

PHA Name: City of Pasadena Housing Department  
Annual Plan For Fiscal Years 2017  
HA Code: CA 079

# **Annual Plan**

**U.S. Department of Housing and  
Urban Development**  
Office of Public and Indian Housing

OMB No. 2577-0226

## **CITY OF PASADENA HOUSING DEPARTMENT (CoPHD)**

### **Public Housing Agency (PHA) Annual Plan for Fiscal Year 2017**

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### **PHA Annual Plan**

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<b>Streamlined Annual PHA Plan</b>	<b>U.S. Department of Housing and Urban Development Office of Public and Indian Housing</b>	<b>OMB No. 2577-0226 Expires 02/29/2016</b>
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**Purpose.** The Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

**Applicability.** Form HUD-50075-HCV is to be completed annually by **HCV-Only PHAs**.

**Definitions.**

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment, and does not own or manage public housing.

<b>A.</b>	<b>PHA Information.</b>
A.1	<p><b>PHA Name:</b> <u>City of Pasadena</u>      <b>PHA Code:</b> <u>CA079</u></p> <p><b>PHA Plan for Fiscal Year Beginning:</b> (MM/YYYY): <u>07/2017</u></p> <p><b>PHA Inventory</b> (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)  <b>Number of Housing Choice Vouchers (HCVs)</b> <u>1409</u></p> <p><b>PHA Plan Submission Type:</b> <input checked="" type="checkbox"/> Annual Submission</p>
	<p>CoPHD has post the 2017 PHA Plan, including updates, at their main administrative office located at:  <b>CoPHD's Main Administrative Office:</b></p> <p style="padding-left: 40px;">City of Pasadena  Housing Department  649 N. Fair Oaks Avenue, Suite 202  Pasadena, CA 91103</p> <p>The CoPHD has identified specific location(s) where the proposed 2017 PHA Annual Plan, PHA Plan Elements, and all information relevant to the public hearing are available for inspection by the public, listed below.</p> <p><b>All Branches of the Pasadena Public Library:</b></p> <ul style="list-style-type: none"> <li>• Central Library - 285 East Walnut, 626-744-4066</li> <li>• Allendale – 1130 S. Marengo, 626-744-7260</li> <li>• Hastings – 3325 E. Orange Grove, 626-744-7262</li> </ul>

- |   |              |
|---|--------------|
| • Hill Avenue – 55 S. Hill,             | 626-744-7264 |
| • Lamanda Park – 140 S. Altadena Drive, | 626-744-7266 |
| • La Pintoresca – 1355 N. Raymond,      | 626-744-7268 |
| • Linda Vista – 1281 Bryant,            | 626-744-7278 |
| • San Rafael – 1240 Nithsdale Road,     | 626-744-7270 |
| • Santa Catalina – 999 E. Washington    | 626-744-7272 |

**Other Locations:**

City of Pasadena  
Office of the City Clerk  
100 North Garfield Avenue, Room S228  
Pasadena, CA 91109

**Community Facilities:**

- |  |              |
|--|--------------|
| • Jackie Robinson Center – 1020 North Fair Oaks,   | 626-744-7300 |
| • Villa-Park Neighborhood Center –363 East Villa,  | 626-744-6530 |
| • Pasadena Senior Citizens Center – 85 East Holly, | 626-795-4331 |
| • Victory Park Center – 2575 Paloma,               | 626-744-7500 |

CoPHD has also posted the complete 2017 PHA Annual Plan draft on their official website,  
[www.cityofpasadena.net/housing/rentalassistance](http://www.cityofpasadena.net/housing/rentalassistance).

<b>B</b>	<b>Annual Plan.</b>
<b>B.1</b>	<p><b>Revision of PHA Plan Elements.</b></p> <p>(a) Have the following PHA Plan elements been revised by the PHA since its last Annual Plan submission?</p> <p>Y    N</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Housing Needs and Strategy for Addressing Housing Needs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Financial Resources.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Operation and Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Informal Review and Hearing Procedures.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Significant Amendment/Modification.</p>
<b>b.1</b>	<p>(b) If the PHA answered yes for any element, describe the revisions for each element(s):</p> <p><b><u>Housing Needs and Strategy for addressing Housing Needs</u></b></p> <p>Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, CoPHD made reasonable efforts to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in their jurisdiction, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs addresses issues of affordability, supply, quality, accessibility, size of units, and location. Steps taken include:</p> <ul style="list-style-type: none"> <li>• Attend landlords and industry interest program events each year to outreach and increase landlord/owners awareness and education. Build relationships with organizations such as: Apartment News Publications, Inc.; Foothill Apartment Association (FAA); Apartment Association of Greater Los Angeles (AAGLA) and others.</li> <li>• Market the Section 8 Housing Choice Voucher program to owners outside of areas of poverty or minority concentration.</li> <li>• Utilize Fair Housing and Resident Advisory Board to conduct presentation for the residents and the CoPHD will participate.</li> <li>• Provide free listing of affordable properties in the City of Pasadena, which will be available in the CoPHD' offices and on their website: <a href="http://www.cityofpasadena.net/housing/rentalassistance">www.cityofpasadena.net/housing/rentalassistance</a> .</li> <li>• Continue to train tenants and owners by using the City's Housing and Career Services Department new videos and written materials (Tool Kits).</li> <li>• Continue marketing the Section 8 Housing Choice Voucher Program to the general public at local community and governmental activities.</li> </ul>

<b>Housing Needs of Families on the PHA's Waiting Lists</b>			
Waiting list type: (select one)			
<input checked="" type="checkbox"/> Section 8 tenant-based assistance			
	# of families from 2014 WL	# of families from 2008 WL	% of total families
Waiting List Totals	20,751	3,101	Total – 23,852
Extremely low income <=30% AMI	20, 100		84%
Very low income (>30% but <=50% AMI)	3,752		16%
Low income (>50% but <80% AMI)			
Total	23,852		<b>100%</b>
Families with children	7,954		33%
Elderly families	1,825		8%
Families with Disabilities	7,583		32%
Total	17,362		<b>73%</b>
Race/ethnicity White	11,562		48%
Race/ethnicity Black	11,122		47%
Race/ethnicity Asian	421		2%
Race/ethnicity Native	414		2%
Race/ethnicity Pacific	333		1%
<b>Total</b>	<b>23,852</b>		<b>100%</b>
Is the waiting list closed (select one)? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes: How long has it been closed (# of months)? November 1, 2014 (29 months) Does the PHA expect to reopen the list in the PHA Plan year? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes VASH families program and Project Based Voucher Program.			
<p>The City of Pasadena Housing and Career Services Department closed its enrollment process for the Section 8 Housing Choice Voucher Program Waiting List on November 1, 2014. The enrollment period opened on October 15, 2014. During that two week period 26,251 households were placed on the waiting list. The overwhelming result indicates an extraordinarily high demand for affordable housing. It also is an indication that the new online only enrollment system, used for the first time, was a major improvement in process efficiency and customer service. Previously, the applications were all processed by hand. The online effort was greatly supported by over 20 local community partners, including libraries, community centers, nonprofit organizations, and the 311 Call Center. Assistance was available in English, Armenian, and Spanish. From November 2014 to November 2016 more than 2,399 applications were processed.</p>			

b.2	<p><b>Financial Resources.</b> A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.</p>
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Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. <b>Federal Grants (FY 2016 grants)</b>	N/A	
a) Annual Contributions for Section 8 Tenant-Based Assistance	\$13,738,756	
b) Public Housing Drug Elimination Program (including any Technical Assistance funds)	N/A	
c) Resident Opportunity and Self-Sufficiency Grants	N/A	
d) Community Development Block Grant (CDBG)	\$2,019,088	Housing Rehabilitation, Public Services Programs, infrastructure improvement, Economic Development.
Other Federal Grants (list below)		
Permanent Housing Rental Assistance	\$745,828 \$110,729 \$56,654 \$42,488 \$42,437	Tenant-based rental assistance and supportive services for homeless person with disabilities administration.
Continuum of Care (Euclid Villa)	\$168,453	16 units of permanent housing coupled with supportive services for homeless families.
Union Station coordinated Entry System	\$124,423	Outreach, assessment, and placement for homeless persons.
Permanent Housing for Persons with Disabilities - Hestia House	\$240,187	To develop 8 units of permanent supportive housing for recovering substance abusers.
Homeless Management Information Systems – HMIS	\$140,378	Grant awarded to develop and implement a HUD mandated HMIS service.
Alliance for Housing and Healing	\$235,230	Twelve (12) unit of scattered site housing for homeless families & individuals with HIV/AIDS.
Navarro House	\$45,027	6 units of permanent supportive housing for homeless individuals.
Union Station Homeless Services Permanent Supportive Housing w/ Rental Assistance	\$895,044	Rental housing subsidy w/ outreach and services to the 45 chronically homeless individuals and 5 families w/ children

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
City of Pasadena Rapid Rehousing w/ Short-Term Rental Assistance	\$56,869	Case management and short-term (up to 3 months) housing subsidies to 5 homeless families with children
City of Pasadena Rapid Rehousing w/ Medium-Term Rental Assistance	\$73,228	Case management and medium-term (4-24 months) housing subsidies to 5 homeless families with children
Emergency Shelter Grant (ESG)	\$160,034	The provision of temporary emergency shelters, emergency hotel/motel vouchers and supportive services for the homeless.
HOME Affordable Housing Program (HUD PY 2016 Grant)	\$510,684	CHDO set aside, housing projects, administration.
<b>4. Other income</b> (list below)		
HOPWA (City of Los Angeles)	\$250,000	Tenant-based rental assistance for persons living with HIV/AIDS.
<b>4. Non-federal sources</b> (list below)		
City Housing Fund 230 (\$38,999) and Compliance Monitoring Fee (\$36,000)	\$74,999	Annual housing unit covenant compliance monitoring including both on-site audit and tenant eligibility determination.
<b>Total resources</b>	<b>\$19,730,536.00</b>	

b.3	<p><b><u>Significant Amendment/Modification</u></b></p> <p>The CoPHD's 2017 Administrative Plan was updated and modified in according with any and all 24 Code of Federal Regulations (CFR) Housing and Urban Department (HUD) rules and procedures. The 2017 Administrative Plan revisions are in Attachment "G".</p>
B.2	<p><b>New Activities</b></p> <p><b>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?</b></p> <p><b>Y   N</b></p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> <b>Project Based Vouchers.</b></p> <p><b>Current Project Based Voucher locations participating:</b></p> <ul style="list-style-type: none"> <li>• Centennial Place Apartments - 144 units</li> <li>• Orange Grove Gardens Apartments - 9 units</li> <li>• Hudson Oaks – 44 units</li> <li>• Marv's Place (Mar Vista Union) - 19 units</li> <li>• Heritage Square – 69 units</li> </ul> <p><b>Total possible units: 285</b></p>

<p><b>B.3</b></p>	<p><b>Progress Report.</b></p> <p>Provide a description of the PHA's progress in meeting its Mission and Goals described in its 5-Year PHA Plan.</p> <p><b>Goals and Objectives 2014-2019</b></p> <ul style="list-style-type: none"> <li>• Goal: Improve the availability of Decent, Safe, and Affordable Housing.</li> </ul> <p>Objective: Apply for additional rental vouchers.</p> <p><b>Mar Vista Union Project is a 19-unit Section 8 Project Based voucher building in the City of Pasadena at corner of Union and Mar Vista Street. This project assists chronically homeless families in the City of Pasadena and was fully leased September 2016.</b></p> <p><b>Heritage Square is a 69- unit Section 8 Project-Based voucher housing project, located at 762 N. Fair Oaks Avenue, Pasadena. The project provides housing to 69 senior households (55 years and older). The newly constructed project was fully leased in November/December 2016.</b></p> <ul style="list-style-type: none"> <li>• Goal: Improve the Quality of Assisted Housing.</li> </ul> <p>Objective: Maintain Section Eight Management Assessment Program (SEMAP) High Performance rating.</p> <p><b>2016 SEMAP score was a High Performance rating.</b></p> <ul style="list-style-type: none"> <li>• Goal: Ensure integrity in Housing Programs.</li> </ul> <p>Objective: Utilize technology to increase our capacity to maintain program integrity.</p> <p><b>Housing Choice Voucher Waiting list utilizes technology to reduce risk of exposing personal information. CoPHD continues to provide information regarding housing opportunities through its website and other printed materials (i.e. brochures), as well as at community forums, which are all located on the departments' website.</b></p>
<p><b>B.4</b></p>	<p><b>Most Recent Fiscal Year Audit. Single Audit Report FY 2015</b>  <b>"See Attachment F"</b></p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y   N   N/A  <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, please describe:</p>

<b>C.1</b>	<p><b>Certifications of Compliance with PHA Plans and Related Regulations</b></p> <p><a href="#">Form HUD-50077-ST-HCV-HP</a>, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.  “ See Attachment A”</p>
<b>C.2</b>	<p><b>Civil Rights Certification</b></p> <p><a href="#">Form HUD-50075-HCV</a>, <i>PHA Civil Rights Certifications</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.  “ See Attachment B”</p>
<b>C.3</b>	<p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) provide comments to the PHA Plan?</p> <p>Y    N  <input type="checkbox"/>   <input checked="" type="checkbox"/></p> <p>(a) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
<b>C.4</b>	<p><b>Certification by State or Local Officials.</b></p> <p><a href="#">Form HUD 50077-SL</a>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan. “See Attachment C”</p>

## Attachments

### Required Submission:

- (Attachment A) [Form HUD-50077-ST-HCV-HP](#), PHA Certifications of Compliance with the PHA Plans and Related Regulations
- (Attachment B) [Form HUD-50075HCV](#), Civil Rights Certifications
- (Attachment C) [Form HUD 50077-SL](#), Certification by State or Local Officials
- (Attachment D) Resident Advisory Board (RAB) comments
- (Attachment E) Public Notices/Public Hearing Comments
- (Attachment F) City of Pasadena-Single Audit Report (Year ended June 30, 2015)
- (Attachment G) City of Pasadena Housing Department – 2017 Administrative Plan

# Attachment "A"

<b>Certifications of Compliance with PHA Plans and Related Regulations</b> <i>(Standard, Troubled, HCV-Only, and High Performer PHAs)</i>	<b>U.S. Department of Housing and Urban Development</b>  Office of Public and Indian Housing <b>OMB No. 2577-0226</b> <b>Expires 02/29/2016</b>
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**PHA Certifications of Compliance with the PHA Plan and Related Regulations including Required Civil Rights Certifications**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 2017 Annual PHA Plan for the PHA fiscal year beginning July 1, 2017, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.
7. For PHA Plans that includes a policy for site based waiting lists:
  - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2010-25);

- The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
  - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing;
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
  9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
  10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
  11. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
  12. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
  13. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
  14. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
  15. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
  16. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
  17. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
  18. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
  19. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
  20. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

PHA Name: City of Pasadena Housing Department  
Annual Plan For Fiscal Years 2017  
HA Code: CA 079

CITY OF PASADENA  
PHA Name

CA 079  
PHA Number/HA Code

  x   Annual PHA Plan for Fiscal Year 2017

       5-Year PHA Plan for Fiscal Years 20       - 20      

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I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.  
**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

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Name of Authorized Official  
STEVE MERMELL

Title **CHIEF EXECUTIVE OFFICER**

Signature

Date

form **HUD-50077-ST-HCV-HP** (12/2014)

# Attachment "B"

PHA Name: City of Pasadena Housing Department  
Annual Plan For Fiscal Years 2017  
HA Code: CA 079

**Civil Rights Certification**  
***(Qualified PHAs)***

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB Approval No. 2577-0226  
Expires 02/29/2016

**Civil Rights Certification**  
**Annual Certification and Board Resolution**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official, I approve the submission of the Annual PHA Plan for the PHA of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the public housing program of the agency and implementation thereof:*

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those program, addressing those impediments in a reasonable fashion in view of the resources available and working with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.

