing for a participant family is required, the HA will proceed with the hearing in a reasonably expeditious manner upon the request of the family.

The family will be given the opportunity to examine before the HA hearing any HA documents that are directly relevant to the hearing. The family will be allowed to copy any such document at the family's expense (or as the HA agrees to provide). If the HA does not make the document available for examination on request of the family, the HA will not rely on the document at the hearing.

The HA must be given the opportunity to examine at the HA office before the HA hearing any family documents that are directly relevant to the hearing. The HA must be allowed to copy any such document at the HA's expense. If the family does not make the document available for examination on request of the HA, the family may not rely on the document at the hearing. The term "documents" includes records and regulations.

A lawyer or other representative may represent the family.

The HA and the family will 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.

The HA is not considered bound by a hearing decision in the following situations:

1. Concerning a matter for which the HA is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under the HA hearing procedures.
2. Contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.
3. If the HA determines that it is not bound by a hearing decision, the HA must promptly notify the family of the determination, and of the reasons for the determination.

10.3 ISSUES THAT DO NOT REQUIRE A HEARING

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

1. Discretionary administrative determinations by the HA.
2. General policy issues or class grievances.
3. Establishment of the HA schedule of utility allowances for families in the program.
4. A HA determination not to approve an extension or suspension of a voucher term.
5. A HA determination not to approve a unit or tenancy.
6. A HA determination that an assisted unit is not in compliance with HQS. (However, the HA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in Sec. 982.551(c).
7. A HA determination that the unit is not in accordance with HQS because of the family size.
8. A determination by the HA to exercise or not to exercise any right or remedy against the owner under a HAP contract.

11.0 PROGRAM INTEGRITY/ADMINISTRATION

11.1 PROGRAM ABUSE POLICY

These policies have been established to outline the procedures used to follow-up instances of suspected program abuse allegations and claims of program abuse by program by participants. The policy and procedures are as follows:

When families, owners or HA employees fail to adhere to program requirements, the HA will take appropriate action. The action that is appropriate may depend on the particular case of circumstances.

The HA will take every step to distinguish between “errors or omissions” and “fraud and abuse” of the program. Examples of the difference between unintentional errors and omissions and fraud and abuse are as follows:

ERRORS AND OMISSIONS VS. FRAUD AND ABUSE

Unintentional Errors/Omissions	Fraud/Abuse
By the Family	
<ul style="list-style-type: none"> • Failure to report required information due to lack of understanding, such as omitting a particular asset or failing to report a source of income. • Incorrect reporting, such as reporting the income source but incorrectly stating the amount of income. • Failure to report changes as required, such as failure to notify the HA or a change in family composition or income. 	<ul style="list-style-type: none"> • Intentionally misrepresenting income, assets, and allowances. • Intentionally misrepresenting family composition. • Initiating and participating in bribes or other illegal activities.
By the Owner	
<ul style="list-style-type: none"> • Collecting housing assistance payments for an unoccupied unit, when the owner is not aware that the assisted family has vacated. • Errors in specifying responsibilities for utility payments. 	<ul style="list-style-type: none"> • Collecting extra or “side” payments in excess of the family share of rent or requiring the family to perform extraordinary services in lieu of payments. • Charging families for utilities that are the owner’s responsibility. • Collecting housing assistance payments for units not occupied by program participants. • Bribing HA employees to certify a substandard unit as passing HQS. • Other HQS violations involving misrepresentation and deceit.
By the HA	

<ul style="list-style-type: none"> • Unintentionally miscalculating subsidy/rent. • Unintentionally determining eligible families as ineligible and vice versa. • Unintentionally approving rents that are not reasonable. • Misinterpreting documentation or information provided by a third party. • Forgetting to inform the participant of a reporting requirement or to collect all required information during an interview. • Unknowingly failing to apply program rules and procedures properly. • Late processing. 	<ul style="list-style-type: none"> • Willful passing of units not meeting HQS and/or local standards. • Accepting kickbacks from owner, managers, or families to permit participation or to allow rents in excess of the rent reasonableness limitation. • Intentionally calculating total tenant payment or housing assistance payments incorrectly. • Intentionally making incorrect determinations of family eligibility, including certifying as eligible otherwise ineligible applicants, coaching applicants to falsify documents, or changing an applicant's position on the waiting list.
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11.2 UNINTENTIONAL ERRORS OR OMISSIONS AND POSSIBLE REMEDIES

In instances of unintentional errors and omission the following corrective action may be taken by the HA based on the particular facts of the case:

Unintentional Errors and Omissions By the family and Possible Remedies

1.) When family payment is incorrectly established too high (tenant pays more than it should under the program):

In cases where the unintentional error or omission is clearly the fault of the family, the HA need not reimburse the family. Instead, the HA will process the change immediately and provide notice to the landlord and family of the effective date of the change. Changes in the amount of family payment and housing assistance payments become effective the month following the discovery.

2.) When family payment is incorrectly established too low (tenant pays less than it should under the program):

In cases where the unintentional error or omission is clearly the fault of the family, the family must repay the program within a reasonable period of time. If the amount owed is not repaid, the HA may terminate the family's assistance. The HA will process the change immediately and inform the landlord and the family of the effective date of the change. Increases in the amount of the family payment resulting from a family error or omission become effective retroactively to the time of the reporting error.

3.) Error affecting the size of the family's unit:

In cases where unintentional misrepresentation by the family leads the family to receive subsidy for a larger unit than the size for which it is entitled, the family must repay the program or sign a repayment agreement to pay any amount owed. If the amount is not repaid, the HA may terminate the family's assistance. If the HA decides not to terminate the family's assistance, the HA must immediately adjust the subsidy according to the payment standard for the appropriate bedroom size and provide the family and owner reasonable notice of the change. The family is not required to move but if the family is unable to pay the new amount, it must give appropriate notice to the owner and HA and move to a smaller unit.

Unintentional Error and Omissions By the Owner and Possible Remedies

In cases when the HA discovers that the owner is not entitled to the full amount of housing assistance payment it paid to the owner, the HA may reclaim the amount due by notifying the owner to tender payment or by withholding payments due for the subsequent month or months until the debt is paid.

Unintentional Error and Omissions By the HA and Possible Remedies

1.) When family payment is incorrectly established too high (tenant pays more than it should under the program):

In cases where the error or omission is clearly the fault of the HA, the HA must immediately refund the total amount due to the family and calculate the correct family payments. Such reimbursement may come from the HA's administrative fees depending on the circumstances. If the family owed the landlord rent, the HA, depending upon the circumstances, may choose to pay the amount due or a portion thereof directly to the owner on behalf of the family.

2.) When family payment is incorrectly established too low (tenant pays less than it should under the program):

In cases where the error or omission is clearly the fault of the HA, the family and owner are not responsible for repayment. The HA must give the family and owner reasonable notice of the increase in family payment and corresponding decrease in housing assistance payment. The HA must repay the program within a reasonable period of time. Such reimbursement may come from the HA's administrative fees depending on the circumstances.

3.) Error affecting the size of the family's unit:

In cases where HA error leads the family to receive subsidy for a unit that is smaller than the size for which it is entitled, the HA will immediately notify the family and the owner of the problem and issue the family a voucher for the appropriate bedroom size. The HA will provide apartment listings of available apartments. If the family does not locate another unit within the required timeframe, the HA may terminate assistance for the family if the unit does not meet the HQS requirement.