City of Pasadena Housing Department

CA 079

PHA Name

PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Steve Mermell	Title	CHIEF EXECUTIVE OFFICER
Signature		Date	

# Attachment "C"

**Certification by State or Local  
Official of PHA Plans Consistency  
with the Consolidated Plan or  
State Consolidated Plan  
(All PHAs)**

**U. S Department of Housing and Urban Development**  
Office of Public and Indian Housing  
OMB No. 2577-0226  
**Expires 2/29/2016**

**Certification by State or Local Official of PHA Plans  
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Steve Mermell, the CHIEF EXECUTIVE OFFICER certify that the Annual PHA Plan of the  
CITY OF PASADENA HOUSING DEPARTMENT is consistent with the Consolidated Plan or  
State Consolidated Plan and the Analysis of Impediments (AI) to Fair Housing Choice of the  
CITY OF PASADENA pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or State Consolidated Plan and  
the AI.

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I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official  
STEVE MERMELL

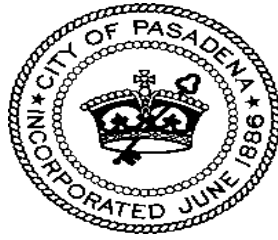
Title CHIEF EXECUTIVE OFFICER

Signature

Date

form HUD-50077-SL (12/2014)

# Attachment "D"



December 6, 2016

RE: HOUSING CHOICE VOUCHER PROGRAM - EXECUTIVE COMMITTEE  
MEMBERS TO THE RESIDENT ADVISORY BOARD MEETING

Dear

The City of Pasadena Housing Department (CoPHD) extends an invitation to you to attend the Resident Advisory Board (RAB) Executive Committee meeting. The CoPHD has scheduled the Executive Committee meeting for December 15, 2016, at 10:00 a.m. The meeting will be held at the:

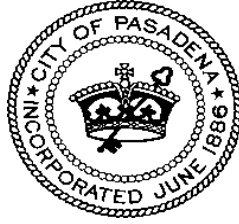
City of Pasadena Housing Department  
649 North Fair Oaks Avenue, Suite 202  
Pasadena, CA 91103

We will discuss and review the CoPHD's Public Housing Agency (PHA) Annual Plan (2016).

If you have questions, you may contact me at (626) 744-8305.

Sincerely,

Myrtle Dunson  
Housing Assistance Officer



## CITY OF PASADENA HOUSING DEPARTMENT

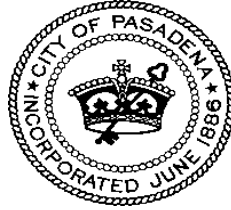
### RESIDENT ADVISORY BOARD (RAB) EXECUTIVE COMMITTEE MEETING

December 15, 2016

Housing Department  
Renaissance Plaza  
649 N. Fair Oaks Ave, Suite 202  
Pasadena, CA 91103

#### **AGENDA**

- I. Welcome and Introductions
- II. Reports
  - Chairperson (resigned)
  - Vice Chairperson (resigned)
  - Secretary
  - Executive Committee Member
- III. Next RAB Meeting on January , 2017
  - Public Housing Agency (PHA) Annual PHA Plan (2017)
  - 2017 Administrative Plan
  - Election of Chairperson and Vice Chairperson
    - Michael Watkins - Chairperson
    - Stephanie Church –Vice Chairperson
    - Shawn Williams – Committee Member
  - Presentations -Tenant Took Kit Video
- IV. Recommendations for next RAB Meeting –January 12, 2017
- V. Executive Committee Member' Comments
- VI. Adjournment



December 19, 2016

Dear: Program Participant

The City of Pasadena Housing Department (CoPHD) is in the process of preparing its Public Housing Authority (PHA) Annual Plan for fiscal year 2017, as required by the U.S. Department of Housing and Urban Development (HUD). CoPHD is requesting your participation in this planning process through your comments and recommendations regarding the PHA Annual Plan.

The PHA Annual Plan describes CoPHD's immediate operations, program participants, programs/services, and the strategy for handling operational concerns of the Rental Assistance Programs for the upcoming fiscal year.

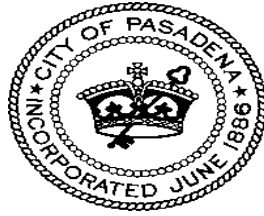
The PHA Annual Plan will be reviewed and discussed at the Resident Advisory Board (RAB) meeting on Thursday, January 12, 2017, from 10:00 a.m. to 11:30 a.m. Renaissance Plaza Community Room, 649 North Fair Oaks Ave, Suite 203. The CoPHD extends an invitation to you to attend the RAB meeting.

**However, your participation is strictly voluntary and your rental assistance will not be affected if you choose not to attend this meeting.**

If you have any questions, please contact the CoPHD, at (626) 744-8300.

Sincerely,

Myrtle Dunson  
Housing Assistance Officer  
Housing Department



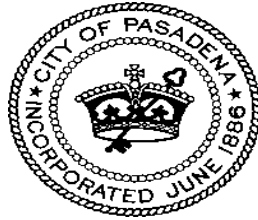
## **RESIDENT ADVISORY BOARD (RAB)**

### **Annual RAB Meeting**

10:00 A.M. - 11:30 A.M., Thursday, January 12, 2017  
Renaissance Plaza  
649 N. Fair Oaks Ave, Suite 203  
Pasadena, CA 91103

## **AGENDA**

- I. Call to Order - Welcome
- II. Executive Committee Reports
  - Chairperson (Michael Watkins)
  - Vice Chairperson (Stephanie Church)
  - Secretary (Belinda Higgs)
  - Committee Member (Shawn Williams)
  - Last RAB Meeting (1/12/16)
- III. New Business
  - Committee Members Presentations
  - Myrtle Dunson, Housing Assistance Officer
  - Public Housing Agency (PHA) Annual Plan (2017)
  - Updated 2017 Administrative Plan
  - Section 8 Video / Tool Kit
  - Presentations
    - Michael Watkins -Moves
    - Belinda Higgs – Community Education
    - Shawn Williams – What is a Good Neighbor
- IV. Recommendations and Comments
- V. Next RAB Meeting and Suggested Agenda Items
- VII. Adjournment



## Resident Advisory Board (RAB) Comments

# Attachment "E"

PHA Name: City of Pasadena Housing Department  
Annual Plan For Fiscal Years 2017  
HA Code: CA 079

Publish Once:  
Account Number: 8112 220 684210 50119

PHA: (626) 744-8300  
FAX: (626) 744-8330

**NOTICE TO THE PUBLIC OF A PUBLIC HEARING BY THE CITY OF PASADENA HOUSING DEPARTMENT TO CONSIDER THE APPROVAL OF THE PUBLIC HOUSING AGENCY (PHA) ANNUAL PLAN (2017).**

In accordance with 24 Code of Federal Regulations, Part 903 et seq., as published by the U.S. Department of Housing and Urban Development (HUD) on December 22, 2000, in the Federal Register, Public and Indian Housing (PIH) Notice 2000-43, and the Quality Housing and Work Responsibility Act of 1998, the City of Pasadena Housing Department ("City", formerly referred to as "Pasadena Community Development Commission" or "PCDC") hereby gives notice that the Public Housing Agency (PHA) Annual Plan (2017), will be considered for approval at a public hearing of the City on Monday, March 20, 2017 at 7:00 p.m., or as soon thereafter as the matter may be heard, in the Council Chambers, Room S249, at 100 North Garfield Avenue, Pasadena, California. The purpose of the public hearing is to obtain the views of citizens, service providers, participants, and interested individuals regarding the development of the PHA Annual Plan (2017).

The PHA Annual Plan (2017) describes the City's current operations, assesses housing assistance needs, housing stock conditions, and rental housing subsidy needs of lower income households for the upcoming fiscal year.

Upon approval by the City, the PHA Annual Plan (2017) will be submitted to HUD to ensure the City will continue to receive federal funds that benefit very low income individuals and households from the rental assistance programs. Rental Assistance Programs subsidies will be contingent upon the availability of funding to the City from HUD, as well as the preparation and submittal to HUD of the PHA Annual Plan.

ALL INTERESTED AGENCIES, GROUPS, OR INDIVIDUALS who wish to be heard on this matter are invited to attend this public hearing and speak to the City Council at the time and place stated. The City Council will consider approval of the PHA Annual Plan (2017) at the public hearing after receiving testimony, oral or written.

If you have any questions or require information regarding the PHA Annual Plan (2017), and/or the process, contact Myrtle Dunson, Housing Assistance Officer, at (626) 744-8300, or provide written comments to: Housing Department, 649 N. Fair Oaks Avenue, Suite 202, Pasadena, California 91103.

Steve Mermell, City Manager  
100 North Garfield Avenue  
Pasadena, CA 91109

Approved as to Form:

**BRAD L. FULLER**  
Assistant City Attorney

Publish:

PUBLIC NOTICE OF THE AVAILABILITY FOR REVIEW OF THE  
PUBLIC HOUSING AGENCY (PHA) ANNUAL PLAN FOR FISCAL YEAR 2017,  
FOR THE CITY OF PASADENA.

The City of Pasadena Housing Department (“City”, formerly referred to as “Pasadena Community Development Commission” or “PCDC”) announces that the Public Housing Agency (PHA) Annual Plan (2017) for the City in compliance with the Quality Housing and Work Responsibility Act of 1998 (QHWRA), U.S. Department of Housing and Urban Development (HUD) PHA Plan Final Rule (24 CFR Part 903), Public and Indian Housing (PIH) Notice 2000-43, is available for public review.

The PHA Annual Plan (2017) describes the City’s current operations, and assesses housing assistance needs, housing stock conditions, and rental housing subsidy needs of lower income households for the upcoming fiscal year.

The City is extremely interested in improving and increasing communication with Pasadena’s citizens in the area of housing. Comments on the plan are requested and encouraged.

The PHA Annual Plan will be available for public review at the following locations:

**Housing Department:**

649 North Fair Oaks Avenue, Suite 202  
Pasadena, CA 91103

Office hours are: Monday & Tuesday between 8:00 a.m. - 1:00 p.m.

Wednesday & Thursday between 12: p.m. - 5:00 p.m.

CoPHD has posted the complete 2017 PHA Plan draft on it official website,  
[www.cityofpasadena.net/housing/rentalassistance](http://www.cityofpasadena.net/housing/rentalassistance).

**Community Facilities\*:**

Jackie Robinson Center – 1020 North Fair Oaks	791-7983
Villa-Parke Neighborhood Center – 363 East Villa	744-6530
Pasadena Senior Citizens Center – 85 East Holly	795-4331
Victory Park Center – 2575 Paloma	798-7500
El Centro de Accion Social, Inc.- 37 East Del Mar	792-3148

**All Branches of the Pasadena Public Library\*:**

Central Library - 285 East Walnut	744-4052
Allendale – 1130 South Marengo	744-7260
Hastings – 3325 East Orange Grove	744-7262
Hill Avenue – 55 South Hill	744-7264
Lamanda Park – 140 South Altadena Drive	744-7266
La Pintoresca – 1355 North Raymond	744-7268
Linda Vista – 1281 Bryant	744-7278
San Rafael – 1240 Nithsdale Road	744-7270
Santa Catalina – 999 East Washington	744-7272

PHA Name: City of Pasadena Housing Department  
Annual Plan For Fiscal Years 2017  
HA Code: CA 079

\*Check these facilities for hours of availability

The PHA Annual Plan will be considered by the City Council in a public hearing on March 20, 2017, and if adopted, will be submitted to the U.S. Department of Housing and Urban Development, shortly thereafter.

Comments in writing from the public on the PHA Annual Plan will be received by the City's Housing Department located at 649 North Fair Oaks Avenue, Suite 202, Pasadena, CA from December 22, 2016 to March 20, 2017. If you have any questions call Myrtle Dunson, City of Pasadena, Housing Department, at (626) 744-8300.

Steve Mermell, City Manager  
100 North Garfield Avenue  
Pasadena, CA 91109

Publish:

Approved as to Form:

\_\_\_\_\_  
BRAD L. FULLER  
Assistant City Attorney

Publicar una vez:  
Número de cuenta: 8112 220 684210 66 50109

PHA: (626) 744-8300  
FAX: (626) 744-8340

**AVISO AL PÚBLICO DE UNA AUDIENCIA PÚBLICA DEL DEPARTAMENTO DE VIVIENDA  
DE LA CIUDAD DE PASADENA PARA CONSIDERAR LA APROBACION DEL PLAN  
ANUAL DE LA AGENCIA DE VIVIENDA PUBLICA (PHA, SIGLAS EN INGLES) PARA EL  
AÑO FISCAL (2017)**

De acuerdo con el código 24 de las regulaciones federales, parte 903 et seq., publicado por el Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD) por sus siglas en inglés, el 22 de diciembre de 2000, en el Registro Federal, y la Oficina de la Vivienda Pública para las Comunidades Indígenas (PIH) por sus siglas en inglés, aviso 2000-43, y la Vivienda de Calidad y la Ley de Responsabilidad Laboral de 1998, la Ciudad de Pasadena, Departamento de Vivienda, Agencia Sucesora de la Comisión de Desarrollo Comunitario de Pasadena (“Ciudad”) por la presente da aviso que el Plan Anual (2017) de la PHA, será considerado para su aprobación en la audiencia pública por la Ciudad el lunes 20 de marzo del 2017 a las 7:00 p.m. o un poco después cuando el tema sea escuchado, en la cámara del consejo, sala S249, en el 100 Norte de la Avenida Garfield, Pasadena, California. El propósito de esta audiencia pública es para obtener el punto de vista de los ciudadanos, proveedores de servicios, participantes, y personas interesadas en relación al Plan Anual (2017) de la PHA.

El Plan Anual (2017) de la PHA describe las operaciones inmediatas de la Ciudad, evalúa las necesidades de asistencia de la vivienda, las condiciones del inventario de viviendas, y las necesidades de subsidiar las rentas de las viviendas para personas de bajos ingresos para el próximo año fiscal.

Una vez sea aprobado por la Ciudad, el Plan Anual (2017) de la PHA será presentado a HUD para asegurar que la Ciudad de Pasadena continúe recibiendo fondos federales para los programas de asistencia para la renta, que benefician a las personas de bajos ingresos. Los subsidios para programas de asistencia para la renta están sujetos a la disponibilidad de los fondos para la Ciudad de HUD así como también la preparación y presentación de los planes de la PHA a HUD.

TODAS LAS AGENCIAS, GRUPOS O PERSONAS INTERESADAS que desean ser escuchados sobre este asunto están invitados a asistir a esta audiencia pública para hablar ante la Ciudad a la hora y lugar determinado. La Ciudad considerará la aprobación del Plan Anual (2017) de la PHA, en la audiencia pública después de haber recibido testimonio, oral o escrito.

Si tiene algunas preguntas o requiere información sobre el Plan Anual (2017) de la Agencia Pública de Vivienda (PHA) y/o el proceso, comuníquese con Myrtle Dunson, Funcionaria Asistente de la Vivienda, al (626) 744-8300, o envíe sus comentarios por escrito al: Departamento de Vivienda, 649 N. Fair Oaks Avenue, Suite 202, Pasadena, California 91103.

Steve Mermell, Oficial Jefe Ejecutivo  
100 North Garfield Avenue  
Pasadena, CA 91109

EL FORMATO QUEDA APROBADO:

**BRAD L. FULLER**  
CONSEJERO GENERAL AUXILIAR

**AVISO PÚBLICO DE LA DISPONIBILIDAD PARA REVISAR EL PLAN ANUAL DE  
LA AGENCIA PÚBLICA DE VIVIENDA (PHA, SIGLAS EN INGLÉS) PARA EL AÑO  
FISCAL (2017), DE LA CIUDAD DE PASADENA**

El Departamento de Vivienda de la Ciudad de Pasadena (“Ciudad”, Agencia Sucesora de la Comisión de Desarrollo Comunitario de Pasadena o PCDC, siglas en inglés) anuncia que el Plan Anual (2017) de la Agencia Pública de la Vivienda (PHA) estará disponible para ser revisado de acuerdo con la Ley de 1988 de Responsabilidad Laboral y la Calidad de la Vivienda (QHWRA) por sus siglas en inglés, el Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD) siglas en inglés del plan final PHA (24 CFR Parte 903), aviso 2000-43 de la vivienda pública para las Comunidades Indígenas (PIH) siglas en inglés.

El Plan Anual (2017) de PHA describe las operaciones inmediatas de la Ciudad, evalúa las necesidades de asistencia de la vivienda, las condiciones del inventario de la vivienda, y las necesidades de subsidiar las rentas de las viviendas para personas de bajos ingresos para el próximo año fiscal.

La Ciudad está bastante interesada en mejorar y aumentar la comunicación con los ciudadanos de Pasadena en el tema de la vivienda. Se les anima y solicita sus comentarios sobre el plan.

El Plan Anual de PHA estará disponible para que el público lo revise en los siguientes lugares:

**Departamento de Vivienda:**

649 Norte Fair Oaks Avenue, Suite 202,  
Pasadena, CA 91103

Horario de oficina: lunes y martes entre 8:00 a.m. a 1:00 p.m.  
miércoles y jueves entre 12:00 p.m. a 5:00 p.m.

El Plan Bosquejo Anual 2017 se ha colocado en la “red” oficial del Departamento de Vivienda de la Ciudad de Pasadena, [www.cityofpasadena.net/housing/rentalassistance](http://www.cityofpasadena.net/housing/rentalassistance).

**Instalaciones Comunitarias\*:**

Centro Jackie Robinson – 1020 North Fair Oaks	(626) 791-7983
Centro de Vecinos de Villa-Parke – 363 East Villa	(626) 744-6530
Centro de Personas de la Tercera Edad – 85 East Holly	(626) 795-4331
Centro Victory Park – 2575 Paloma	(626) 798-7500
El Centro de Acción Social, Inc.- 37 East Del Mar	(626) 792-3148

**Todas las Sucursales de la Biblioteca Pública de Pasadena:**

Biblioteca Central - 285 East Walnut	(626) 744-4052
Allendale – 1130 South Marengo	(626) 744-7260
Hastings – 3325 East Orange Grove	(626) 744-7262
Hill Avenue – 55 South Hill	(626) 744-7264
Lamanda Park – 140 South Altadena Drive	(626) 744-7266
La Pintesca – 1355 North Raymond	(626) 744-7268
Linda Vista – 1281 Bryant	(626) 744-7278
San Rafael – 1240 Nithsdale Road	(626) 744-7270
Santa Catalina – 999 East Washington	(626) 744-7272

PHA Name: City of Pasadena Housing Department  
Annual Plan For Fiscal Years 2017  
HA Code: CA 079

*\*comuníquese con estos lugares para las horas de visita*

El Plan Anual de PHA será considerado por la Cámara del Consejo en una audiencia pública el 20 de marzo del 2017, de ser adoptado, será presentado después de un corto tiempo al Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos.

Los comentarios del público por escrito, sobre el Plan Anual de PHA serán recibidos por el Departamento de Vivienda de la Ciudad, ubicado en el 649 Norte Fair Oaks Avenue, Suite 202, Pasadena, CA desde el 22 de diciembre del 2016 hasta el 20 de marzo del 2017. Si usted tiene alguna pregunta llame a Myrtle Dunson, Ciudad de Pasadena, Departamento de Vivienda al (626) 744-8300.

Steve Mermell, Oficial Jefe Ejecutivo  
100 North Garfield Avenue  
Pasadena, CA 91109

Publicar:

El formato queda aprobado:

---

**BRAD L. FULLER**  
Consejero General Auxiliar

PHA Name: City of Pasadena Housing Department  
Annual Plan For Fiscal Years 2017  
HA Code: CA 079

***Public Hearing Comments:***

***No Public Comments***

# Attachment "F"

PHA Name: City of Pasadena Housing Department  
Annual Plan For Fiscal Years 2017  
HA Code: CA 079

CITY OF PASADENA  
SINGLE AUDIT REPORT  
(YEAR ENDED JUNE 30, 2016)

# Attachment "G"

# **AMENDMENTS**

## City of Pasadena Housing Department Rental Assistance Program 2017 Administrative Plan

**CITY OF PASADENA HOUSING DEPARTMENT (COPHD)  
SUMMARY OF PROPOSED REVISIONS/AMENDMENTS TO THE  
RENTAL ASSISTANCE  
2017 ADMINISTRATIVE PLAN**

- 1. Chapter 1      STATEMENT OF POLICIES AND OBJECTIVES**  
**Description:** Violence Against Women Act (VAWA)  
**Change Type:** Required  
**Location:** Page 1-7  
**Reason:** To comply with the federal regulation stated in 24 CFR 982.53, 201, 207, 307, 310, 351, 353, 354, 452, 551, 552 and 553.
  
- 2. Chapter 2      ELIGIBILITY FOR ADMISSION**  
**Description:** No significant changes
  
- 3. Chapter 3      APPLYING FOR ADMISSION**  
**Description:** No significant changes
  
- 4. Chapter 4      ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST**  
**Description:** No significant changes
  
- 5. Chapter 5      SUBSIDY STANDARDS**  
**Description:** Applicability of utility allowance  
**Change Type:** Regulatory  
**Location:** Page 5-3  
**Reason:** To comply with federal regulations, Part 982.517(d)  
  
**Description:** Housing Subsidy Standards Guidelines  
**Change Type:** Discretionary  
**Location:** Pages 5-4 & 5-5  
**Reason:** Flexibility in the determination of bedroom size for HOPWA and VASH programs
  
- 6. Chapter 6      FACTORS RELATED TO TOTAL TENANT PAYMENT**

#### **DETERMINATION**

**Description:** Income from Excess of Financial Assistance from Higher Education Institution

**Change Type:** Regulatory

**Location:** Pages 6-4 & 6-5

**Reason:** To ensure compliance with federal program regulations

**Description:** Reduction in Social Security and/or Supplemental Security Income Payments

**Change Type:** Regulatory

**Location:** Pages 6-8

**Reason:** To determine total family annual income

**Description:** Special Needs Trust

**Change Type:** Regulatory

**Location:** Pages 6-12

**Reason:** Determination of net income from trust

**Description:** Medical Expense Allowance

**Change Type:** Regulatory

**Location:** Pages 6-15 & 6-16

**Reason:** To clarify determination of allowable medical expenses

**Description:** Procedure to follow when remaining family member(s) are children.

**Change Type:** Guidance/Clarification

**Location:** Pages 6-23 & 6-24

**Reason:** Improve clarity

#### **7. Chapter 7 VERIFICATION PROCEDURES**

**Description:** Up-Front Income Verification (UIV/EIV)

**Change Type:** Clarification

**Location:** Page 7-2

**Reason:** Improve clarity to CoPHD Policy

**Description:** Unemployment

**Change Type:** Regulatory

**Location:** Page 7-9  
**Reason:** Ensure compliance with federal regulations

**Description:** Alimony Payments  
**Change Type:** Clarification  
**Location:** Page 7-10  
**Reason:** Improve clarity

**Description:** Child Support Payments  
**Change Type:** Clarification  
**Location:** Pages 7-11  
**Reason:** Improve clarity

**Description:** Net Income from a Business; Real Estate  
**Change Type:** Additional information for clarity  
**Location:** Page 7-13 and 7-17  
**Reason:** Update CoPHD policy to improve clarity

**Description:** Medical Expense Deduction; Special Needs Adult;  
Verification of Permanent Absence of Adult Member;  
Verification of Social Security Numbers; Verification of  
Student Status  
**Change Type:** Clarification  
**Location:** Page 7-22 thru 7-33  
**Reason:** Improve clarity

**Description:** Waiting List Preferences  
**Change Type:** Additional information  
**Location:** Page 7-37  
**Reason:** Clarification

## **8. Chapter 8 CERTIFICATE/VOUCHER ISSUANCE AND BRIEFINGS**

**Description:** Update CoPHD policy to follow the HUD CFR

regulations  
**Change Type:** Requirement  
**Location:** Page 8-10  
**Reason:** To comply with HUD' federal regulations

**9. Chapter 9 REQUEST FOR LEASE APPROVAL AND  
CONTRACT EXECUTION**

**Description:** Update previous procedures for clarity  
**Change Type:** Requirement  
**Location:** Pages 9-1 thru 9-2  
**Reason:** Clarification

**10. Chapter 10 HOUSING QUALITY STANDARDS AND  
INSPECTIONS**

**Description:** No significant changes

**11. Chapter 11 OWNER RENTS, RENT REASONABLENESS AND  
PAYMENT STANDARDS**

**Description:** Update information  
**Change Type:** Required  
**Location:** Pages 11-1 thru 11-2  
**Reason:** To comply with federal regulations 24 CFR 982.503

**12. Chapter 12 REEXAMINATIONS AND VERIFICATIONS**

**Description:** Required documents  
**Change Type:** Clarification  
**Location:** Page 12-5  
**Reason:** Improve clarity

**Description:** Reporting Interim Changes  
**Change Type:** Clarification  
**Location:** Page 12-9  
**Reason:** Improve clarity

**Description:** Contract Rent Increases

**Change Type:** Clarification  
**Location:** Page 12-11  
**Reason:** Improve clarity

**Description:** Report Changes Procedures  
**Change Type:** Clarification  
**Location:** Page 12-14  
**Reason:** Improve clarity

**Description:** Report Changes in Family Composition  
**Change Type:** Clarification  
**Location:** Pages 12-15-12-16  
**Reason:** Improve clarity

**Description:** Enterprise Income Verification (EIV)  
**Change Type:** Clarification  
**Location:** Pages 12-15-12-16  
**Reason:** Improve clarity

### **13. Chapter 13 MOVES WITH CONTINUED ASSISTANCE/PORTABILITY**

**Description:** Portability  
**Change Type:** Required  
**Location:** Pages 13-6 to 13-13  
**Reason:** To comply with HUD federal regulation 24 CFR 982.353, 354, 355 and Notice PIH 2016-09 (HA)

### **14. Chapter 14 CONTRACT TERMINATIONS**

**Description:** Termination of Tenancy by the Family: Moves  
**Change Type:** Clarification  
**Location:** Page 14-2  
**Reason:** Improve clarity

**Description:** Termination of the Contract by CoPHD or due to breach of contract  
**Change Type:** Clarification  
**Location:** Page 14-6

**Reason:** Improve clarity

**Description:** Automatic Termination of Rental Assistance Contracts

**Change Type:** Clarification

**Location:** Page 14-7

**Reason:** Update CoPHD policy

## **15. Chapter 15 DENIAL OR TERMINATION OF ASSISTANCE**

**Description:** Deny Admission or Terminate Assistance

**Change Type:** Update procedures

**Location:** Page 15-2

**Reason:** Improve clarity

**Description:** Mandatory Prohibition of Assistance

**Change Type:** Clarification

**Location:** Pages 15-2 to 15-3

**Reason:** Improve clarity

**Description:** Criminal Background

**Change Type:** Clarification

**Location:** Page 15-5

**Reason:** To comply with HUD regulations

**Description:** Adopted Obligations of the Family

**Change Type:** Clarification and discretionary

**Location:** Pages 15-8 to 15-11

**Reason:** Improve clarity

**Description:** Interest in Unit

**Change Type:** Required

**Location:** Page 15-14

**Reason:** To comply with HUD regulations

**Description:** Automatic Termination of HAP Contract

**Change Type:** Requirement

**Location:** Page 15-22

**Reason:** to comply with HUD regulations

**Description:** Automatic Termination of Participation  
**Change Type:** Updated  
**Location:** Page 15-23  
**Reason:** to comply to HUD regulations

**Description:** Voluntary Termination  
**Change Type:** Clarification  
**Location:** Page 15-26  
**Reason:** Improve clarity

**16. Chapter 16 PROPERTY OWNER DISAPPROVAL AND RESTRICTION**

**Description:** No significant changes

**17. Chapter 17 PROPERTY OWNER OR FAMILY DEBTS TO THE CoPHD**

**Description:** Update procedures for repayment agreements  
**Change Type:** Clarity  
**Location:** Pages 17-2 thru 17-5  
**Reason:** Clarification

**18. Chapter 18 COMPLAINTS AND APPEALS**

**Description:** Expand complaints procedures  
**Change Type:** Clarification  
**Location:** Pages 18-2 to 18-5  
**Reason:** To provide clarity

**19. Chapter 19 PROJECT-BASED PROGRAM**

**Description:** Update PBV projects  
**Change Type:** Requirements  
**Location:** Page 19-4  
**Reason:** Update CoPHD information

**20. Chapter 20 SUPPORTIVE HOUSING SERVICES**

**Description:** Description of CoPHD Mobility Policy for Continuum of Care (CoC) rental assistance participants.

**Change Type:** Required

**Location:** Chapter/Page 20-3

**Reason:** To add language to the Administrative Plan regarding amendment to CoC regulations allowing participants to choose housing outside of the CoPHD's geographic area.

**21. Chapter 21 CONSOLIDATED ANNUAL CONTRIBUTION CONTRACT**

**Description:** Additional regulations

**Change Type:** Regulatory

**Location:** Page 21-3

**Reason:** To comply with federal regulations

**22. Chapter 22 RECORDS MANAGEMENT**

**Description:** No significant changes

**23. Chapter 23 PROGRAM INTEGRITY ADDENDUM**

**Description:** Administrative

**Change Type:** Additional language for program fraud abuse detection

**Location:** Pages 23-4 thru 23-7

**Reason:** Procedures used by CoPHD to detect program fraud and abuse

**24. Chapter 24 ENTERPRISE INCOME VERIFICATION (EIV)**

**Description:** Contains employment and income information on participants.

**Change Type:** Clarification only

**Location:** Chapter/Page 24-10

**Reason:** Improve Clarity

**25. Chapter 25    SPECIAL HOUSING CHOICE VOUCHER  
ALLOCATIONS**

**Description:** Inter-agency agreement between HACOLA, HACLA and  
CoPHD

**Change Type:** Requirements and procedures

**Location:** Page 25-8

**Reason:** To comply the signed inter-agency agreement

**26. Chapter 26    PUBLIC HOUSING AND HOUSING CHOICE  
VOUCHER   PROGRAMS TEMPORARY  
COMPLIANCE ASSISTANCE**

**Description:** Housing Opportunity through Modernization Act of 2016  
(HOTMA), language added

**Change Type:** Pending HUD Notice and or Regulation

**Location:** Pages 24-4 thru 24-6

**Reason:** HUD Federal Regulations pending

**Exhibits**

**Glossary**

## **CHAPTER 1**

### **STATEMENT OF POLICIES AND OBJECTIVES**

#### **MISSION STATEMENT**

The City of Pasadena Housing Department is dedicated to providing affordable housing and community development opportunities for low and moderate income persons to enhance and strengthen our community.

#### **INTRODUCTION**

The Section 8 Housing Assistance Payments Program was originally enacted as part of the U.S. Housing Act of 1937. The Section 8 Rental Certificate and Rental Voucher Programs (Section 8 Program) were also later re-enacted as part of the Housing and Community Development Act of 1974, which recodified the U.S. Housing Act of 1937. The Housing and Community Development Act of 1974 (HCDA) has also been amended from time to time. The Federally funded Section 8 Program is administered by the U. S. Department of Housing and Urban Development (HUD) and participating public housing authority/agencies (PHA) under the Code of Federal Regulations (CFR), Title 24, Subtitle B - Housing and Urban Development, Parts 700-1699 (24 CFR 700-1699) and other applicable Federal and local regulations.

The City of Pasadena Housing Department (CoPHD), in response to recent changes in Federal regulations, performed an extensive review of our Rental Assistance Program (RAP) policies and procedures in compliance with local and Federal regulations. Modifications to RAP policies, documents, forms and processing procedures were warranted to ensure compliance with both local and Federal program requirements and to improve the program's records management system.

Essentially, HUD mandated the merger of the Section 8 Certificate and Voucher Programs into the new Housing Choice Voucher Program (HCVP), effective October 1, 1999. The merger was required by Congress when it enacted the Quality Housing and Work Responsibility Act of 1998. Under the HCVP, the CoPHD will no longer issue Section 8 Program certificates. The CoPHD issued only HCVP rental vouchers to newly admitted program participants and to current certificate holders requesting to move. If a program participant was holding an active certificate on October 1, 1999, the certificate was converted to a Housing Choice Voucher (HCV).