In cases where HA error leads the family to receive subsidy for larger unit than the size for which it is entitled, the HA will immediately encourage the family to move to a smaller unit. The HA will provide apartment listings of available apartments. If the family refuses to move after other reasonable alternatives are identified, the HA will recalculate the family's

subsidy based on the payment standard for the bedroom size for which it qualifies. The HA will give reasonable notice to the family and owner of any change in payment.

11.3 FRAUD OR PROGRAM ABUSE: POSSIBLE REMEDIES

“Fraud” and “abuse” is considered a single act or pattern of actions made with the intent to deceive or mislead, constituting a false statement, omission, or concealment of a substantive fact. Fraud and abuse result in the payment of federal housing assistance funds in violation of program requirements. Fraud is the intentional, false-representation or concealment of a material fact for the purpose inducing another to act upon it to his or her injury. Fraudulent and related criminal activities may include bribery or kickbacks, false claims or bid rigging, theft, embezzlement, or other misapplication of funds or assets, forgery or alteration of documents, impropriety with respect to report financial transactions, profiteering or inside knowledge, destruction or concealment of records or assets.

Issues relating to preventing and detecting HA employee fraud are outlined in detail in the contract administrator’s Quality Control Plan under the employee fraud policy section.

When families or owners intentionally fail to report required information or report incorrect information to obtain benefits to which they are not entitled to it is considered fraud. Fraud is the legal term that involves taking legal action to pursue a remedy of the situation, such as terminating program assistance or recovering program funds. A program participant or owner may be terminated from the program for fraud, but the HA may consider any mitigating circumstances before actually terminating benefits.

When the HA has reason to believe that a program participant has abused the program, immediate action will be taken to gather information regarding the validity of the concern or claim and if valid the nature and extent of the abuse (if applicable). The HA will attempt to collect as much information as possible about the case so that a fair and informed decision can be made. The HA may choose to confront the program participant, owner with any pertinent information from other parties involved. Other parties may include HA staff, representative from other local agency (police, welfare agency and other third parties, such as the person reporting the abuse, landlord, tenant, or employer). Depending on the severity of the potential program abuse, the HA may record this information onto a summary form called the “Potential Program Abuse Summary Form”. The Potential Program Abuse Summary form will be completed by the staff person assigned to the case and will eventually include the final findings and recommendations.

If as a result of assessment it is determined that the program participant has abused the program, action will be taken to remedy the situation. If any program participant member has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program, the HA will have grounds to deny program assistance to an applicant or terminate program assistance for a participant.

If the housing program paid too much rent on the program participant's behalf because of discrepancies in information furnished by the program participant and if sufficient evidence exists that demonstrates that the program participant intentionally misrepresented its circumstances, the HA will pursue debt collection of program funds and may elect to terminate assistance.

The HA will have discretion to consider all of the circumstances in each case, including prior history, to determine whether or not to deny or terminate assistance because of action or failure to act by members of the program participant. The HA will consider the seriousness of the case, any special circumstances surrounding the case, the extent of participation or culpability of individual family members, any mitigating circumstances such as those related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

As a condition of continued assistance for other family members, the HA may impose a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit. The HA may permit the other members of a participant family to continue receiving assistance. If the family includes a person with disabilities, the HA decision concerning such action is subject to reasonable accommodations considerations.

11.4 INCOME DISCREPANCY RESOLUTION

The Exceeds Threshold Report contained in the EIV system identifies families that *may have* substantially under reported wages, social security benefits and/or unemployment compensation. If EIV data is greater than tenant-reported income by \$2,400 or greater annually, the HA will take steps to resolve these income discrepancies. In accordance with 24 CFR 5.236, the HA will obtain written third party verification of disputed EIV data. Below is a summary of steps the HA will take to resolve income discrepancies:

1. Discuss the discrepancy with the tenant.
2. Request current documents from the tenant (i.e. Original, current and consecutive pay stubs, original SSA benefit verification letter, etc.)
3. Request written third party verification of any income source that the tenant disputes.
4. Confirm effective dates of unreported income source.
5. In cases where the HA confirms that the tenant failed to report income source(s), the HA will determine retroactive rent due to the HA and execute a repayment agreement with the tenant.

The HA will not take adverse action against the tenant based solely on EIV data. Below is a list of resources the HA may use to assist in the income discrepancy resolution process.

Social Security Administration (SSA) Form 7004: This SSA form may be used by the HA to request a tenant's Social Security Earnings Statement. The statement provides a record of the tenant's Social Security earnings history, year-by-year and provides an estimate of benefit payments that the tenant and the tenant's family may qualify for now or in the future.

Internal Revenue Service (IRS) Form 4506-T: This IRS form may be used by the HA to request a tenant's tax return transcript. The transcript shows most line items contained on the return as it was originally filed, including any accompanying forms and schedules. Tax return transcripts are generally available for the current and past three years. If a statement of the tenant's tax account, which shows changes that the tenant or IRS made after the original return was filed, the HA will request a "Tax Account Transcript." This transcript shows basic data including marital status, type of return filed, adjusted gross income, taxable income, payments and adjustments made on the tenant's account.

11.5 PROCEDURES FOR HANDLING INCOME DISCREPANCIES DISCOVERED THROUGH THE HUD EIV SYSTEM WHERE THE CLIENT CLAIMS IDENTITY THEFT OR INCORRECT INFORMATION PROVIDED BY THE EMPLOYER

If the client claims that income discrepancy discovered through the HUD EIV system is the result of identity theft or incorrect information provided by the employer, the following procedures will be taken:

1. The client will need to sign the release on the *third-party verification of wages form*. Once signed the housing agency will mail *third-party verification of wages form* directly to the employer. This is done to confirm verification of the information provided through the EIV system and not necessarily to resolve possible identity theft or incorrect information provided by the employer.
2. The client will need to directly contact the employer of the disputed income listed on the EIV report and obtain verification from the named employer that they did not receive the income through the EIV system. The housing agency will furnish the client with a copy of the income discrepancies information (including the name and address of the employer and the dollar amount per quarter). The client will need to obtain and furnish verification to the housing agency that reported amounts are incorrect within 30 days of the initial request or negative action against the tenant's subsidy may be taken. The client will be asked to sign a written certification explaining the expectations of the tenant and the potential consequences for non-compliance.
3. The client will need to sign *OMB No.0960-0466 for Request for Social Security Statement*. The housing agency will submit this form on behalf of the client to receive and confirm the historical income earned by the client as part of the overall assessment and resolution of the income discrepancy.

4. The client will need to sign the housing agency *Income Discrepancy Resolution Certification form* certifying to the client's statement: a) that they dispute that they actually earned/received the historical income reported through the EIV system; b) that they understand they need to contact the employer directly to resolve and; c) that they understand the consequence for not resolving or not complying with program obligations.
5. When clients claim identity theft, they will be asked to provide any other documentation that may help support their case (e.g. police report, communication with the federal trade commission, notification to credit reporting agencies, written documentation with other agencies, etc.).

11.6 REPAYMENT SCHEDULE POLICY

All participant families are responsible for repaying any amount overpaid on their behalf to the Section 8 Program. In such cases the HA is responsible for making every effort to recoup any overpayment of housing assistance payments and may proceed to terminate assistance.

The overpayment must be satisfied by either paying the full amount due immediately upon request of the HA or through a repayment agreement approved by the HA.

The threshold length of time for a repayment agreement, as determined by the HA, cannot exceed 48 months.