The HCV also gives program participants greater choice in their housing selection. The new HCV allows the program participant to pay more than the minimum required tenant payment for rent of their selected unit as long as the participant's family share does not exceed forty percent (40%) of their monthly adjusted income during the initial occupancy of a dwelling unit.

More specifically, if the gross rent exceeds the appropriate voucher payment standard, the program participant must pay the difference in rent that exceeds the standard. If the program participant is unable to pay the difference in rent, the program participant may use a newly issued HCV to move. This policy is further explained in Chapter 6 "Factors Related to Total Tenant Payment Determination" and Chapter 13, "Moves with Continued Assistance/Portability" of this Administrative Plan.

#### **A. RENTAL ASSISTANCE PROGRAMS**

The City of Pasadena's HCVP serves the jurisdiction within the City boundaries and is operated under the authority of the CoPHD which is the designated PHA established by the City in April of 1989. The former PHA was consolidated with the

Redevelopment Agency as the Pasadena Community Development Commission (PCDC) and was changed to CoPHD in 2012, which is a single operating entity and board, created under the Section 34115 of the State of California Health and Safety Code. The City Council acts as the CoPHD and exercises all the rights, powers, duties, and responsibilities of the PHA. As such, the CoPHD actively participates in other HUD supportive housing programs which provide housing assistance in a manner very similar to the HCVP, but with certain provisions for persons with special needs housings. The HUD rental assistance programs covered by the RAP Administrative Plan include Housing Opportunity for People with AIDS (HOPWA), Shelter Plus Care (SPC), Federal Emergency Management Assistance (FEMA), Supportive Housing and the HOME Investment Partnership (HOME) Tenant-Based, Veterans Affairs Supportive Housing (VASH) and Rental Assistance for the Non-elderly Persons with Disabilities (NED). The Housing Department administers the HCVP and the other HUD housing assistance programs on behalf of the CoPHD and the City of Pasadena.

Administration of the RAP and the functions and responsibilities of the CoPHD shall be in compliance with the City of Pasadena Personnel Policies, the HUD Section 8 Regulations, and all Federal, State and local Fair Housing Laws and Regulations.

## **B. OBJECTIVES**

The RAP is designed to achieve six major objectives:

1. To provide decent, safe, and sanitary housing for very low-income families while maintaining their rent payments at an affordable level.
2. To promote freedom of housing choice and spatial de-concentration of very low-income families of all races and ethnic backgrounds.
3. To provide an incentive to owners to rent to very low-income families by offering timely rental assistance payments.
4. To provide housing opportunities for persons with a special medical or physical need.
5. To assist the local economy by increasing the occupancy rate and the amount of money flowing to the community.
6. To encourage self-sufficiency of participant families.

## **C. PURPOSE OF THE ADMINISTRATIVE PLAN**

The purpose of this Administrative Plan is to establish the policies for carrying out the CoPHD RAP in a manner consistent with HUD requirements and local objectives. This Plan covers both admission and continued participation in these programs. This Plan is a supporting document of the PHA Annual Plan and some sections of the Plan provide information required by the Annual Plan. Policies are the same for all programs unless otherwise noted.

The CoPHD is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. The original Plan and any changes must be approved by the Board of Directors of the CoPHD and a copy provided to HUD.

**D. FAIR HOUSING POLICY**  
**[24 CFR 982.5; 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31]**

It is the policy of the CoPHD to comply fully with all Federal, State and local nondiscrimination laws and with the rules and regulations governing Fair Housing Act and Equal Opportunity in housing and employment.

The CoPHD shall not deny any family or individual the opportunity to apply for or receive assistance under the RAP on the basis of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, disability or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, the CoPHD will provide Federal/State/local information to Rental Certificate and HCV holders regarding "discrimination" and any recourse available to them if they are victims of discrimination. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms shall be a part of the Rental Certificate and HCV holder's briefing packet.

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 CoPHD's facilities are inaccessible to or unusable by persons with disabilities.

Poster and housing information will be displayed in CoPHD main lobby in such a manner as to be easily readable.

The CoPHD office is located at 649 North Fair Oaks Avenue, Suite 202, Pasadena, California 91103, and is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TDD/TTY telephone number 711.

**E. SERVICE POLICY/ACCOMMODATIONS**

The service policy is applicable to all situations described in this Administrative Plan when a family initiates contact with the CoPHD, and when the CoPHD initiates contact with a family.

It is the policy of the CoPHD to be service-directed in the administration of its housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to the families within the CoPHD jurisdiction. Coupled with this policy is also the desire to extend customer-friendly and thorough service to applicants, participants, owners and others whom may have interest in the CoPHD RAP by making their communication and/or visit to the Housing Department office as pleasant as possible.

An applicant, participant or owner who may be requesting general information regarding the status of their particular case, upon presentation of a pictured identification the receptionist will attempt to assist the person by accessing the Emphasys Elite Computer System to determine the present case status. However, in those situations where the visitor does not have picture identification or a scheduled appointment and the nature of their question requires the attention of a specific staff member who is not available, the visitor will be asked to complete a "Client Intake Form" and advised that the appropriate staff member will contact them within 72 hours or as soon as available. The same procedure will be followed for telephone and email inquiries.

Additionally, the CoPHD's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing programs and related services. The availability of accommodations will be made known by including notices on CoPHD forms and letters to all families, and all requests will be verified so that the CoPHD can properly accommodate the need presented by the disability.

### Reasonable Accommodation

Persons with disabilities may request in writing for a specific change to a policy or practice as an accommodation of their disability before the CoPHD will waive a written policy or practice. The CoPHD policies and practices are designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities.

In order to facilitate a request for a reasonable accommodation, the requester must first complete the Request for a Reasonable Accommodation (RRA) form. However, if assistance is necessary to complete the RRA form, CoPHD staff will facilitate.

Upon receipt of the RRA form, the CoPHD will review the form and mail a Request for Certification of Disability and Housing Needs form to the professional third party that the family has identified to verify the person's status as a disabled person and their special housing needs. Medical records will not be accepted or retained in the participant file. The CoPHD will also require that the third party provide additional information concerning any specific accommodation that the disabled person may require. The time frame for this process will vary depending on the number of RRA request forms reviewed by the CoPHD.

The CoPHD's Reasonable Accommodations Review Committee (RA Committee) is responsible for reviewing the RRA made by applicants and/or participants of the HCVP. The RA Committee is comprised of the Housing Assistant who is assigned to the family's case, the two Housing Specialists and the Housing Assistance Officer. The RA Committee will meet on the CoPHD's working Fridays to review completed Request for Certification of Disability and Housing Needs forms. Once a decision is made by the RA Committee, the assigned Housing Assistant will be responsible for notifying the family in writing of the RA Committee's decision on their request for reasonable accommodation.

The notification to the family will also inform the family of their rights to an informal review or informal hearing, if applicable, in accordance to 24 CFR 982.554 and 982.555.

Requests for accommodations must be assessed on a case-by-case basis. If the CoPHD finds that the requested accommodation creates an undue administrative or financial burden, the RA Committee will deny the request and/or present an alternate accommodation that will still meet the need of the person. Examples of alternate accommodations are:

- Payment standard maybe adjusted in accordance to the CFR.
- Expiring vouchers, with less than 30 days remaining, may be granted an additional 60 days over the 180 days outlined in this Plan.
- Issue appropriate size HCV to relocate to an affordable unit.
- Conducting home visits.
- Permitting an authorized designee or advocate to participate in the application or certification process or/and other meetings with CoPHD.
- CoPHD may grant two additional scheduled appointments over the standard written policy (see Chapter 4).

An undue administrative burden is one that requires a fundamental alteration of the essential functions of the CoPHD. An undue financial burden is one that when considering the available resources of the agency as a whole, the requested accommodation would pose a financial hardship on the CoPHD.

All requests for accommodation will be verified with a reliable, knowledgeable professional that can verify the identifiable relationship, or nexus between the requested accommodation(s) and the individual's disability. The CoPHD is entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation may be necessary because of a disability.

The CoPHD will notify the family in writing within 60 days or longer, pending the return of required documentation and the number of RRA forms to be reviewed, if their request for a reasonable accommodation has been approved or denied. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal review or an informal hearing to review the CoPHD decision. The CoPHD will make two attempts to obtain the required documentation. If the required documentation is not returned by the stated deadline, the CoPHD may make a determination based on the documentation submitted by the family or requester. The CoPHD will not approve the RRA prior to the date it was submitted.

All families with an active voucher must continue to search for a suitable unit, no suspension or tolling will apply during the request for a reasonable accommodation process. Reasonable accommodation will be made for persons with a disability that require an advocate or accessible offices. A designee will be allowed to provide information, but only with the permission of the person with the disability.

All CoPHD mailings will be made available in an accessible format, upon written request, as a reasonable accommodation if there is no undue administrative or financial burden. The CoPHD will utilize organizations which provide reasonable assistance for hearing/sight-impaired persons when needed.

At the annual re-examination, the CoPHD will review and re-evaluate previously approved reasonable accommodation. The family may be required to complete the Request for Reasonable Accommodation form annually. The CoPHD may mail a Certification of Disability and Housing Needs form to the professional third party identified by the family to verify the person's disabled status and housing needs. In addition, families are required to inform the CoPHD in writing within 15 days from the date of the change if their circumstances change as it relates to the accommodation.

## **F. Violence Against Women Act (VAWA)**

The Violence Against Women Act was developed and passed in the late 1980s and early 1990s, with advocates and professionals from the battered women's movement, sexual assault advocates, victim services field, law enforcement agencies, prosecutors' offices, the courts, and the private bar urging Congress to adopt significant legislation to address domestic and sexual violence with both women and men. Since its original passage in 1994, VAWA's focus has expanded from domestic violence and sexual assault to also include dating violence and stalking. It funds services to protect adult and teen victims of these crimes, and supports training on these issues, to ensure consistent responses across the country. Since its passage in 1994, VAWA has been modified and reauthorized several times. In 2000, Congress reauthorized the programs under VAWA, enhanced federal domestic violence and stalking penalties, added protections for abused foreign nationals, and created programs for elderly and disabled women and men. In 2005, Congress again reauthorized VAWA. In addition to reauthorizing the programs under VAWA, the legislation enhanced penalties for repeat stalking offenders; added additional protections for battered and/or trafficked foreign nationals; created programs for sexual assault victims. In February 2013, Congress passed legislation (Violence Against Women Reauthorization Act of 2013; P.L. 113-4) that reauthorized most of the programs

under VAWA, among other things. The VAWA reauthorization also amended and authorized appropriations for the Trafficking Victims Protection Act of 2000, enhanced measures to combat trafficking in persons, and amended some VAWA grant purpose areas to include sex trafficking.

The CoPHD has in place procedures for VAWA victims, to reduce domestic violence, dating violence, sexual assault, and stalking, to prevent our participants from becoming homeless, to protect them and to assist them with access to the criminal justice system if there is a need without jeopardizing their housing.

CoPHD will not deny admission on to our waiting list solely because they are or have been victims under VAWA. CoPHD will consider VAWA when proposing termination, if the participant is the victim and an incident or incidents occurs, that will not be a good cause for terminating their tenancy. VAWA also state that criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking engaged by participant's family members or guests shall not be cause for termination of tenancy if the participant or family member is a victim of VAWA. VAWA may limit what a PHA may do regarding denials and terminations.

VAWA may not/does not:

- limit PHAs from honoring varies court orders issued to victims.
- limit PHAs from proposing termination for lease violations or family obligations.
- supersedes any federal, state, or local laws that provide greater protection for victims of abuse.

To verify VAWA Claims:

- CoPHA will request the participant/victim(s) to completed form HUD-50066- (8/6/14) within 14 business days of receipt of form.
- If CoPHA receives conflicting certifications, CoPHA will require third-party documentation. This third-party can be employee, agent or volunteer of a victim service provider, an attorney, an administrative agency or a mental health or medical professional from whom the victim has received assistance in addressing the abuse.
- CoPHD/PHA may not require an third-party documentation from a victim who completed the form HUD-50066.
- CoPHD/PHA cannot require the victim to file a police report or obtain a restraining order.

Confidentiality:

Any information provide to CoPHD regarding domestic violence, dating violence, sexual assault or stalking, including the fact that an individual is a victim of such violence or stalking:

- Must be retained in confidence
- Must not be entered into a shared database
- Must not be provided to any related entity unless the victim consents or requests or required in a termination proceedings or required by law.

CoPHD/PHA must provide notice to HCV applicants and participants of their rights under this law, including the right to confidentiality. CoPHD/PHA must also notify owners/mangers of their rights and obligations under VAWA. This notice must also be provided together with form HUD-50066.

### **G. Limited English Proficiency (LEP)**

The CoPHD has bilingual staff to assist non-English speaking persons and to translate documents into Spanish and Armenian. However, other languages and certain HUD translated documents when available will be provided. In addition the same forms in English must be signed. The CoPHD will have the Obligations of the Rental Assistance Program Participant Family form translate into Spanish and Armenian. Translations by an outside certified translator may be used in certain situations.

In determining whether it is feasible to contract interpreters and translate documents into other languages, the CoPHD will consider the following factors:

1. Number of applicants and participants who do not speak English and speak other languages.
2. Frequency with which LEP individuals need the services.
3. Cost of translation into other languages per client and availability of these service agencies.
4. Evaluation of the nature, need and importance for translation by the bilingual staff and by agencies that work with non-English speaking clients.
5. The availability of organizations, service providers, schools, community groups to translate documents, letters and forms for non-English speaking families.
6. Availability of bilingual staff to explain translated documents to clients.

CoPHD will take reasonable steps to ensure access to their programs and activities by LEP persons.

### **H. FAMILY OUTREACH**

The CoPHD will publicize and disseminate information to make known the availability of housing assistance and related services for very low-income families. When the CoPHD's waiting list is open, the CoPHD will publicize the availability and nature of housing assistance for very low-income families in a newspaper of general circulation, minority media, and by other suitable means. Public notices will also be provided in Spanish and Armenian.

To reach persons who cannot read, CoPHD may distribute fact sheets to broadcasting media, and initiate personal contacts with members of the news media and community service personnel. The CoPHD may also utilize public service announcements. The CoPHD may communicate the status of housing availability to other service providers in the community, and advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance. All information will be disseminated in accordance with Equal Opportunity and HUD guidelines for Fair Housing.

### **I. OWNER OUTREACH**

The CoPHD encourages owners of decent, safe and sanitary housing units to lease to families receiving rental assistance. The Housing Department has a free housing search website which is called Pasadena Housing Search and it is located at <http://pasadenahousingsearch.com>. It has free listings and families are able to search for properties in the City of Pasadena and the County of Los Angeles. PasadenaHousingSearch.com is a partner website and shares listings with the Los Angeles County Housing Resource Center (<http://housing.lacounty.gov>) which posts housing data, information and resources for the entire County of Los Angeles. Families and owners can list and search from either site.

The CoPHD will also undertake the following activities to further its outreach efforts:

1. Actively recruit owners and when appropriate grant exception rents for units located in areas with rents higher than the current HUD published Fair Market Rents (FMR) or the average city market rents.
2. Initiate contact with owners and managers by conducting formal and informal discussions and meetings.
3. Provide printed materials such as owner's packets, program brochures, federal regulations, etc., to acquaint owners and managers with the opportunities available under the program.
4. Periodically evaluate the distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted.
5. Conduct periodic meetings with participating owners to improve owner relations and to recruit new owners.
6. Attend landlords and industry interest program events each year to outreach and increase landlord/owners awareness and education. Build relationships with organizations such as: Apartment News Publications, Inc.; Foothill Apartment Association (FAA); Apartment Association of Greater Los Angeles (AAGLA) and others.

#### **J. PRIVACY RIGHTS**

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for the Release of Information/Privacy Act Notice (Form HUD 9886) and the CoPHD Authorization for Release of Information. These documents incorporate the Federal Privacy Act Statement and describe the conditions under which HUD and CoPHD will release family information.

In accordance with HUD requirements [CFR 982.307 (b)], the CoPHD will furnish prospective owners with the family's current address as shown in the CoPHD's records and, if known to the CoPHD, the name, address and telephone number of the owner at the family's current and prior address. This information will only be provided to prospective owners upon receipt of a written request.

A statement of the CoPHD's policy on release of information to prospective owners will be included in the briefing packet provided to the family. Additionally, the following CoPHD practices and procedures will be followed to ensure and safeguard privacy of applicants and program participants:

1. All applicant and participant case files will be stored in the "File Room" in a secure location.
2. CoPHD will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion or improper disclosure of family information by staff will result in disciplinary action.

#### **K. AFFIRMATIVE ACTION/EQUAL OPPORTUNITY**

The City of Pasadena is committed to a policy of Affirmative Action/Equal Opportunity. The policy of the City shall be to provide equal opportunity to all persons and to prevent unlawful denial of opportunity to any individual because of race, gender, religion, creed, sexual orientation, color, marital status, national origins, parental status, ancestry, disability (including AIDS), medical condition and age. The CoPHD will comply with the Affirmative Action/Equal Employment Opportunity Practices Provisions of the City of

Pasadena, Chapter 4.09 of the Pasadena Municipal Code, and the rules and regulations adopted pursuant to said ordinance.

#### **L. RULES AND REGULATIONS**

This Administrative Plan is set forth to define the CoPHD's local policies for operation of the RAP in the context of Federal laws and regulations. All issues related to the HCVP and the other City administered HUD Programs not addressed in this document are governed by such Federal regulations, HUD Memorandums, Notices and Guidelines, or other applicable law.

#### **M. JURISDICTION**

The Housing Department jurisdiction is the City of Pasadena and unincorporated areas of Pasadena, within the County of Los Angeles, California. The CoPHD entered into interagency agreements for the Veteran Affairs Supportive Housing Program (VASH) with the Housing Authority of the County of Los Angeles (HACoLA) and the Housing Authority City of Los Angeles (HACLA); Refer to Chapter 25, "Special Housing Choice Voucher Allocations", for more information regarding the VASH interagency agreements.

#### **N. MONITORING OF PROGRAM PERFORMANCE**

Reports will be maintained to:

1. Monitor funding availability and ensure the CoPHD is at maximum lease-up.
2. Track outstanding HCVs for expiration and/or suspension.
3. Track timeliness of annual re-examination/inspection activities.
4. Track number of failed inspections and abatements.
5. Track number and reason for moves and terminations of assistance.
6. Track number of new HCVs issued.
7. Track status of repayment amounts owed the PHA.
8. Track hard-to-house families.
9. Monitor/maintain names pulled from waiting list.
10. Monitor reports in PIH Information Center (PIC)

In order to ensure quality control, supervisory staff audits the following functions:

1. 50-60 % of annual re-examinations for staff not on probation and 100% of annual re-examinations new staff on probation.
2. 100% of new admissions and in-coming portable families.

3. 100% interim re-examinations.
4. 5% of the Housing Quality Standards (HQS) inspections conducted for all units.
5. 100% proposed terminations and end of participations.
6. 100% overpayment of rental assistance calculations.

## **O. TERMINOLOGY**

- The City of Pasadena Housing Department is referred to as the CoPHD or Public Housing Agency (PHA) throughout this document.
- Family is used interchangeably with applicant or participant and also refers to a single person family household.
- Tenant is used to refer to participants in terms of their relation to owners.
- Landlord, property owners and owners are used interchangeably.
- New Rule refers to the HUD Occupancy Regulations (subsidy standards) effective October 2, 1995.
- Old Rule refers to the regulations that were superseded on that date, October 2, 1995.
- Unified Rule refers to Part 982 Section 8 Tenant-Based Assistance: Unified Rule for Tenant-Based Assistance under the Rental Certificate Program and the Section 8 Rental Voucher Program dated September 11, 1996.
- Non-Citizens Rule refers to the regulation effective June 19, 1995, restricting assistance to U.S. citizens and eligible immigrants.
- HQS means the Housing Quality Standards required by regulations and enhanced by CoPHD in accordance with State and local ordinances.
- Housing Choice Voucher (HCV) Program refers to the Tenant-Based Rental Assistance Program that essentially replaced the Section 8 Certificate and Voucher Programs, effective October 1, 1999.
- Housing Opportunity Through Modernization Act of 2016 (HOTMA). This new statute provides updates and improvements to statutes that authorize and prescribe for multiple HUD programs. The purpose is to advise HUD programs participants and interested members of the public of the statutory provisions.

See Glossary for other terminology.

## **P. CITY OF PASADENA HOUSING DEPARTMENT WEBSITE**

A list of the Housing Department standard forms and informational handouts along with a brief description of each document is available on its website. These forms/handouts can be viewed and printed at [http://www.ci.pasadena.ca.us/Housing/Standard\\_Forms](http://www.ci.pasadena.ca.us/Housing/Standard_Forms) and <http://ww5.cityofpasadena.net/housing>.

## **CHAPTER 2**

### **ELIGIBILITY FOR ADMISSION [24 CFR 5, Subparts B, D & E; 24 CFR 982, Subpart E]**

#### **INTRODUCTION**

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

#### **A. ELIGIBILITY FACTORS**

To be eligible for assistance an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the CoPHD.

1. An applicant must be a "family."
2. A family must be income-eligible, within the appropriate income limits.
3. A family must have at least one family member who is a citizen, national or non-citizen with eligible immigration status.

For the CoPHD's additional criteria for eligibility, see Section F in this Chapter, "Other Criteria for Admission".

The family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors. Compliance with the eligibility factors will not be verified before the family is placed on the waiting list. Evidence of Citizenship/Eligible Immigrant Status will not be verified until the family is selected from the waiting list for issuance of a Housing Choice Voucher (HCV), unless the CoPHD has determined that such eligibility is in question, regardless of whether or not the family is at or near the top of the waiting list.

#### **B. FAMILY COMPOSITION [24 CFR 5.403, 982.201]**

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

1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person;
2. A group of persons residing together, and such group includes, but is not limited to:
  - (i) A family with or without children;

- (ii) An elderly family;
  - (iii) A near-elderly family;
  - (iv) A displaced family;
  - (v) The remaining member of a tenant family.
3. A child who is temporarily away from the home because of placement in foster care may be considered a member of the family. Refer to Chapter 6 Section H of this Plan for additional information.

### **Head of Household**

The Head of Household is the adult member of the family who is considered the head of the household for the purpose of determining eligibility and rent. The person who submitted an application is considered the head of household. The application cannot be re-assigned to another person if the person was not on the original application (who has not been previously removed) as the head of household unless the original head of household passed away or has been placed in a nursing or convalescent home.

### **Live-in Aide [24 CFR 5.403 & 982.316]**

A family that consists of one or more elderly, near-elderly or disabled persons may request that the CoPHD approve a live-in aide to reside in the unit and provide necessary supportive services for a family member who is a person with disabilities. The CoPHD must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by the family member with a disability.

The live-in aide:

- 1. Is determined to be essential to the care and well being to the person with disabilities.
- 2. Is not obligated for the support of the person(s).
- 3. Would not be living in the unit except to provide care for the person(s); and
- 4. Does not have a separate residence.

Once the CoPHD has approved the family's request for a live-in aide, the person selected by the family must be approved by the CoPHD and owner. The CoPHD may deny to approve a particular person as a live-in aide, or withdraw such approval under the following circumstances:

- 1. The person commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
- 2. The person commits drug-related criminal activity, violent criminal activity, or is subject to a lifetime registration requirement under a State sex offender registration program.
- 3. The person currently owes rent or other amounts to the CoPHD or to another PHA in connection with Section 8 or public housing assistance. -
- 4. The person is under the age of 18.
- 5. The person ever convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

6. The person is currently a household member.
7. The person would normally be expected to live in the unit.
8. The person is the head of household.
9. The person fails to submit the requested information.
10. The person is the owner of the assisted unit or has financial interest in the assisted unit.
11. The care provided is at an "arm's length transaction".
12. The person and the participant maintain shared finances.
13. The person is related to the owner.
14. The person is not available to provide the essential care as recommend by the knowledgeable professional.

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

1. The Income of a live-in aide will not be counted for purposes of determining eligibility or level of benefits.
2. A Live-in aide must have a valid Social Security number and provide Social Security card, birth certificate and California I.D or driver license.
3. A Live-in aide will not be considered as a remaining member of the family.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements of the live-in aide definition described above.

The head of household must certify that the care provided is at an "arm's length transaction". The certification must include:

1. The live-in aide was not part of the household prior to receiving rental program assistance.
2. There is no other reason for the aide to reside in the unit.
3. The aide and the participant will maintain separate finances.

A live-in aide may only reside in the unit with the approval of the CoPHD and the property owner. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker. See Chapter 7 of this Plan, "Verification Procedures".

After the person has been approved as the live-in aide, the person cannot be changed to a family member.

Family members of a live-in aide may reside in the unit with the approval of the CoPHD and owner, provided doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the live-in aide's family members does not overcrowd the unit.

Family members of the live-in aide will not be considered "family members of the assisted family". However, they will be required to submit requested information and a criminal background check will be conducted for persons 18 years of age or older. The live-in aide family members will be included in the lease.

The live-in aide does not pay rent or any of the utilities. In addition, the owner or tenant cannot collect or receive monies as rent for the live-in aide from a 3<sup>rd</sup> party.

The CoPHD has the right to disapprove the person selected as the live-in aide based on the "Other Criteria for Eligibility" described in this Chapter.

Occasional, intermittent, multiple or rotating care givers do not reside in the unit and do not qualify as a live-in aide.

### **C. INCOME LIMITATIONS [24 CFR 982.201]**

In order to be income-eligible for assistance, an applicant must be either:

1. A very low-income family;
2. A low-income family in any of the following categories:
  - a. A low-income family that is "continuously assisted" under the 1937 Housing Act. A family is continuously assisted if the family has received assistance under any 1937 Housing Act program. Programs include public housing, all rental assistance programs and all Section 23 programs.
  - b. A low-income family physically displaced by rental rehabilitation activity under 24 CFR 511.
  - c. A low-income, non-purchasing family residing in a HOPE 1 or HOPE 2 project.
  - d. A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a project subject to a homeownership program under §248.173 of this title.
  - e. A low-income or moderate-income family displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing as defined in §248.101 of this title.
3. HUD requires that at least 75% of new admissions during the CoPHD's fiscal year to be targeted to families at or below 30% of median income. This limitation does not apply to continuously assisted families, enhanced rental voucher recipients or certificate families who are converting to rental vouchers.

To determine if the family is income-eligible, the CoPHD shall compare the annual income of the family to the applicable income limit in effect for the family's size.

### **A Single Person Who is Pregnant [24 CFR 982.402]**

1. A single pregnant woman must be at or below the income limit for one person.
2. In establishing the appropriate space standards for the number of bedrooms, the CoPHD will consider the size of the household with the unborn child included.
3. The single pregnant woman will not be entitled to the benefit of the \$480.00 dependent allowance until after the birth of the child.

**Single-Jurisdiction Housing Agencies:** The applicable income limit to be used at initial issuance of a HCV is the income limit of the housing agency. CoPHD is a single-jurisdiction housing agency.

**Multi-Jurisdictional Housing Agencies:** The applicable income limit used for initial issuance of a HCV is the highest income limit within the housing agency's jurisdiction.

Families whose annual income exceeds the income limit will be denied admission and offered an informal review.

Families who report zero household income will be referred to local social service agencies to obtain any benefits which they may be eligible to receive.

For admission to the program (initial lease-up), the family's income must be within the very low-income limit of the jurisdiction where they want to live.

#### **D. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216]**

Applicants and participants must disclose a complete and accurate social security number for each member of the household, including foster children, foster adults and live-in aides with the exception of the following individuals:

1. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.
  - a. A family that consists of single household member (including a pregnant individual) who does not have eligible immigration status is not eligible for housing assistance and cannot be housed.
  - b. A family that consists of two or more household members and at least one household member that has eligible immigration status, is classified as a mixed family, and is eligible for prorated assistance in accordance with 24 CFR 5.520. The CoPHD may not deny assistance to mixed families due to non-disclosure of a SSN by an individual who does not contend to have eligible immigration status.

Applicants (including each member of the household), who are not exempt under Section 5 of the Notice PIH 2010-3 (HA), are required to provide verification of Social Security numbers.

Newborn children do not have an assigned SSN will be:

1. Included as household member and entitled to benefits.
2. CoPHD will generate a PIC Alternate ID.
3. Head of Household (HOH) is allowed 90 days to provide documentation of the Social Security Number.

The CoPHD may extend the time frame for an additional 90 days if unforeseen circumstances outside of the control of the head of household prevented the disclosure of the required documentation.

The addition of new household members (other than by birth) who have an assigned Social Security Number and have not submitted verification will not be:

1. Added to the family composition until the family has complied with the Social Security Number disclosure and verification requirements.

2. Generated a PIC Alternate ID.

Citizens and lawfully present noncitizens who state that they have not been assigned a SSN by the SSA should make such declaration in writing and under penalties of perjury to the CoPHD. The CoPHD will:

1. Not include the citizen or lawfully present non-citizen as household member and will not be entitled to benefits.
2. Not generate a PIC Alternate ID.
3. Allow the Head of Household 90 days to provide documentation of the Social Security Number.

Individuals who previously declared to have eligible immigration status may not change his or her declaration for the purpose of avoiding compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance with these requirements.

Family members who do not have a valid Social Security number due to their immigration status are exempt from the disclosure requirement. The individual(s) must sign and date a certification form that s/he does not have a Social Security number.

NOTE: If the family member who is required to execute a certification is less than 18 years old, the certification must be executed by the individual's parent or guardian unless the person is an emancipated minor.

When a family requests to add a new household member, the applicants or participants must disclose the assigned SSN and provide the CoPHD documentation (See Chapter 7 of this Plan for acceptable documentation). If the family is unable to provide the required documentation, the CoPHD will not add the new household member until the participant has provided the documentation unless they are exempt due to their immigration status.

When a family requests to add a new household member who is under the age of six and does not have an assigned SSN, the family must disclose the assigned SSN and provide the CoPHD documentation within 90 calendar days of the child being added to the household.

If the family is unable to disclose and provide evidence of a SSN within 90 calendar days, the CoPHD will grant the family an additional 90 days period to comply with the SSN disclosure if the CoPHD determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside of the family control (i.e. delayed caused by SSA, natural disaster, fire, death in family, etc.).

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

1. The CoPHD will deny eligibility of an applicant if s/he including each member of the household (except non-contending persons) does not disclose a SSN. However, if the applicant is unable to disclose and/or provide documentation of such SSN, who is otherwise eligible to participate in the program, the family will maintain his/her position on the waiting list up to 180 calendar days. If the applicant has not complied with the SSN disclosure and documentation requirement, the CoPHD will disqualify the applicant and remove them from the waiting list.
2. Applicants will be removed from the waiting list for failing to disclose a SSN.

For acceptable reasons for rejection of tenant-provided documentation, see Chapter 7 of this Plan, Section H "Verifying

#### **E. PENALTIES FOR FAILURE TO DISCLOSE/ DOCUMENT SSNs**

The CoPHD must deny assistance for an applicant family if the regulatory requirements for social security number disclosure and documentation are not met. The applicant must disclose and document the social security number for every household member (except non-contending persons) in order to qualify for the program.

The CoPHD must terminate assistance of participant households if the regulatory requirements for social security number disclosure and documentation are not met. Assistance must be terminated for the entire household if these requirements are not met for every non-exempt household member. However, CoPHD must defer termination for a period not to exceed 90 days if it determines that the participant's failure to meet the requirements was due to unforeseen circumstances outside the control of the family, and if it is reasonably likely that the participant will be able to disclose and document the social security number(s) by the deadline.

The CoPHD must deny admission or terminate the family's assistance, or both, if the family submits falsified SSN documentation. The head of household may not remove a household member from the family composition in order to avoid these penalties. Prorated assistance is not permitted in this situation.

#### **F. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]**

Housing assistance is available only to those individuals who are U.S. citizens, U.S. nationals, or noncitizens that have eligible immigration status. In order to receive rental assistance, at least one family member must be a U.S. citizen, U. S. national or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the six immigrant categories as specified by HUD.