The threshold maximum dollar amount for considering whether or not the HA will enter into a repayment agreement is five thousand dollars (\$5,000.00).

The HA will carefully evaluate the terms of the agreement to assure repayment of the debt within the prescribed time and make an effort to keep the repayment amount affordable.

Although the HA is authorized to enter into a repayment agreement of up to 48 months, the maximum term should not be automatically granted. Each family should be evaluated on a case-by-case basis. The term of the agreement may range from one (1) to forty-eight (48) months depending on the family's income and the amount owed. Repayment options include lump sum payments, monthly installments, or a combination of both.

If a participant family can provide evidence satisfactory to the HA that the thresholds applicable to the family's debt would impose an undue hardship, the HA may, in its sole discretion, determine that a lower monthly payment amount is reasonable and extend the time period for repayment or reduce the lump sum payment. In making its determination, the HA will consider all relevant information, including but not limited to the following:

- The amount owed by the family to the HA,
- The reason for the debt, including whether the debt was the result of family action/inaction or circumstances beyond the family's control,

- The family's current and potential income and expenses,
- The family's current family share, as calculated under 24 CFR 982.515,
- The family's history of meeting program responsibilities.

If a participant refuses to enter into a repayment agreement or defaults on an existing agreement, the participant must be terminated from the program and collection/enforcement actions should be pursued. HUD does not authorize any HA-sponsored amnesty or debt forgiveness programs.

A repayment agreement will contain the following statements/provisions:

1. Responsibility of reporting any changes in family income and composition and not reporting changes is grounds for termination from the program and prosecution for criminal charges of fraud by the federal government.
2. The monthly repayment amount is in addition to the participant family's regular rent contribution.
3. The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income, subject to HA approval.
4. Late and missed payments constitute default of the repayment agreement and may result in the termination of assistance.

If the family has a repayment agreement in place and incurs an additional debt to the HA, the additional debt must be paid in full. The HA will not enter into additional repayment agreements if the participant family already has an agreement in force.

A payment under a repayment agreement will be considered late if payment has not been received by the HA within 5 business days of the due date. Payment is due by the close of business on the due date of the twenty-fifth (25th) of each month. If a participant family's repayment agreement is late and the participant has not contacted or made arrangements with the HA, the HA will require the participant to pay the amount that is owed in full. If the participant subsequently fails to pay the full amount due, the participant family will be terminated from the program.

If a participant family member who has an outstanding repayment agreement no longer submits to being the head of household by means of relinquishing (voluntarily or involuntarily) the subsidy to another eligible adult household member, the subsequent head of household assumes the debt and must abide by the terms and provisions of the existing repayment agreement.

If the participant family is not current on a repayment agreement, the family will not be issued a voucher to move to a new unit until either the payments become current or the debt is paid in full.

If a participant family who has an outstanding balance on an existing repayment agreement requests to port out to another jurisdiction, the outstanding balance must be paid in full before the family will be permitted to port out.

In the case of an applicant owing a debt to a HA, in order to be admitted onto the program, they must pay in full the debt owed.

11.7 PREVENTING AND DETECTING ERRORS, OMISSIONS, FRAUD AND PROGRAM ABUSE

All new voucher holders and current participants will receive regular orientation sessions that explain rules, regulations and policies regarding reporting income and household composition and their program obligations. Program staff will explain the forms and review all reported income. The orientation session will require pertinent family members to sign the applicant/tenant certification form. The applicant/tenant certification requires them to account for whether or not their household receives income in each income category and certify that they have reported all income and full household composition and will outline the penalties for fraud and program abuse. Warning signs will be posted in each office, including information explaining the EIV system and the HUD Things You Should Know (HUD-1140-OIG) form.

The HA also maintains a separate Quality Control Plan (please see attachment – Quality Control Plan) that further identifies the program controls and quality assurance measures currently being practiced. These program controls and quality assurance measures were developed to ensure the quality of the program administration, as well as to minimize exposure of abuse of the Section 8 program funds by staff, landlords and tenants, and to maintain the integrity of the program data.

11.8 POLICY AND PROCEDURES GOVERNING THE ADMINISTRATIVE REPORTING, ACCOUNTING AND MONITORING OF TENANT FRAUD RECOVERY FUNDS

Active tenants on the program who owe money as a result of payments being made on their behalf due to misrepresentation or underreporting of income or household composition the following will occur:

- a) The client will enter into a repayment agreement for the amount owed. The terms and conditions of the payment schedule will be based on the repayment schedule policy described earlier.
- b) The tenant's name, allocation code, and the amount owed is entered onto the **Accounts Receivable Report**. This report is updated monthly to identify delinquent accounts for

subsequent mailing notices. This report is generated by the contractor's Payments Coordinator and reviewed by the Program Director and Finance Manager.

- c) If applicable, the tenant's utility checks will be used by the Payments Coordinator to support repayment efforts.

All tenant fraud recovery funds are reported monthly directly to the City through the following reports that the contractor provides:

- a) A monthly **Accounts Receivable Report** for program participants, which tracks all such activity.
- b) A monthly **Accounts Receivable Aging Report** which indicates the amount of credit given to each account for past and present months.
- c) A monthly **Account Bank Statement** to report where funds are deposited.
- d) A monthly **Report of Monthly Receivables** Excel Spreadsheet that records all tenant fraud recovery funds received for that month.

All tenant fraud recovery funds are deposited into a separate bank account so that all deposits can be tracked and matched-up to accounting reports.

The contractor provides directly to the City a monthly payment of all the tenant fraud recovery funds received for each month thereby draining the account each month. The dollar amount of the check will match the total amount of the **Report of Receivables, Accounts Receivable Report** and what was reflected on the **Bank Statement** as being deposited.

The City deposits these funds monthly into a separate bank account that is controlled directly by the City. The accounting of the receipt of these funds will be done in the manner prescribed by the HUD regulations, HUD guidance and HUD accounting procedures that govern these funds. Including CFR 24 792 and HUD PIH Notices 2006-3 and PIH Notice 2007-27.

The City's Quality Assurance Manager will monitor tenant fraud recovery fund activity directly by reviewing the reports provided by the contractor and conducting routine audit testing of tenant fraud recovery activity and collection process.

11.9 Potential Program Abuse Summary Form

Potential Program Abuse Summary Form

PR Initials _____

1. Name, Address, SSN and allocation code of subject:

2. Synopsis of the alleged abuse or fraudulent activity, which specifies the sources:

3. Name and address of known witness or persons having knowledge of the allegations:

4. Known or suspected period during which the alleged offense occurred:

5. Known or suspected monetary loss:

6. Determination based on the evidence, as to whether the subject is abusing or has abused the program and is receiving or received a benefit to which he or she is not entitled:

7. Corrective action to be taken to remedy situation:

Corrective Action Signed/Approved by Supervisor _____

Date _____

11.10 DETERMINATION OF INSUFFICIENT FUNDING

If it appears that a HA will have insufficient funds to support families through the end of the calendar year, then cost-savings measures may be taken. In determining which actions to take, a HA will carefully consider the impact such actions will have on applicants and program participants.

If an action adversely impacts program participants, as HUD recommends, the HA will first consider taking other actions having no impact or less impact on families, including the use of administrative fee reserves to pay for HAP expenses.