A Freely Associated State (FAS) citizen who is a lawful resident of the U.S. (including territories and possessions) is eligible for housing assistance. The FAS states are:

1. Republic of the Marshal Islands;
2. Federated States of Micronesia;
3. Republic of Palau

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

**Eligible Families:** An eligible family will be comprised of citizen(s), national(s) or non-citizen(s) with eligible immigrant status.

**Mixed Families:** A mixed family is comprised of citizen(s) or eligible non-citizen(s) and those without citizenship or eligible non-citizen status. A mixed family is eligible for prorated assistance. The family may request an informal hearing if they contest this determination.

**Ineligible Families:** An ineligible family is one in which no member is a citizen, national or eligible immigrant. Families will be denied admission and may request an informal hearing.

**Non-Citizen Students:** Non-citizen student defined by HUD in the non-citizen regulations are not eligible for assistance.

**G. OTHER CRITERIA FOR ADMISSION [24 CFR 982.552, 982.553 (C)]**

The CoPHD must apply the following criteria, in addition to HUD eligibility criteria, as grounds for denial of admission to the program.

1. The family must not have violated any family obligation during a previous participation in RAP during the last five years.

When the CoPHD denies assistance to an applicant with a disability, the applicant may request a review of the family obligation that was violated, if the violation was a result of the disability.

An exception may be granted by the CoPHD if the family member who violated the family obligation is not a current member of the household listed on the application.

2. No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program in the last five years unless the CoPHD or PHA has imposed a lifetime restriction from participating due to the nature of the violation(s), crime or offense.
3. Family must have paid any outstanding debt owed the CoPHD or another housing agency as a result of prior participation in any Federal housing program.
4. No member of the family may have engaged in drug-related or violent criminal activity within the last five years.

The CoPHD will not be obligated to investigate information concerning a family's criminal activities other than drug-related or violent criminal activity other related activities as part of the processing of an application for assistance. Initial screening will be limited to routine inquiries of the family and any other information provided to the CoPHD regarding this matter. The inquiries will be standardized and directed to all families by inclusion in the application form.

If the family indicates that they have been arrested or convicted within the prior five years for drug-related or violent criminal activity, the CoPHD shall obtain verification through police/court records.

Verification of any past activity will be done at the initial eligibility review and will include a check of conviction and other records by a law enforcement agency.

5. No family member may have been evicted from federally assisted housing for any reason during the last five years.
6. No family member may have engaged in or threatened abusive or violent behavior toward CoPHD personnel or CoPHD/staff property unless the severity of the circumstances requires a lifetime band.
7. Family member(s) must not be subject to a lifetime registration requirement under a State sex offender registration program.
8. No family member may have been convicted of drug-related criminal activity involving manufacture or production of methamphetamine on the premises of federally assisted housing.
9. Students enrolled in an institution of higher education, who are:

- a. Under the age of 24;
- b. Not a veteran;
- c. Unmarried;
- d. Do not have a dependent child;
- e. Have not established a separate household from their parents or legal guardians for at least one year prior to applying for rental assistance;
- f. Nor claimed as a dependent by parents or legal guardians on their Internal Revenue Services tax return; and
- g. Not receiving financial support from parent or legal guardians.

10. The head of household must be at least 18 year of age or an emancipated youth at the time application was submitted.

### **Legal Capacity of Persons with Disabilities**

A person with a disability may meet the requirement of legal capacity to enter into a contract, lease, and/or program forms. However, in cases where the person cannot care for themselves and/or manage their finances documents can be signed on their behalf by:

1. Court-appointed conservator;
2. A person holding a durable power of attorney with respect to the personal and family maintenance for the individual;
3. In the case of a developmentally disabled adult, either the adult or a court-appointment limited conservator depending on whether the court has a specifically granted appropriate power to the limited conservator.

The CoPHD does not require a family to have a live-in aide to meet legal capacity requirements.

The conservator or attorney must provide the following:

1. Valid identification
2. Current address
3. Copy of court order appointing the conservator including current address of the court and subsequent orders relating to the conservatorship.
4. Copy of the instrument that created the durable power of attorney.
5. The conservator or attorney in fact must sign a statement that provides:
  - a. The mailing address and current phone number of the conservator or attorney in fact; and
  - b. A certification that he or she will notify the CoPHD immediately in writing of any change in his/her address and phone number and of any change in the status of the conservatorship or power of attorney.

### **Ability to Meet Program Requirements**

The CoPHD will not inquiry about a person's abilities to meet program requirements that are not made of all applicants or participants.

An applicant with disabilities may be denied admission to an assisted housing program if:

1. He or she is not capable of meeting the essential eligibility requirements with or without supportive services provided by persons other than the CoPHD; and

2. There is no reasonable accommodation that the CoPHD could provide which would enable the applicant to participate in and benefit from the program.

#### **H. SUITABILITY OF FAMILY**

The CoPHD may take into consideration any of the additional criteria for admission in Section F above, but may not otherwise screen for factors which relate to the suitability of the applicant family as tenants.

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

Changes that occur during the period between placement on the waiting list and prior to admission may affect the family's eligibility. For example, if a family goes over the income limit prior to lease up, the family will not be eligible for the program. The application will be disqualified and their name will be removed from the waiting list if the applicant is determined ineligible. They will be notified in writing of their ineligible status and their right to an informal review.

#### **J. INELIGIBLE FAMILIES**

Families who are determined to be ineligible will be notified in writing of the reason(s) for denial and given an opportunity to request an informal review or an informal hearing. See Chapter 18 of this Plan, "Complaints and Appeals" for additional information about informal reviews and informal hearings.

## **CHAPTER 3**

### **APPLYING FOR ADMISSION**

#### **INTRODUCTION**

The policy of the CoPHD is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for enrollment for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the enrollment function is to gather information about the family, but the CoPHD will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Chapter.

#### **A. HOW TO APPLY**

Families who wish to apply for the CoPHD 's Housing Choice Voucher Program (HCVP) must apply during open enrollment. The CoPHD will review different intake methods to determine the most effective method. The CoPHD enrollment process will be in English, Spanish and other languages specific to the general population. During the open enrollment process, families may request a reasonable accommodation to facilitate the enrollment process.

Applicants will be required to provide information on the family composition, income, and local preferences to complete their enrollment. Once the open enrollment process has been completed and the applicants have met the preliminary eligibility requirements, their name will be placed on the waiting list. The information provided will be the basis for the family's placement on the waiting list. Providing false, incomplete or inaccurate information will be grounds for denial of placement on the waiting list and/or disqualification of application.

The open enrollment period and process for the targeted Supportive Housing Programs may vary from the above, see Chapter 20 of this Plan, "Supportive Housing Services".

#### **B. OPEN ENROLLMENT [24 CFR 982.206]**

The CoPHD will utilize the following procedures for opening the waiting list. When the CoPHD has determined that either; 1) it is in receipt of additional funding allocations from HUD and subsequent amendment to the Consolidated Annual Contributions Contract (ACC) for new vouchers, 2) the existing waiting list has been substantially depleted (200 names or less of applicants with residency preference), 3) the existing waiting list is depleted of applicants for Non-Elderly Disabled (NED) Category #1 and/or 4) the existing waiting list has been in place for 5 years, the CoPHD may open registration to the waiting list for new applicants for a specific category.

Opening of the waiting list (open enrollment) will be advertised through an affirmative marketing strategy, which will give 30-day advance notice prior to open enrollment. The following marketing methods may be utilized to disseminate information regarding open enrollment to the widest spectrum of the general public:

1. Public notifications in local newspapers of general circulation.

2. Public service announcements on local television and cable networks.
3. Announcements in various media outlets.
4. Distribution of notices to social services agencies (i.e., Social Security Administration, Department of Public Social Services, Employment Development Department, City Department of Human Services and Recreation, Pasadena Senior Center, and local libraries, etc.).
5. Notification and solicitation of current HCVP participants and owners to inform interested households; and
6. Other suitable means for notification of the availability and nature of the HCVP, such as:
  - a. Special feature articles in local newspapers or on local cable networks which highlight how the program can assist various types of households.
  - b. Provision of a HCVP fact sheet to the broadcast media.
  - c. Distribution of pamphlets and other program information in English, Spanish, and other languages specific to the general population, provided it does not cause an undue financial burden to the CoPHD; and
  - d. Direct contact with civic organizations and agencies for whose constituents English is not their primary language.
  - e. City of Pasadena Housing Department website.

The open enrollment process will be reviewed to ascertain which outreach methods have been most effective. Based on the findings reached after examination of the data, the CoPHD will take additional steps to enhance its future outreach efforts.

The Public Notice must contain:

1. The dates and times when families may apply and the method of enrollment.
2. The program(s) for which applications will be taken.
3. A brief description of the program(s).
4. Limitations, if any, on whom may apply.

### **Suspension of Enrollment Period**

If the CoPHD determines that the existing waiting list contains an adequate pool for the use of available program funding, the CoPHD may stop accepting new applications, or may accept only applications meeting criteria adopted by CoPHD.

The open enrollment period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations but not create a waiting list that cannot be maintained based on the CoPHD's resources and funding. The CoPHD will give no less than five days public notice prior to closing the waiting list.

**C. HCVP APPLICATION PROCEDURES [24 CFR 982.204 (b)]**

The purpose of the application is to allow the CoPHD to assess if the family is preliminarily eligible or ineligible for rental assistance and to determine the family's placement on the waiting list. The application may contain questions designed to obtain the following information:

1. Name and age of applicant and all household members.
2. Sex and relationship of all household members.
3. Home address and telephone numbers.
4. Mailing address (P.O. Box or other reliable address).
5. Assets owned by any and all household members.
6. Amount(s) and source(s) of income received by household members.
7. Information regarding disabled status.
8. Information related to qualification for preferences.
9. Social Security numbers.
10. Race/ethnicity.
11. Citizenship/eligible immigration status.
12. Convicted of and/or engaged in drug-related or violent criminal activity.
13. Request for reasonable accommodation needed to fully utilize program and services.
14. Program integrity questions regarding previous participation in HUD programs.

Applications will not be accepted under the following conditions:

1. Duplicates that include members from other applicant's household
2. Incomplete
3. If applicant fails to comply with the open enrollment process and/or instructions
4. If applicant fails to meet the preliminary eligibility requirements

The initial processing of applications will not require an interview. Eligibility will be determined when an availability of a HCV exists for issuance and applicant information has been verified or re-verified no more than 60 days prior to scheduled date for issuance of the HCV. However, if the CoPHD determines that information was falsely provided or purposely omitted, the application will be disqualified.

Applicants are required to update their application online within 15 days of the date of the change regarding family composition, income, and address, as well as any changes in their local preferences.

Applicants are also required to respond to requests from the CoPHD to update information on their application, and/or to determine their continued interest in rental assistance. Applicants may be notified via email or U. S. postal service. Applicant will be requested to return the information to the CoPHD within 15 days if the request is made by mail or within 7 days if the request is made via email. Failure to provide information or to respond to mailings will result in the applicant being removed from the waiting list, see Chapter 18 of this Plan, "Complaints and Appeals".

If a letter is returned by the Post Office with or without a forwarding address, the applicant will be removed from the waiting list without further notice, and the envelope and letter will be maintained in the file.

In the event that any correspondence that is mailed for any purpose is returned by the Post Office, the applicant will be removed from the waiting list due to the family's failure to report a change of address. In the event where a prior instance occurred due to a change of address was not reported but a forwarding address was provided, the applicant will be removed from the waiting list due to family's failure to report a change of address in writing to the CoPHD if the correspondence is returned by the Post Office with a forwarding address.

If the family is notified by email and the email is undeliverable due to an invalid email address or inactive email address, the applicant will be removed from the waiting list due to the family's failure to maintain a valid email address.

#### **D. TIME OF SELECTION**

Families will be selected from the waiting list in their preference-determined sequence when funding is available, regardless of family size. When there is insufficient funding available for the family at the top of the list, the CoPHD will not admit any other applicant until funding is available.

A pool of 25 completed eligible applicant files will be maintained to minimize delays in admissions when funding becomes available. However, families will only be offered a HCV in accordance with their placement on the waiting list.

#### **E. COMPLETION OF A FULL APPLICATION INTERVIEW**

All applicants will be required to participate in a full application interview with the CoPHD. The applicant will be required to furnish true, complete and accurate information requested by the CoPHD at all times. The CoPHD will review and update the HCV Application with the family. The applicant will sign and certify that all information is true, complete and accurate.

#### **F. INTERVIEW REQUIREMENTS**

The CoPHD utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that the information is true and complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process. All adult family members are required to attend the interview and sign CoPHD forms. If the family requires a reasonable accommodation to facilitate the interview, the applicant must submit a written request for reasonable accommodation at least five days prior to the scheduled appointment.

If applicants arrive late to the appointment, applicants will not be seen and this appointment will be considered a missed appointment.

If the applicant arrives to the appointment with incomplete forms, without the requested information, and/or all adult family members, applicants will not be seen and this appointment will be considered a missed appointment.

If the applicant misses the scheduled appointment, a second appointment will be scheduled. If the applicant misses two scheduled/rescheduled appointments, the CoPHD will remove the applicant's name from the waiting list.

If an applicant fails to appear for their second appointment, their application will be denied unless they can provide acceptable documentation to the CoPHD that an emergency prevented them from calling and/or attending. However, a final appointment will not be granted if the applicant is unable to attend the appointment within 30 days from the missed appointment.

If the application is denied based on the reasons mentioned above, the applicant will be notified in writing and offered an opportunity to request an informal review, see Chapter 18 of this Plan, "Complaints and Appeals".

All adult family members must review and sign the following program forms:

1. Form HUD-9886 Authorization for the Release of Information/Privacy Act Notice.
2. Form HUD-1140 Things You Should Know.
3. Federal Privacy Act Statement.
4. CoPHD Authorization for Release of Information.
5. HCVP Application and all supplemental forms required by the CoPHD.
6. Declaration of Section 214 Status.
7. Client Screening – Criminal History Background.
8. What You Should Know About EIV.
9. Debts Owed to the Public Housing Agencies and Terminations.

Information provided by the applicant will be verified. Verifications may not be more than 60 days old at the time of a HCV issuance.

The appointment letter including the Eligibility Fact Sheet will be considered the CoPHD's first request for information and/or documentation from the family. If the CoPHD determines at or after the interview that additional information and/or documents are required, the CoPHD will request in writing, for the family to submit the information and/or documents within 15 days from the date of the request. This will be considered a second and final request.

If the family fails to submit the requested information by the established deadline after a second and final request has been made, the CoPHD will provide the applicant with a notification of removal of their name from the waiting list. See Chapter 18 of this Plan, "Complaints and Appeals".

## **G. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY**

After the verification process is completed, the CoPHD will make a final determination of eligibility. The CoPHD's final determination will be based on the information verified and the current eligibility criteria in effect. If the applicant is

determined to be eligible, the CoPHD will mail a notification of eligibility. A briefing session will be scheduled for the issuance of a HCV and orientation to the HCVP.

**H. INELIGIBLE DUE TO INCONSISTENCIES**

When the applicant has submitted all of the requested information and the verifications have been received, the CoPHD must analyze the information to make a final determination of eligibility. However, the family will be determined ineligible if the information is inconsistent and/or conflicting.

## CHAPTER 4

### ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST [24 CFR Part 5, Subpart D; 982.203; 982.204; 982.205; 982.207]

#### **INTRODUCTION**

It is the CoPHD's objective to ensure that applicants are placed in the proper order on the waiting list so that an offer of assistance is not delayed to any applicant or made to any applicant prematurely.

This Chapter defines the eligibility criteria for local preferences which the CoPHD has adopted to meet local housing needs and explains the CoPHD's system of applying them.

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

#### **A. APPLICATION POOL**

The waiting list will be maintained in accordance with the following guidelines:

1. The applications will be maintained in a database file.
2. All applicants in the pool will be maintained in the order of preference and date and time of the application.

The waiting list will contain the following information for each applicant:

1. Applicant name.
2. Family unit size (number of bedrooms for which family qualifies based on the occupancy standards).
3. Date and time of application.
4. Qualification of any local preferences.
5. Racial or ethnic designation of the head of household (for statistical purposes only).