The following are program cost-reducing measures that may be enacted to successfully and resourcefully assist the maximum authorized number of individual/families within the fixed annual budget due to budget reductions established by the federal government:

- a. Port outs to jurisdictions that have higher Payment Standard subsidies may be denied if sufficient funds are not available and the HA notifies the local HUD field office before denying moves. For elderly and disabled participants, reasonable accommodation requests to port out to higher cost jurisdictions may be granted.
- b. Reasonable accommodations shall not be granted when it is reasonably determined, that the granting of such accommodations will most likely have a significant impact on current elderly and disabled program participants. A “significant impact” is defined as termination of assistance due to lack of sufficient voucher funds.
- c. Reasonable accommodation requests to port out to higher cost jurisdictions shall not be considered reasonable, if the cumulative costs of such port outs cannot be sustained by the fixed calendar year budget.
- d. Issued vouchers that have not yet resulted in an executed Housing Assistance Payments contract shall be rescinded or suspended. Vouchers will be rescinded in order of the date they were issued, starting with the most recent issued vouchers.
- e. Expiring vouchers that were issued will not have expiration dates extended.
- f. Participating property owners’ requests for rent increases may be denied, if funding is not sufficient to sustain increased housing assistance payments.
- g. HA may review owner rents prior to the HAP contract anniversary date to determine, if the rents are rent reasonable. If any rent is determined to not be rent reasonable the owner must reduce the rent to the reasonable amount or the HAP contract must be terminated. Following a 30-day written notice to the owner, rents shall be reduced by the first of the following month.
- h. Use reduced Payment Standards (if applicable) immediately to all new admissions, movers and new contracts.
- i. HA may request the owner to voluntarily agree to a temporary rent reduction or defer a rent increase to avoid termination of family assistance and HAP contract termination, even if the owner’s rent is reasonable. It is the owner’s option to agree to this request.
- j. HA will stop absorbing portability inbound vouchers.
- k. HA will contact Receiving HAs to see if they can absorb portability outbound participants in their jurisdictions; which may also include retroactively absorbing the participants.

- l. Not replace vouchers lost due to attrition.
- m. Accelerate efforts concerning income matching, verifications and anti-fraud efforts.

Termination of HAP Contracts due to Insufficient Funding (PIH 2005-9 HA)

The HA may terminate Housing Assistance Payments (HAP) contracts, in accordance with HUD requirements, if the HA determines that funding under the consolidated Annual Contributions Contract (ACC) is insufficient to support continued assistance for families in the program (§982.454).

In determining if funding under the ACC is insufficient to support continued assistance for families in the program, the HA must take into consideration all of its available budget authority (which includes unspent prior HAP funds in the HA's Net Restricted Asset {NRA} account).

If the HA determines there is a shortage of funding and before terminating any HAP contracts, the HA will ascertain if any other actions can be taken to reduce program costs. If after implementing all reasonable program cost reducing measures there is not enough funding available to provide continued assistance for current participants, the HA will terminate HAP contracts as a last resort. Prior to terminating HAP contracts, the HA will notify the local HUD field office and its financial analyst at the Financial Management Center (FMC) in writing with all actions taken, numbers and dates of proposed terminations for their input and approval.

The HA will terminate the minimum number of HAP contracts needed in order to reduce HAP costs to a level within the HA's annual budget authority.

If the HA must terminate HAP contracts due to insufficient funding, the HA will do so in accordance with the following order, criteria and instructions:

- a. Families that have not made any payments on their repayment agreements will be reviewed to be terminated first. (Once terminated, they will not be reinstated.)
- b. Families with the highest incomes will be terminated next.
- c. Families that have been recently admitted to the HCV program will be terminated next.

The HA will issue such families and owners a written 30-day notice of termination.

Restoring Terminated Housing Assistance Contracts

Program Participants that were terminated from the HCV program due to insufficient funding will receive precedence to receive the next available HCV. That is, as funding becomes available it will first be used to restore rental assistance to program participants before any new applicants (rescinded voucher holders and before project-base families may move with tenant-based assistance). Those terminated will be reinstated in the order they were terminated.

Restoring Rescinded or Suspended HCV Vouchers

Rescinded vouchers will be restored to applicants in the order that the voucher was issued once there is sufficient funding available. If the HA stopped issuing special purpose vouchers, (NED families, HUD-VASH families and FUP families), the HA will issue vouchers first to these special purpose voucher categories.

Charges Against the HCV Administrative Fee Reserve

Occasionally, and if it is necessary the HA will need to spend money from its Housing Choice Voucher Administrative Fee Reserve to meet unseen or extraordinary expenditures or for its other housing related purposes consistent with state law.

12.0 VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY

12.1 PURPOSE AND APPLICABILITY

The purpose of this policy (herein called “Policy”) is to implement the applicable provisions of the 2013 reauthorization of the Violence Against Women Act (VAWA) which applies to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation and which must be applied consistent with all nondiscrimination and fair housing requirements and more generally to set forth HA’s policies and procedures regarding domestic violence, dating violence, and stalking, as hereinafter defined.

The 2013 reauthorization (VAWA 2013) expands housing protections to HUD programs beyond HUD’s public housing program and HUD’s tenant-based and project-based Section 8 programs (collectively, the Section 8 programs) that were covered by the 2005 reauthorization of the Violence Against Women Action (VAWA 2005). Additionally, the 2013 law provides enhanced protections and options for victims of domestic violence dating violence, sexual assault, and stalking.

This policy shall be applicable to the administration by HA of all federally subsidized public housing and Section 8 rental assistance under the United States Housing Act of 1937 (42 U.S.C. §1437 *et seq.*). Notwithstanding its title, this policy is gender-neutral, and its protections are available to males who are victims of domestic violence, dating violence, or stalking as well as female victims of such violence.

12.2 GOALS AND OBJECTIVES

This Policy has the following principal goals and objectives:

- a. Maintaining compliance with all applicable legal requirements imposed by VAWA;
- b. Ensuring the physical safety of victims of actual or threatened domestic violence, dating violence, or stalking who are assisted by the HA;

- c. Providing and maintaining housing opportunities for victims of domestic violence dating violence, or stalking;
- d. Creating and maintaining collaborative arrangements between the HA, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence and stalking, who are assisted by the HA; and
- e. Taking appropriate action in response to an incident or incidents of domestic violence, dating violence, or stalking, affecting individuals assisted by the HA.

12.3 OTHER HA POLICIES AND PROCEDURES

This Policy shall be referenced in and attached to the HA's Five-Year Public Housing Agency Plan and shall be incorporated in and made a part of the HA's Admissions Standards and Continued Occupancy Policy. The HA's annual public housing agency plan shall also contain information concerning the HA's activities, services or programs relating to domestic violence, dating violence, and stalking. To the extent any provision of this policy shall vary or contradict any previously adopted policy or procedure of the HA, the provisions of this Policy shall prevail.

12.4 DEFINITIONS

As used in this Policy: (see Glossary for more definitions)

A. *Domestic Violence* – The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.”

B. *Dating Violence* – means violence committed by a person— who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

C. *Stalking* – means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) Fear for the person's individual safety or the safety of others; or (2) Suffer substantial emotional distress.

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

E. *Affiliated individual* – means an individual who is: (1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or (2) Any individual, tenant, or lawful occupant living in the household of that individual.

12.5 ADMISSION AND SCREENING

Non-Denial of Assistance. An applicant for assistance or tenant assisted under Section 8 rental assistance program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

12.6 TERMINATION OF TENANCY OR ASSISTANCE

- A. *VAWA Protections.* Under VAWA, persons assisted under the Section 8 rental assistance program have the following specific protections, which will be observed by the HA:
1. A tenant may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if: (i) The criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, and (ii) The tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault or stalking.
 2. An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as: (i) A serious or repeated violation of a lease executed under the Section 8 rental assistance program by the victim or threatened victim of such incident; or (ii) Good cause for terminating the assistance, tenancy, or occupancy rights under the Section 8 rental assistance program of the victim or threatened victim of such incident.
 - a. Nothing in this section limits the authority of the HA, when notified of a court order, to comply with a court order with respect to: (1) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or (2) The distribution or possession of property among members of a household.
 - b. Nothing in this section limits any available authority of the HA to evict or terminate assistance to a tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question

against the tenant or an affiliated individual of the tenant. However, the HA must not subject the tenant, who is or has been victim of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is or has been a victim of domestic violence, dating violence, sexual assault or stalking, to a more demanding standard than other tenants in determining whether to evict or terminate assistance.

- c. Nothing in this section limits the authority of the HA to terminate assistance to or evict a tenant under a Section 8 rental assistance program if the HA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to property of the HA would be present if that tenant or lawful occupant is not evicted or terminated from assistance. In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat” if they meet the standards provided in the definition of “actual and imminent threat” in § 5.2003.
 - d. Any eviction or termination of assistance, as provided in paragraph (c) of this section should be utilized by the HA only when there are no other actions that could be taken to reduce or eliminate the threat, or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual tenants.
- B. *Removal of Perpetrator.* Further, notwithstanding anything in paragraph 12.6 A.2. or Federal, State or local law to the contrary, the HA or a Section 8 owner or manager, as the case may be, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking against an affiliated individual or other individuals. Such action against the perpetrator of such physical violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such criminal activity who is also the tenant or a lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by the owner/manager or HA. If the owner bifurcates the lease, the owner must immediately notify the HA of the change in the lease and provide a copy of all changes to the HA. The HA is not a party to the lease and therefore cannot bifurcate a lease agreement between an owner and a tenant. It is up to the owner to bifurcate the family’s lease to evict or remove the perpetrator from the unit.

12.7 VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING

A. *Requirement for Verification.* The law allows, but does not require, the HA to verify that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or

stalking claimed by a tenant or affiliated individual other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. Subject only to waiver as provided in paragraph 12.7. C., the HA shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the HA. Section 8 owners or managers receiving rental assistance administered by the HA may elect to require verification, or not to require it as permitted under applicable law.

Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking may be accomplished in one of the following three ways:

1. *HUD-approved form* – by providing to the HA or to the requesting Section 8 owner or manager a written a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, dating violence, sexual assault or stalking that the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definition(s) set forth in this policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator if it is known and safe to provide.
2. *Other documentation* - by providing to the HA or to the requesting Section 8 owner or manager documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence, sexual assault or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy.
3. *Police or court record* – by providing to the HA or to the requesting Section 8 owner or manager a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

B. Time allowed to provide verification/failure to provide. An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking, and who is requested by the HA to provide verification, must provide such verification within 14 business days (*i.e.*, 14 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.

C. Waiver of verification requirement. The Director of the HA may, with respect to any specific case, waive the above-stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Director. Any such waiver must be in writing. Waiver in a particular

instance or instances shall not operate as precedent for, or create any right to, waiver in any other case or cases, regardless of similarity in circumstances.

12.8 CONFIDENTIALITY

A. *Right of confidentiality.* All information (including the fact that an individual is a victim of domestic violence, dating violence, sexual assault or stalking) provided to the HA or to a Section 8 owner or manager in connection with a verification required under section 12.7 of this policy or provided in lieu of such verification where a waiver of verification is granted, shall be retained by the receiving party in strict confidence and shall neither be entered in any shared database nor provided to any related entity, except where disclosure is:

1. requested or consented to by the individual in writing in a time limited release, or
2. required for use in connection with termination of Section 8 assistance, as permitted in VAWA, or
3. otherwise required by applicable law.

B. *Notification of rights.* All tenants of public housing and tenants participating in the Section 8 rental assistance program administered by the HA shall be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality.

12.9 TRANSFER TO NEW RESIDENCE

Portability.

A Section 8-assisted tenant will not be denied portability to a unit located in another jurisdiction (notwithstanding the term of the tenant's existing lease has not expired, or the family has not occupied the unit for 12 months) so long as the tenant has complied with all other requirements of the Section 8 program and has moved from the unit in order to protect the health or safety of an individual member of the household who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believes that the tenant or affiliated individual will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

Emergency Transfer Plan.

Emergency Transfers: The City of Hartford Housing Authority's (HA) covered housing programs which include the Housing Choice Voucher (HCV), Project-Based (PB) and Moderate Rehabilitation (MR) programs is concerned about the safety of its clients/tenants, and such concern extends to clients/tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), the HA allows clients/tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from their current unit to another unit. Clients/tenants can request an emergency transfer regardless of sex, gender identity, or sexual orientation. Clients/tenants must provide certification showing that they are a victim of domestic violence, dating violence, sexual assault, or stalking for the HA/owner to make a determination regarding a request for an emergency transfer and on whether the HA/owner has another unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan includes information on eligibility for a VAWA emergency transfer, the VAWA transfer request and unit offer process, VAWA victim safety, and confidentiality protections. Guidance on VAWA client rights and VAWA certification requirements is contained in the VAWA Notice of Occupancy Rights.

Eligibility for Emergency Transfers: A client/tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking and who provides certification of same is eligible for an emergency transfer if the client/tenant reasonably believes that there is a threat of imminent harm from further violence if the client/tenant remains in their current unit. If the client/tenant is a victim of sexual assault, the client/tenant may be eligible for a VAWA emergency public safety transfer if the client reasonably believes there is a threat of imminent harm from further violence if the client/tenant remains in their current unit or if the sexual assault occurred on the premises within the 90-calendar-day period preceding the client/tenant's request for a VAWA emergency transfer. Clients/tenants who are not in good standing may still request a VAWA emergency transfer if they meet the VAWA emergency transfer eligibility requirements.

Emergency Transfer Request Documentation: To request a VAWA emergency transfer, the client/tenant shall complete and submit to the HA the VAWA Emergency Transfer Request Form and provide certification that the client/tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The HA will provide reasonable accommodations for individuals with disabilities.

Confidentiality: The HA will keep confidential any information that the client submits in connection with requesting VAWA protections, including keeping confidential the location of the client's new unit, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the client. The HA may disclose information related to a client's request for VAWA protections if the client gives the HA written permission to release the information on a time-limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the housing program.

Emergency Transfer Timing and Availability: The HA/owner cannot guarantee that a VAWA emergency transfer request will be approved or how long it will take to process a VAWA emergency transfer request. The HA/owner will, however, act as quickly as possible to issue a voucher for an active HCV participant and expedite a request for a portability/mobility move or prioritize the move of a client/tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, subject to availability and safety of a unit.

If a client/tenant reasonably believes a proposed transfer would not be safe, they may request a transfer to a different unit. If a unit is available, the transferred client/tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the client/tenant has been transferred. The HA/owner may be unable to transfer a client/tenant to a particular unit if the client/tenant has not or cannot establish eligibility for that unit.

If the HA/owner has no safe and available units for which a client/tenant who needs an emergency transfer is eligible, the HA will assist the client in identifying other housing providers who may have safe and available units to which the client could move. At the client's request the HA will also assist them in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Safety and Security of Participants: Pending processing of the transfer and the actual transfer, if it is approved and occurs, the client is urged to take all reasonable precautions to be safe.