The order of admission from the waiting list may not be based on family size or on the family unit size for which the family qualifies under the CoPHD occupancy policy. If the CoPHD does not have sufficient funds to subsidize the family unit size of the family at the top of the waiting list, the CoPHD may not skip the top family to admit an applicant with a smaller family unit size.

When HUD awards the CoPHD funding for a specified category of families on the waiting list, the CoPHD must select applicant families in the specified category. The CoPHD must use a single waiting list for admission to its Section 8 Tenant-Based Assistance Program (TBAP).

### **Special Admissions [24 CFR 982.203]**

The CoPHD may admit an applicant that is not on the CoPHD waiting list or without considering the family's waiting list position when HUD awards program funding that is targeted for families living in specified units. The CoPHD will maintain records showing that the family was admitted with HUD-targeted assistance.

The CoPHD must use the assistance for the families living in these units.

The following are examples of types of program funding that may be targeted for a family living in a specified unit:

1. A family displaced because of demolition or disposition of a public or Indian housing project.
2. A family residing in a HUD-owned multi-family rental housing project when HUD sells, forecloses or demolishes the project.
3. For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990.
  - a. A non-purchasing family residing in a project subject to a homeownership program.
  - b. A family displaced because the mortgage prepayment or voluntary termination of a mortgage insurance contract.
  - c. A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the contract term; and
4. A non-purchasing family residing in a HOPE 1 or HOPE 2 Project.

Applicants who are admitted under targeted funding which are not identified as a Special Admission would be identified by codes in the automated system.

### **B. WAITING LIST PREFERENCES [24 CFR 982.207]**

The CoPHD has adopted a local preferences system for applicants' placement on the waiting list and selection of families from the waiting list. Preferences will only be verified at the time the family has been selected from the waiting list.

If an applicant makes a false statement in order to qualify for a preference, the CoPHD will deny the preference. If the applicant falsifies documents in order to qualify for a preference, the application will be disqualified.

### **C. LOCAL PREFERENCES [24 CFR 982.207]**

A notice adapting new local preferences will be publicized and distributed using the same guidelines as those for opening and closing the waiting list.

The CoPHD uses the following local preferences:

1. **Residency preference** for applicants in which the family lives in Pasadena or the head of household or spouse is working or who has been notified that they are hired to work in Pasadena.
2. **Working preference** for applicants in which the head of household or spouse works at least 15 hours a week within the CoPHD's jurisdiction or attends school full-time within the CoPHD's jurisdiction. This also applies to applicants who are reporting self-employment within the CoPHD's jurisdiction.
3. **Disabled preference** for applicants in which the head of household or spouse is disabled.
4. **Veteran preference** for applicants in which the head of household or spouse is a current member of the U S Armed Forces, a U S Armed Forces veteran, or the surviving spouse of a U S Armed Forces veteran.
5. **Involuntarily Displaced preference** for applicants who have been involuntarily displaced (as described below).
6. **Substandard housing preference** for applicants who are currently residing in substandard housing (as described below).

An applicant shall be given the benefit of the working preference if the head and spouse, or sole member is age 62 or older or is a person with disabilities.

Preferences will be verified pursuant to the verification process outlined in Chapter 7 of this Plan, "Verification Procedures".

### **Involuntary Displacement**

Involuntarily displaced applicants are applicants who have been involuntarily displaced within the last 90 days and are not living in standard, permanent replacement housing, or will be involuntarily displaced within three months from the date of preference status verification by the CoPHD.

Families are considered to be involuntarily displaced if they are required to vacate housing as a result of:

1. A disaster (fire, flood, earthquake, etc.) that has caused the unit to be uninhabitable. To receive the preference for involuntary displacement, a written notice of displacement must be submitted. This notice can be provided by an agency or government in the case of displacement due to natural disaster such as fire, earthquake, or flood or displacement due to governmental action.
2. Federal, State or local government action related to code enforcement, public improvement or development.
3. Action by a residential owner which is beyond an applicant's ability to control, and which occurs despite the applicant having met all previous conditions of occupancy, and is other than a rent increase.

If the owner is an immediate family relative, and there has been no previous rental agreement, and the applicant has been part of the owner's family immediately prior to application, the applicant will not be considered involuntarily displaced.

For purposes of this definitional element, reasons for an applicant having to vacate a housing unit include, but are not limited to:

- a. Conversion of an applicant's housing unit to non-rental or non-residential use.
  - b. Closure of an applicant's housing unit for rehabilitation or non-residential use.
  - c. Notice to an applicant that s/he must vacate a unit because the owner wants the unit for the owner's personal or family use or occupancy.
  - d. Sale of a housing unit in which an applicant resides under an agreement that the unit must be vacant when possession is transferred; or
  - e. Any other legally authorized act that results, or will result, in the withdrawal by the owner of the unit or structure from the rental market. In the case of displacement by a residential owner, a copy of the notice to vacate stating the reason(s) for eviction must be provided.
4. Actual or threatened physical violence directed against the applicant or the applicant's family by a spouse or other household member who lives in the unit with the family. The actual or threatened violence must have occurred within the past 120 days or be of a continuing nature.

The CoPHD will comply with the Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA), which protects family members who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. Form HUD-50066 Certification of Domestic Violence, Dating Violence or Stalking is to be completed, signed and submitted by the family within 14 business days of the request.

To qualify for this preference, the abuser must still reside in the unit from which the victim was displaced. The applicant must certify that the abuser will not reside with the applicant unless the CoPHD gives prior written approval. Additionally, the applicant will qualify for this preference if the applicant is a victim of dating violence or stalking which resulted in the applicant to be displaced.

The CoPHD may approve the return of the abuser to the household under the condition that a counselor, therapist or other appropriate professional recommends, in writing, that the individual be allowed to reside with the family. If the abuser returns to the family without approval of the CoPHD, the CoPHD may deny or terminate assistance as a breach.

The CoPHD will take precautions to ensure that the new location of the family is concealed in cases of domestic abuse.

An applicant who lives in a violent neighborhood or is fearful of other violence outside the household is not considered involuntarily displaced.

5. To avoid reprisals because the family provided information on criminal activities to a law enforcement agency and, after a threat assessment, the law enforcement agency recommends re-housing the family to avoid or reduce risk of violence against the family.

The family must be part of a Witness Protection Program, or the HUD Office or law enforcement agency must have informed the CoPHD that the family is part of a similar program.

The CoPHD will take precautions to ensure that the new location of the family is concealed in cases of witness protection.

6. By hate crimes if a member of the family has been the victim of one or more hate crimes, and the applicant has vacated the unit because of the crime or the fear of such a crime has destroyed the applicant's peaceful enjoyment of the unit. A hate crime is actual or threatened physical violence or intimidation that is directed against a person or their property, and is based on the person's race, color, religion, sex, national origin, disability or familial status, including sexual orientation, and which occurred within the last 120 days or is of a continuing nature.
7. Displacement by non-suitability of the unit when a member of the family has a mobility and/or other impairment that makes the person unable to use critical elements of the unit and the owner is not legally obligated to make changes to the unit.

Critical elements are entry and egress of unit and building, a sleeping area, a full bathroom, a kitchen if the person with a disability must do their own food preparation, etc.

8. Due to HUD disposition of a multi-family project under Section 203 of the Housing and Community Development Act Amendments of 1978.

### **Standard Replacement Housing**

In order to receive the displacement preference, applicants who have been displaced must not be living in "standard, permanent replacement housing."

Standard replacement housing is defined as housing that is decent, safe and sanitary according to Housing Quality Standards (HQS), and is adequate for the family size according to HQS.

Standard replacement housing does not include transient facilities, hotels, motels, temporary shelters. In the case of domestic violence, the family will not be eligible for this preference if the family relocates and the abuser continues to reside with the family at the new location. It does not include any individual imprisoned or detained pursuant to State law or an Act of Congress. Shared housing with family or friends is not considered temporary and is considered standard replacement housing.

### **Substandard Housing**

Applicants who live in substandard housing are families whose dwelling meets one or more of the following criteria, provided that the family did not cause the condition:

1. Is dilapidated as cited by officials of a code enforcement office and does not provide safe, adequate shelter; has one or more critical defects or a combination of defects requiring considerable repair; endangers the health, safety, and well-being of the family.
2. Does not have operable indoor plumbing.
3. Does not have a usable flush toilet in the unit for the exclusive use of the family.
4. Does not have usable bathtub or shower in unit for exclusive family use.
5. Does not have adequate, safe electrical service.
6. Does not have an adequate, safe source of heat.

7. Does not have a kitchen. (Single Room Occupancy [SRO] Housing is not substandard solely because it does not contain sanitary and/or food preparation facilities in the unit.)
8. Has been declared unfit for habitation by a government agency.
9. Is overcrowded according to HQS. Note: Persons who reside as part of a family unit shall not be considered a separate family unit for substandard housing definition preference purposes.

Applicants living in Public Housing or publicly assisted housing shall not be denied this preference if unit meets the criteria for the substandard preference.

10. An applicant who is a "homeless family" is considered to be living in substandard housing. A "homeless individual or family" is one who:

Lacks a fixed, regular and adequate nighttime residence and has a primary nighttime residence that is:

- a. A supervised public or private operated shelter designated to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing for mentally ill); or
- b. An institution providing temporary residence for individuals intended to be institutionalized; or
- c. A public or private place not designed for or ordinarily used as a regular sleeping accommodation for humans.

Families who are residing with friends or relatives on a temporary basis are not considered homeless.

Families who are residing in a Sober Living Facility are considered homeless.

### **Veteran Preference**

The head of household or spouse is an active member of the U S Armed Forces, a U S Armed Forces veteran or surviving spouse of a U S Armed Forces veteran who has a honorable discharged.

Ex-spouses of veterans are not considered the surviving spouse.

### **D. TARGETED FUNDING**

When HUD awards special funding for certain family types, families who qualify are placed on the supportive services waiting list.

The CoPHD has the following "Targeted" Supportive Housing Programs:

1. Continuum of Care
2. Housing Opportunities for Persons With AIDS (HOPWA)

## **E. PREFERENCE ELIGIBILITY**

### **Change in Circumstances**

Changes in an applicant's circumstances while on the waiting list may affect the family's preference eligibility. Applicants are required to notify the CoPHD in writing when their circumstances change.

When an applicant claims an additional preference, s/he will be placed on the waiting list in the appropriate order determined by the newly claimed preference.

## **F. ORDER OF SELECTION [24 CFR 982.207]**

The order of selection is based on the CoPHD 's system for weighing preferences.

### **Local Preferences**

Local preferences will be used to select families from the waiting list. The CoPHD has selected the following system to apply ranking preferences. All local preferences will be weighed as follows:

- |    |                           |         |
|----|---------------------------|---------|
| a. | Residency Preference:     | 20 pts. |
| b. | Working Preference:       | 2 pts   |
| c. | Disabled Preference:      | 2 pts   |
| d. | Substandard Housing:      | 5 pts   |
| e. | Involuntary Displacement: | 5 pts   |
| f. | Veteran's Preference:     | 5 pts   |

### **Among Applicants with Equal Preference Status**

Among applicants with equal preference status, the waiting list will be organized by date and time that each application was submitted to the CoPHD.

## **G. FINAL VERIFICATION OF PREFERENCES**

Preference information on applications will be updated as applicants are selected from the waiting list. At that time, applicants will be required to submit the appropriate documentation to support their claim of preference. In order to qualify for a preference, the documentation submitted by the applicant must support the claim for the preference as defined by HUD and/or the CoPHD.

An applicant will be disqualified if the applicant submitted false information on any previous occasion when claiming preferences.

## **H. PREFERENCE DENIAL**

If the CoPHD denies a preference, the CoPHD will notify the applicant in writing of the reasons the preference was denied and offer the applicant an opportunity to request an informal review of the determination. If the preference denial is upheld as a result of the informal review, or the applicant does not request an informal review, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

## **I. REMOVAL FROM WAITING LIST [24 CFR 982.204(c)]**

If an applicant fails to respond to a mailing from the CoPHD, the applicant will be mailed a second and final written notification and given 15 days to respond. If they fail to respond within the 15 days to the second notice, they will be removed from the waiting list. An extension will be considered as a reasonable accommodation if requested by a person with a disability within 15 days of receipt of the letter.

The CoPHD may also send notifications to applicants via email. The above mentioned process will apply when notification is sent via email. The applicant will have 7 days to respond to an email notification.

If a letter is returned by the Post Office with or without a forwarding address, the applicant will be removed without further notice and the envelope and letter will be maintained in the file. In the event that any correspondence is mailed for any purpose and is returned by the Post Office, the applicant will be removed from the waiting list. This policy will apply to all applicants effective 2013. Applicants will not be entitled to the grace period for misdirected mail due to the applicant's failure to report a change of address to the CoPHD. This procedure also applies when an applicant fails to correctly list their address on the application and/or any updates.

If an email is returned undeliverable due to an invalid address, the applicant's name will be removed from the waiting list without further notice. A copy of the email notifying CoPHD that the email was undeliverable will be maintained in the file. In the event any email is sent for any purpose and is returned undeliverable, the applicant's name will be removed from the waiting list. Applicants will not be given a grace period for misdirected mail.

If an applicant fails to honor the first scheduled appointment to come into the office and/or to submit requested documents, the CoPHD will schedule a final appointment. If the applicant fails to honor the final appointment, the applicant will be removed from the waiting list. The CoPHD may accommodate the applicant if the applicant can provide documentation of a legitimate reason for failure to attend (i.e., emergency, medical, disability, etc.).

If an applicant fails to attend the briefing session appointment, the application for rental assistance will be disqualified. However, a final appointment may be scheduled if the applicant can demonstrate a valid reason (i.e., medical, etc.) why they were unable to keep the briefing session appointment.

An applicant will be removed from the waiting list if the sole member listed on the application has passed away or is permanently residing in a convalescent home. In the event that the head of household passes away or resides in a convalescent home, the application will only be re-assigned if the original application lists an adult family member (who has not been previously removed from the application) other than the head of household. If the application reflects more than two adult family members, the family must select a new head of household. In the event that the family cannot decide, the CoPHD will then disqualify the application. If the sole member of the household is the live-in aide, the application will be canceled and removed from the waiting list. The CoPHD must be notified within 15 days when the head of household has passed away or is permanently residing in a convalescent home.

If the head of household is no longer interested in rental assistance and has provided a written statement to that affect, the application will be canceled and the applicant will be removed from the waiting list.

If the head of household requests to place the application on "HOLD", application will be cancelled and applicant will be removed from the waiting list.

#### **J. CHANGES IN FAMILY CIRCUMSTANCES**

Applicants will be required to report all changes in family circumstances within 15 days from the date of the change. All changes must be reported online. Changes reported in writing will not be accepted and will be returned to the applicant. It is the responsibility of the applicants to update their application when changes occur.

#### **K. EXPIRATION OF THE WAITING LIST**

The waiting list will be maintained until there are less than 200 Pasadena resident applicants or the current waiting list has been in place for more than 5 years. Applicants on the expiring waiting list will be notified that their application has expired and the CoPHD will re-open enrollment.

## CHAPTER 5

### SUBSIDY STANDARDS [24 CFR 982.54(d)(9)]

#### INTRODUCTION

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

#### A. DETERMINING BEDROOM SIZE [24 CFR 982.402]

All standards in this section relate to the number of bedrooms on the voucher not the family's actual living arrangements. The CoPHD does not determine who shares a bedroom/sleeping room. The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding. The CoPHD's subsidy standards for determining the HCV bedroom size will be applied consistently for all families of like size and composition. The CoPHD will apply the guidelines listed below when determining the HCV bedroom size:

1. Foster children will be included in determining unit size only if they will be in the unit for more than six months and all necessary information has been submitted by the family.
2. A child who is temporarily away from the home because of placement in foster care will be considered when determining the voucher bedroom size, only if the family submits documentation supporting the placement is temporary and does not exceed three months from the date the HCV was issued.
3. In a joint custody arrangement, if the minor is in the household less than 180 days per year, the minor will be considered to be an eligible visitor and not a family member. See Chapter 7 of this Plan, "Verification Procedures."
4. Students who will be living away from home will be removed from the household.
5. A family member who will be absent from the home for more than three consecutive months in a 12-month period will not be considered when determining the HCV bedroom size.
6. Any live-in aide, approved by the CoPHD to reside in the unit to care for a family member who is disabled or is at least 50 years of age, must be counted in determining the HCV bedroom size. Occasional, intermittent, multiple or rotating care givers typically do not reside in the unit and would not qualify as live-in aides. Therefore, an additional bedroom should not be approved for a live-in aide under these circumstances. See Chapter 2 of this Plan, "Eligibility for Admission".