Clients who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, Women Against Abuse's 24-hour domestic violence hotline at 1-866-723-3014 or United Way's 211 Hotline for assistance in creating a safety plan. For persons with hearing impairments, the Women Against Abuse's hotline can be accessed by calling 215-456-1529 (TTY).

Clients who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Clients who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resourcecenter>.

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

State of CT - Safe at Home (Address Confidentiality Program):

<http://www.ct.gov/sots/cwp/view.asp?q=391912>

State of CT Attorney General George Jepsen – Domestic Violence Resource packet

www.ct.gov/ag/lib/ag/currentissues/domesticviolenceresources.pdf

12.10 RELATIONSHIP WITH SERVICE PROVIDERS

It is the policy of the HA to cooperate with organizations and entities, both private and governmental, that provide shelter and/or services to victims of domestic violence. If the HA staff become aware that an individual assisted by the HA is a victim of domestic violence, dating violence, sexual assault or stalking, the HA will refer the victim to such providers of shelter or services as appropriate. Notwithstanding the foregoing, this Policy does not create any legal obligation requiring the HA either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence or to make a referral in any particular case.

12.11 NOTIFICATION

The HA shall provide written notification to applicants, tenants, and Section 8 owners and managers, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance and, termination of tenancy or assistance. The HA will also provide the Notice of Occupancy Rights Under the Violence Against Women Act and form HUD-5382 which includes contact information for victim advocacy groups or service providers. The Notice and HUD form will be provided to an applicant and tenant at the time of denial or admission to the Section 8 rental assistance program and with any notification of eviction or termination of assistance.

12.12 RELATIONSHIP WITH OTHER APPLICABLE LAWS

- A. Neither VAWA nor this Policy implementing it shall preempt or supersede any provision of Federal, State or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence sexual assault or stalking.
- B. All applicable fair housing and civil rights statutes and requirements apply in the implementation of VAWA requirements.

GLOSSARY

A ACRONYMS USED IN SUBSIDIZED HOUSING

AAF	Annual Adjustment Factor. A factor published by HUD in the Federal Register which is used to compute annual rent adjustment.
ACC	Annual Contributions Contract
BR	Bedroom
CFR	Code of Federal Regulations. Commonly referred to as "the regulations". The CFR is the compilation of federal rules which are first published in the Federal Register and which define and implement a statute.
CR	Contract Rent
FHA	Federal Housing Administration
FICA	Federal Insurance Contributions Act – Social Security Taxes
FMR	Fair Market Rent
FY	Fiscal Year
FYE	Fiscal Year End
GAO	Government Accounting Office
GR	Gross Rent
HA	Housing Agency
HAP	Housing Assistance Payment
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	The Department of Housing and Urban Development or its designee
IG	Inspector General
IPA	Independent Public Accountant

IRA	Individual Retirement Account
MSA	A Metropolitan Statistical Area established by the U.S. Census Bureau
PHA	Public Housing Agency
PMSA	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
PS	Payment Standard
QC	Quality Control
RTA	Request for Tenancy Approval
RFP	Request for Proposals
RRP	Rental Rehabilitation Program
SMSA	Standard Metropolitan Statistical Area. Note: this term has been replaced by MSA , Metropolitan Statistical Area.
TR	Tenant Rent
TTP	Total Tenant Payment
UA	Utility Allowance
URP	Utility Reimbursement Payment

B. GLOSSARY OF TERMS USED IN SUBSIDIZED HOUSING

1937 ACT. The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

ADMINISTRATIVE PLAN. The HUD-required written policy of the HA governing its administration of the Section 8 tenant-based programs. The Administrative Plan and any revisions must be approved by the HA's board and a copy submitted to HUD as a supporting document to the HA Plan.

ABSORPTION. In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a family exercising portability. The receiving HA uses funds available under its consolidated ACC.

ACC RESERVE ACCOUNT (formerly PROJECT RESERVE). Account established by HUD from amounts by which the maximum payment to the HA under the consolidated ACC (during a HA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

ACTUAL AND IMMINENT THREAT. Physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

ADA. Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

ADJUSTED INCOME. Annual income after all allowances approved by HUD have been deducted.

ADMINISTRATIVE FEE. Fee paid by HUD to the HA for administration of the program.

ADMINISTRATIVE FEE RESERVE (formerly OPERATING RESERVE). Account established by HA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

ADMISSION. The effective date of the first HAP contract for a family (i.e., the first day of the initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

AFFILIATED INDIVIDUAL. An individual who is: (1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or (2) Any individual, tenant, or lawful occupant living in the household of that individual.

ANNUAL BUDGET AUTHORITY. The maximum annual payment by HUD to a HA for a funding increment.

ANNUAL CONTRIBUTIONS CONTRACT (or ACC). A written contract between HUD and a HA. Under the contract HUD agrees to provide funding for the operation of the program, and the HA 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.

APPLICANT (or APPLICANT FAMILY). A family that has applied for admission to a program, but is not yet a participant in the program.

ASSETS (see NET FAMILY ASSETS).

ASSISTED TENANT. A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

BEDROOM.

BIFURCATE. To divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

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

CHILD CARE EXPENSES. 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.

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).

COMMON SPACE. In shared housing, the space available for use by the assisted family and other occupants of the unit.

CONGREGATE HOUSING. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing.

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT (or CONSOLIDATED ACC). See 24 CFR 982.151.

CONTIGUOUS MSA. In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.

CONTINUOUSLY ASSISTED. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program.

CONTRACT (see **HOUSING ASSISTANCE PAYMENTS CONTRACT**).

CONTRACT RENT.

COOPERATIVE. Housing, including mutual housing, which owned by a nonprofit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in the management of the housing. A special housing type: See 24 CFR 982.619.

COVERED FAMILIES. Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which federal, state or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

COVERED HOUSING PROVIDER. An individual or entity under a covered housing program, and as defined by each program in its regulations, that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities.

COVERED PROGRAMS. Housing Choice Voucher Program, Moderate Rehabilitation program, and Project Based Program.

DATING VIOLENCE. Violence committed by a person: (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the persons involved in the relationship.

DEPENDENT. A member of the family household (excluding foster children), other than the family head or spouse, who is under eighteen (18) years of age or is a disabled person or a handicapped person, or is a full-time student eighteen (18) years of age or older.

DISABILITY ASSISTANCE EXPENSE. Anticipated cost for care attendant(s) and auxiliary apparatus for disabled family members which enable a family member (including the disabled family member) to work.

DISABLED FAMILY. A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

DISABLED PERSON (see **PERSON WITH DISABILITIES**).

DISPLACED PERSON (or **DISPLACED FAMILY**). A person or family displaced by governmental action, or a person 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 or spouse as determined in accordance with state and local law.

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

DRUG-RELATED CRIMINAL ACTIVITY. The illegal manufacture, sale, distribution, or use of a controlled substance, or the possession with intent to manufacture, sell, distribute or use a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

DRUG TRAFFICKING. The illegal manufacture, sale, distribution or use of a controlled substance, or the possession with intent to manufacture, sell, distribute or use a controlled substance, as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

EARNED INCOME DISALLOWANCE. The [annual income](#) immediately prior to implementation of the disallowance described in [paragraph \(c\)\(1\)](#) of this section of a person with disabilities (who is a member of a qualified family).

Disallowance. Exclusion from [annual income](#).

Previously unemployed includes a person with disabilities who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Qualified family. A [family](#) residing in housing assisted under the HCV program or receiving [tenant](#)-based rental assistance under the HCV program.

(1) Whose [annual income](#) increases as a result of employment of a [family](#) member who is a person with disabilities and who was [previously unemployed](#) for one or more years prior to employment; (2) Whose [annual income](#) increases as a result of increased earnings by a [family](#) member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or (3) Whose [annual income](#) increases, as a result of new employment or increased earnings of a [family](#) member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families

funded under Part A of Title IV of the Social Security Act, as determined by the HA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to [monthly income](#) maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance - provided that the total amount over a six-month period is at least \$500.

(c) Disallowance of increase in annual income -

(1) Initial 12-month exclusion. During the 12-month period beginning on the date a member who is a person with disabilities of a qualified [family](#) is first employed or the [family](#) first experiences an increase in [annual income](#) attributable to employment, the HA must exclude from [annual income](#) of a qualified [family](#) any increase in income of the [family](#) member who is a person with disabilities as a result of employment over prior income of that [family](#) member.

(2) Second 12-month exclusion and phase-in. Upon the expiration of the 12-month period defined in [paragraph \(c\)\(1\)](#) of this section and for the subsequent 12-month period, the HA must exclude from [annual income](#) of a qualified [family](#) at least 50 percent of any increase in income of such [family](#) member as a result of employment over the [family](#) member's baseline income.

(3) Maximum 2-year disallowance. The disallowance of increased income of an individual [family](#) member who is a person with disabilities as provided in [paragraph \(c\)\(1\)](#) or [\(c\)\(2\)](#) of this section is limited to a lifetime 24-month period. The disallowance applies for a maximum of 12 months for disallowance under [paragraph \(c\)\(1\)](#) of this section and a maximum of 12 months for disallowance under [paragraph \(c\)\(2\)](#) of this section, during the 24-month period starting from the initial exclusion under [paragraph \(c\)\(1\)](#) of this section.

(4) Effect of changes on currently participating families. Families eligible for and participating in the disallowance of earned income under this section prior to *May 9, 2016* will continue to be governed by this section in effect as it existed immediately prior to that date (see [24 CFR parts 0 to 199](#), revised as of April 1, 2016).

(d) Inapplicability to admission. The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

ECONOMIC SELF-SUFFICIENCY PROGRAM. Any program designed to encourage, assist, train or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or *any* other program necessary to ready a participant to work (such as mental health treatment or treatment for drug abuse). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). Also see 24 CFR 5.603 (c).

ELDERLY FAMILY. A family whose head, spouse, or sole member is a person who is at

least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

ELDERLY HOUSEHOLD. A family whose head or spouse or 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 (see **FAMILY**). A family is defined by the HA in the administrative plan, which is approved by HUD.

EXCESS MEDICAL EXPENSES. Any medical expenses incurred by elderly or disabled families only in excess of 3% of Annual Income which are not reimbursable from any other source.

EXTREMELY LOW-INCOME FAMILY. A very low-income family whose annual income does not exceed the higher of: (1) The poverty guidelines established by the Department of Health and Human Services applicable to the family of the size involved (except in the case of families living in Puerto Rico or any other territory or possession of the United States), or (2) Thirty (30) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

FAIR HOUSING ACT. Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.).

FAIR MARKET RENT (or **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. "Family" includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

A single person, who may be elderly, displaced, disabled, near-elderly, or any other single person; or a group of persons residing together and such group includes, but is not limited to the following families: a family with or without children (the temporary absence of a child from the home due to placement in foster care is considered a member of the family); elderly, near-elderly, disabled, displaced, and remaining member of a tenant family.

FAMILY OF VETERAN OR SERVICE PERSON. A family is a "family of veteran or service person" when:

The veteran or service person (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.

The veteran or service person, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

FAMILY RENT TO OWNER. In the voucher program, the portion of the rent to owner paid by the family.

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

FAMILY SHARE. The amount calculated by subtracting the housing assistance payment from the gross rent.

FAMILY UNIT SIZE. The appropriate number of bedrooms for a family, as determined by the HA under the HA's subsidy standards.

FINANCIAL ASSISTANCE. For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

In implementing the amended definition of tuition, for section 8 programs only, HAs must include amounts of financial assistance an individual receives in excess of tuition and other required fees and charges when determining annual income in accordance with 24 CFR 5.609(b)(9).

FMR/EXCEPTION RENT. The fair market rent published by HUD headquarters. In the pre-merger certificate program, the initial contract rent for a dwelling unit plus any utility allowance could not exceed the FMR/exception rent limit (for the dwelling unit or for the family unit size). In the voucher program the HA adopts a payment standard schedule that is within 90% to 110% of the FMR for each bedroom size.

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. A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended).

FUNDING INCREMENT. Each commitment of budget authority by HUD to a HA under the consolidated annual contributions contract for the HA 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 persons with disabilities (including any live-in aide or aides).

HAP CONTRACT (see **HOUSING ASSISTANCE PAYMENTS CONTRACT**).

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 the head.

HOUSING AGENCY (or **HA**; see **PUBLIC HOUSING AGENCY**). A state, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing. (Note: HA and PHA mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. The 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 (or **HAP**). The monthly assistance payment by a HA. The total assistance payment consists of:

A payment to the owner for rent to owner 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 (or **HAP CONTRACT**). A written contract between a HA and an owner in the form prescribed by HUD headquarters, in which the HA 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 (or **HQS**). The minimum housing quality standards established by HUD for housing assisted under the tenant-based programs.

HUD. The U.S. Department of Housing and Urban Development.

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.

IMPUTED ASSET. Asset disposed of for less than fair market value during two years preceding examination or re-examination.

IMPUTED INCOME. The passbook interest rate established by HUD, multiplied by the total cash value of assets; this calculation is used when assets exceed \$5,000.

IMPUTED WELFARE INCOME. An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction, but which is included in the family's annual income and therefore reflected in the family's rental contribution.

INCOME. Income from all sources for each member of the household, as determined in accordance with criteria established by HUD.

INCOME FOR ELIGIBILITY. Annual Income.

INITIAL HA. In portability, the term refers to both:

The HA that originally selected a family that later decides to move out of the jurisdiction of the selecting HA; and

The HA that absorbed a family that later decides to move out of the jurisdiction of the absorbing HA.

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.

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; this includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

INSTITUTION OF HIGHER EDUCATION. See 20 U.S.C. 1001 - General definition of institution of higher education.

JURISDICTION. The area in which the HA has authority under state and local law to administer the program.

LANDLORD. This term means either the owner of the property or his or her representative or the managing agent or his or 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 HA. 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 HA.

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, and would not be living in the unit except to provide necessary supportive services.

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

LOW-INCOME FAMILY. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 80% for areas with unusually high- or low-income families.

MANUFACTURED HOME. A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type. See 24 CFR 982.620 and 982.621.

MANUFACTURED HOME SPACE. In manufactured home space rental, a space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624

MARKET RENT. The 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 a Section 8 **certificate holder**. For BMIR units, **Market Rent** varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES. Those 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 or disabled families only.) These allowances are given when calculating adjusted income for medical expenses in excess of 3% of annual income.

MERGER DATE. October 1, 1999.

MINOR. A member of the family household (excluding foster children), other than the family head or spouse, who is under eighteen (18) years of age.

MIXED FAMILY. A family **with citizens and eligible immigration status and without citizens and eligible immigration status** as defined in 24 CFR 5.504(b)(3)

MONTHLY ADJUSTED INCOME. One-twelfth (1/12, or 8.5%) of the annual adjusted income (i.e., one-twelfth of the income after allowances have been applied).

MONTHLY INCOME. One-twelfth (1/12, or 8.5%) of the annual income.

MUTUAL HOUSING (see **COOPERATIVE**).

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.

NEAR-ELDERLY FAMILY. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

NEGATIVE RENT. Now called Utility Reimbursement. A negative Tenant Rent results in

a 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.

NON-CITIZEN. A person who is neither a citizen nor a national of the United States.

OCCUPANCY STANDARDS (see **SUBSIDY STANDARDS**). Standards established by a HA to determine the appropriate number of bedrooms for families of different sizes and compositions.

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 HA's program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (First day of initial lease term).

PAYMENT STANDARD. The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

PERSON WITH DISABILITIES. A person who has a disability as defined in 42 U.S.C. 423 or a developmental disability as defined in 42 U.S.C. 6001. Also includes a person who is determined, under HUD regulations, to have a physical or mental impairment that is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions. For purposes of reasonable accommodation and program accessibility for persons with disabilities, means an "individual with handicaps" as defined in 24 CFR 8.3. Definition does not exclude persons who have AIDS or conditions arising from AIDS, but does not include a person whose disability is based solely on drug or alcohol dependence (for low-income housing eligibility purposes).

HA PLAN. The annual plan and the 5-year plan as adopted by the HA and approved by HUD in accordance with part 903 of this chapter.

PORTABILITY. Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial HA.

PREMISES. The building or complex in which the dwelling unit is located, including common areas and grounds.

PRIVATE SPACE. In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

PROCESSING ENTITY. Entity responsible for making eligibility determinations and for income reexaminations. In the Section 8 Program, the "processing entity" is the "responsible entity."

PROGRAM. The Section 8 tenant-based assistance program under 24 CFR Part 982.

PROGRAM RECEIPTS. HUD payments to the HA under the consolidated ACC, and any other amounts received by the HA 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 (or **PHA**; see **HOUSING AGENCY**: Note: PHA and HA. mean the same thing). 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 HA. In portability: A HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a voucher and provides program assistance to the family.

RE-EXAMINATION (formerly **RECERTIFICATION**). The process of securing documentation of total family income used to determine the rent that the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim re-examinations.

REMAINING MEMBER OF TENANT FAMILY. Person left in assisted housing after other family members have left and become unassisted.

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.

RESPONSIBLE ENTITY. For the public housing and Section 8 tenant based assistance, project-based certificate assistance and moderate rehabilitation program, the responsible entity means the HA 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.

SECTION 8. Section 8 of the United States Housing Act of 1937 (42 U.S.C. 14370f).

SECURITY DEPOSIT. A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

SERVICE PERSON. A person in the active military or naval service (including the active reserve) of the United States.

SEXUAL ASSAULT. Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

SHARED HOUSING. A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. A special housing type.

SINGLE PERSON. A person living alone or intending to live alone.

SPECIAL ADMISSION. Admission of an applicant that is not on the HA 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).

SPECIFIED WELFARE BENEFIT REDUCTION. Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

SPOUSE. The husband or wife of the head of the household.

STALKING. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) Fear for the person's individual safety or the safety of others; or (2) Suffer substantial emotional distress.

STUDENT RESTRICTIONS. No assistance shall be provided under Section 8 of the 1937 Act to any individual who: (a) Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); (b) Is under 24 years of age; (c) Is not a veteran of the United States military; (d) Is unmarried; (e) Does not have a dependent child; (f) Is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was not receiving assistance under section 8 of the 1937 Act as of November 30, 2005; and (g) Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act.

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 (see **OCCUPANCY STANDARDS**). Standards established by a HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

SUSPENSION/TOLLING. Stopping the clock on the term of a family's voucher, for such period as determined by the HA, from the time when the family submits a request for HA approval to lease a unit, until the time when the HA approves or denies the request. If the HA decides to allow extensions or suspensions of the voucher term, the HA administrative plan must describe how the HA determines whether to grant extensions or suspensions, and how the HA determines the length of any extension or suspension.

TENANCY ADDENDUM. For the housing choice voucher program, the lease language required by HUD in the lease between the tenant and the owner.

TENANT. The person or persons (other than a live-in-aide) who execute(s) 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 gross rent and utility allowance.

TUITION. Under Section 8 programs only, the HA must include amounts of financial assistance an individual receives in excess of tuition and other required fees and charges when determining annual income in accordance with 24 CFR 5.609(b)(9). Fees often include, but are not limited to, student service fees, student association fees, student activities fees, and laboratory fees.

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

UNUSUAL EXPENSES. Prior to the change in the 1982 regulations, this was the term applied to the amounts paid by the family for the care of minors under 13 years of age or for the care of disabled or handicapped family household members, but only where such care was necessary to enable a family member to be gainfully employed.

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 HA 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. The HA must use the appropriate utility allowance for the lesser of the size of dwelling unit actually leased by the family or the family unit size as determined under the HA subsidy standards. In cases where the unit size leased exceeds the family unit size as determined under the HA subsidy standards as a result of a reasonable accommodation, the HA must use the appropriate utility allowance for the size of the dwelling unit actually leased by the family.

UTILITY REIMBURSEMENT. In the voucher program, the portion of the housing assistance payment which exceeds the amount of the rent to owner.

UTILITY REIMBURSEMENT PAYMENT. In the pre-merger certificate program, 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.

VACANCY LOSS PAYMENTS. (For pre-merger certificate 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 HA 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.

VAWA. Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

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

VETERAN. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released there from under conditions other than dishonorable.

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

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

VOUCHER HOLDER. A family holding a voucher with an un-expired term (search time).

VOUCHER PROGRAM. The housing choice voucher program.

WAITING LIST. A list of families organized according to HUD regulations and HA policy who are waiting for subsidy to become available.

WAITING LIST ADMISSION. An admission from the HA waiting list.

WELFARE ASSISTANCE. Income assistance from federal or state welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families. FOR THE FSS PROGRAM (984.103(b)), "welfare assistance" includes only cash maintenance payments from Federal or State programs designed to meet a family's ongoing basic needs, but does not include food stamps, emergency rental and utilities assistance, SSI, SSDI, or Social Security.

C. GLOSSARY OF TERMS USED IN THE NON-CITIZENS RULE

CHILD. A member of the family other than the family head or spouse who is under 18 years of age.

CITIZEN. A citizen **or** (a) national of the United States.

EVIDENCE OF CITIZENSHIP OR ELIGIBLE STATUS. 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 the purpose of determining income eligibility and rent.

HUD. The U.S. 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.

NON-CITIZEN. A person who is neither a citizen nor a national of the US.

HA. A housing authority which operates public housing.

RESPONSIBLE ENTITY. The person or entity responsible for administering the restrictions on providing assistance to non-citizens with ineligible immigration status (i.e., *or e.g.*, the HA).

SECTION 214. Section 214 restricts HUD from making financial assistance available for non-citizens unless they meet one of the categories of eligible immigration status specified in Section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a).

SPOUSE. Spouse refers to the marriage partner, either a husband or wife, who is the person whom one would 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 some HUD programs, but not by public and Indian housing programs.