7. Unless a live-in aide resides with the family, the family unit size for any family consisting of a single person must be either a zero or one bedroom as determined under the CoPHD subsidy standards.
8. In determining family unit size for a particular family, the CoPHD will not grant an exception to its established subsidy standards. However, the CoPHD may grant an exception to the subsidy standards as a reasonable accommodation.
9. A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.

Refer to Chapter 20 of this Plan, "Supportive Housing Programs", for determination of Certificate bedroom size for families applying and/or participating in these programs.

## **B. CHANGES IN BEDROOM SIZE FOR HCV HOLDERS [24 CFR 982.403]**

### **Changes for Applicants**

The members of the family residing in the unit must be approved by the CoPHD. The family must obtain approval of any additional family member before the person occupies the assisted unit except for additions by birth, adoption, or court-awarded custody of a non-criminal nature, in which case the family must inform the CoPHD within 15 days of the change by completing an Update of Family Circumstances form and submit supporting information regarding the change.

If an applicant with a voucher reports a change in family circumstances prior to admission, the family's eligibility will be re-evaluated.

### **Changes for Participants**

The members of the family residing in the unit must be approved by the CoPHD. The family must obtain approval of any additional family member before the person occupies the unit except for additions by birth, adoption, or court-awarded custody of a non-

criminal nature, in which case the family must inform the CoPHD within 15 days of the date of the change by completing an Update of Family Circumstances form and submit supporting information regarding the change.

### **Request for Exceptions to Subsidy Standards**

The family may request an exception to the subsidy standards as a reasonable accommodation for a disabled family member. The request must be made in writing by completing the Request for Reasonable Accommodation form and must describe the needed accommodation. The CoPHD may conduct a special inspection, depending on the nature of the accommodation, at the time of the request and at every annual recertification. See Chapter 1 of this Plan, "Statement of Policies and Objectives".

### **Under-Housed Families (unit too small)**

If a unit does not meet HQS space standards due to an increase in family size, the CoPHD will determine if the family is eligible to move with continued assistance. The CoPHD may issue the family an updated HCV in accordance with the CoPHD's subsidy standards.

### **Over-Housed Families (unit too big)**

For over-housed families who are eligible to move with continued assistance, the CoPHD may issue the family an updated HCV in accordance with the CoPHD's subsidy standards.

### **C. UNIT SIZE SELECTED**

The family may select a different size dwelling unit than that listed on the HCV. The following criteria should be considered:

1. **Utility Allowance:** The utility allowance used to calculate the gross rent is based on the lesser of the size of dwelling unit actually leased by the family or the family unit size as determined under the PHA subsidy standards. In cases where the unit size leased exceeds the family unit size as determined under the PHA subsidy standards as a result of a reasonable accommodation, the PHA must use the appropriate utility allowance for the size of the dwelling unit actually leased by the family. (982.517(d))
2. **Housing Quality Standards:** The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.
3. For a voucher tenancy, the CoPHD establishes payment standards by number of bedrooms. The payment standards for the family must be the lower of:
  - The payment standard for the family unit size; or
  - The payment standard for the unit size rented by the family.
4. The family may lease an otherwise acceptable dwelling unit with fewer bedrooms than the family unit size. However, the dwelling unit must meet the applicable HQS space requirements.
5. The family may lease an otherwise acceptable dwelling unit with more bedrooms than the family unit size. However, the issued HCV payment standard will be used to determine the contract rent.

#### **HOUSING SUBSIDY STANDARDS GUIDELINES FOR UNIT SIZE SELECTED**

<b>Number of Bedrooms</b>	<b>Persons in Household (Minimum #)</b>	<b>Persons in Household (Maximum #)</b>
Single Room Occupancy	1	1
0 Bedroom	1	2
1 Bedroom	2	4
2 Bedrooms	4	6
3 Bedrooms	6	8
4 Bedrooms	8	10
5 Bedrooms	10	12

Effective with January 2013 annual re-examinations, eligible one-person household program participants were and continue to be downsized from a 1-bedroom to a 0-Bedroom HCV. The CoPHD's HCV bedroom size determination is in accordance with 24 CFR Part 982.402.

Families affected by the change in HCV bedroom size will be informed of their new tenant rent based on their new HCV bedroom size. The family will be informed of the option to remain in the assisted unit paying a higher tenant

rent or move with continued assistance. If the family remains in the assisted unit, the family will be required to sign an updated HCV. If the tenant rent exceeds the monthly income, the family will be required to move.

Families converting from HOPWA Program to Housing Choice Voucher Program will be issued a voucher based on the above housing subsidy standards guidelines.

The above housing subsidy standards will not be applied to families participating in the Veterans Affairs Supporting Housing (VASH) Program when determining the families' voucher bedroom size. This is done in an attempt to provide families a greater opportunity to locate housing and limit the barriers for these clients base, which is facilitated by the separate Veterans Administration grant approved for this program.

The following subsidy standards guidelines will be applied for VASH Program voucher holders, program participants, and families who have been determined eligible to move with continued rental assistance:

<b>VASH HOUSING SUBSIDY STANDARDS GUIDELINES FOR UNIT SIZE SELECTED</b>		
<b>Number of Bedrooms</b>	<b>Persons in Household (Minimum #)</b>	<b>Persons in Household (Maximum #)</b>
0 Bedroom	1	2
1 Bedroom	1	4
2 Bedrooms	3	6
3 Bedrooms	5	8
4 Bedrooms	7	10
5 Bedrooms	9	12

Families participating in the VASH Program will have their voucher size re-evaluated at their annual re-examination to ensure applicability of the VASH housing subsidy standards listed above.

## CHAPTER 6

### **FACTORS RELATED TO TOTAL TENANT PAYMENT DETERMINATION [24 CFR Part 5, Subparts E and F; 5.603, 5.609, 5.611, 5.615, 5.617, 5.520, 5.630, 982.153, 982.312, 982.516, 982.518, 982.551]**

#### **INTRODUCTION**

The calculation of annual income and adjusted income will ensure that families are not paying more or less money for rent than their obligation under the regulations. This Chapter defines the allowable deductions from annual income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD Notices, Memoranda and Addenda. The formula for the calculation of TTP is specific and not subject to interpretation. The CoPHD's policies in this Chapter address those areas which allow the CoPHD discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

#### **A. INCOME AND ALLOWANCES**

**Annual Income** is defined as all amounts, monetary or not, which: (1) Go to or on behalf of the family head or spouse (even if temporarily absent) or to any other family member; or (2) are anticipated to be received from a source outside the family during the 12-month period following admission or annual re-examination effective date; and which are not specifically excluded. Annual income also means amounts derived (during 12-month period) from assets to which any member of the family has access.

#### **Elements of Annual Income**

- Income of Dependents: A dependent is a family member who is under 18 years of age, is disabled, or is a full-time student. The head of household, spouse, co-head, foster child, or live in aide are never dependents. Some income contributed to the household by dependents is counted and some is not.
- Earned income of minors (family member under 18) is not counted.
- Unearned income of both children and adults is counted.
- Although full-time students 18 years of age or older are technically identified as dependents, a small amount of their earned income will be counted. Only up to \$480 of the earnings of a full-time student who is 18 years of age or older (other than the head, spouse, or co-head) is included in annual income; the rest is excluded.
- All income of a full-time student, 18 years of age or older, is counted if that person is the head of household or spouse.
- A payment received by the family for the care of foster children or foster adults is not counted. This applies only to payments made through official foster care relationships with local welfare agencies.

- A single pregnant woman will not be entitled to the benefit of the \$480.00 dependent allowance until after the birth of the child.

### **Income of Temporarily Absent Family Members**

The CoPHD must count all income of family members who have been approved by the CoPHD to reside in the unit, even if they are temporarily absent. This includes family members who are temporarily confined to a nursing home or hospital.

All regular pay, special pay and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other person whose dependents are residing in the unit will be counted. The only exception is special pay for exposure to hostile fire.

### **Income of Family Members who Work as Private Nurse/Care Attendant**

The CoPHD must count all income of family members who have reported that they work as a private nurse/care attendant, and are away for the majority of the week and come back to the assisted unit during their days off.

### **Regular Contributions and Gifts**

The CoPHD must count as income any regular contributions and gifts (monetary or not) from organizations or from persons not residing in the dwelling. This may include, but not limited to, rent, utility bills, credit card and car payments paid on behalf of the family and other cash or non-cash contributions provided on a regular basis.

Any contribution or gift received for two months or more frequently will be considered a "regular" contribution or gift, unless the amount is less than \$50 per year. This may include the rent and utility payments paid on behalf of the family and other cash or non-cash contributions provided on a regular basis. Periodic and other determinable allowances, such as alimony and child support payments, and regular contributions or gifts from organizations or from persons not residing in the dwelling, qualify as income and must be reported. It does not include temporary, nonrecurring or sporadic income, including gifts.

Contributions made by various individuals at different intervals during a calendar year, although not on a monthly basis, will be combined and treated as regular payments and included in annual income.

The CoPHD will include this income in the family's annual gross income if a "Promissory Note/Contract" is not in place. The CoPHD must receive a copy of the "Promissory Note/Contract". The CoPHD will determine whether this contribution will be included in the family's annual gross income after reviewing the "Promissory Note/Contract." However, this contribution will be included in the family's annual gross income if the "Promissory Note/Contract" is not received by the CoPHD.

The "Promissory Note/Contract" must state:

- The name of the persons entering into this legal transaction described as "lender" and "borrower";
- Total loan amount;
- Terms of the loan;
- Amount and frequency of the payment; and
- Date when first and final payment are due.

See Chapter 7 of this Plan, "Verification Procedures," for further definition.

If the family's expenses exceed its known income, the CoPHD will question the family about contributions, gifts or other sources of income.

### **Seasonal Income**

Income from seasonal employment (income that lasts only for a portion of the year) must be counted.

### **Income from Temporary Work Assignments**

Income from temporary work assignments will be counted if the family has a history of working temporary assignments. Annual income will be anticipated based on the earnings identified on the EIV report, W-2 forms, and pay stubs provided by the family.

### **Income from Business (Includes Self-Employment Income)**

The net income from the operation of a business or profession must be included. Expenditures for business expansion or amortization of capital indebtedness may not be used as deductions in determining net income. An allowance for straight-line depreciation of assets used in a business or profession may be deducted. Net income will be anticipated based on evaluation of forms 1099, filed tax returns including Schedule C, and receipts for business related expenses, if applicable.

Withdrawal of cash or assets from the operation of a business or profession is counted as income, except when the withdrawal is for reimbursement of amounts the family has invested in the business.

### **Student Financial Assistance**

All forms of student financial assistance (grants, scholarships, educational entitlements, work study programs, and financial aid packages) are excluded from annual income. This is true whether the assistance is paid to the student or directly to the institution, and applies to all family members who are students, full or part-time, including the head, spouse, or co-head, if the institution they attend does not qualify as an "institution of higher education".

The Post 9/11 Veterans Educational Assistance Act of 2008 (Post 9/11 VEAA, also referred to as the Post 911 GI Bill) provides benefits for veterans pursuing a course of education in the forms of tuition assistance, book stipends, and a monthly housing allowance. The Post 9/11 VEAA tuition assistance and book stipends, must be excluded as income in accordance with 24 CFR 5.609(c)(6).

The Post 9/11 VEAA housing allowance is not considered as a duplicate subsidy. However, the amount received for the housing allowance must be counted when determining the family's income and rent.

### **Income from Excess of Financial Assistance: Higher Education Institution:**

Any financial assistance (grants, scholarships, education entitlements, work study program, and financial aid packages), in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002), shall be considered income to that individual, except that financial assistance is not considered annual income for persons over the age of 23 with dependent children, but applies to all family members who are students, full or part-time, including the head, spouse, or co-head.

"Institution of higher education" means an educational institution in any State that:

- (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who meet the requirements of section 1091(d) of this title;
- (2) is legally authorized within such State to provide a program of education beyond secondary education;
- (3) provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary;
- (4) is a or other nonprofit institution; and
- (5) is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation status by such an agency or association that has been recognized by the Secretary for the granting of pre-accreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

Income from this source will be included in the family's annual income after verifying the institution of attendance operates under "higher education"; total amount the student is eligible to receive from tuition assistance; deducting required fees and charges by the institution covering a full academic year; and confirming excess income from this source exists.

Examples of fees and charges include, but are not limited to: tuition amount for instructional services which may be charged per term, per course, or per credit; lab and writing labs, books, supplies, and other fees specific to the student's major or program.

Expenses related to attending an institution of higher education must not be included as tuition. Examples of these expenses include, but are not limited to: room and board, books, supplies, meal plans, transportation and parking, student health insurance plans, and other non-fixed sum charges.

### **Military Pay**

All regular pay, special pay and allowances of a member of the Armed Forces will be included with the exception of special pay for exposure to hostile fire.

### **Resident Service Stipend**

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

Amounts received under a resident service stipend (not to exceed \$200 per month) are excluded from annual income. If a resident service stipend exceeds \$200 per month, the entire amount must be included in annual income.

Reduction of tenant rent does not qualify under resident service stipend and therefore must be included in the family's annual income.

### **State or Local Employment Training Programs**

Exclude incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs and training of a family member as resident management staff.

- A qualified training program is one that is part of a State or local employment-training program and has clearly defined goals and objectives. This would include programs that have the goal of assisting participants in obtaining employment skills, and are authorized or funded by Federal, State, or local law or operated by a public agency.
- Only exclude the compensation related to the training; other sources of household income are still included.
- Exclude the income only for the period during which the family member is actually participating in a qualifying training program.

### **Earned Income Disallowance**

Disabled persons who are program participants in the HCV Program may be eligible for an income exclusion called Earned Income Disallowance (EID). Under the EID regulations, all or part of the additional income earned by these disabled persons is temporarily excluded from annual income.

Changes affecting EID have been made as part of the Housing Opportunity Through Modernization Act of 2016 and implementation will be made once HUD releases PIH Notice. Refer to Chapter 26 of this Plan for revised provisions.

A “qualified family” is a disabled family receiving rental assistance whose annual income increases due to one of the following reasons:

1. Employment of a family member who is a person with disabilities, AND was previously unemployed for one or more years prior to employment. (HUD’s definition of “previously unemployed” includes a person who has earned, in the 12 months prior to employment, not more than would have been earned at the established minimum wage working 10 hours per week for 50 weeks.)
2. Increased earning by a family member who is a person with disabilities, AND is a participant in any economic self-sufficiency or job-training program.
3. New employment or increased earning by a family member who is a person with disabilities, and within the past six months, has received assistance, benefits or services under any State program for temporary assistance (Cal-WORKS, Welfare-to-Work).
  - Not limited to cash assistance.
  - Includes one-time payments, wage subsidies, transportation assistance.
  - Total amount over a six-month period must be at least \$500.
  - Initial 12-month full exclusion begins the date the family member (with disabilities) is employed, or first experiences an increase in income due to employment. The full amount of increase is excluded, and the exclusion extends for a total of 12 cumulative months.
  - Second 12-month exclusion and phase-in begins when the family member has received 12 cumulative months of full exclusion. Fifty percent (50%) of any increase is excluded. The exclusion extends for a total of 12 cumulative months.

- Lifetime maximum four year disallowance. The initial full exclusion is applied for a maximum of 12 cumulative months. The phase-in 50% exclusion is applied for a maximum of 12 cumulative months.

The family member may start and stop employment and the exclusion may start and stop during a 48-month period beginning on the date of the initial exclusion.

No exclusion may be given after the 48-month period, regardless of whether the family member has received the full exclusion for a total of 12 months or the phase-in exclusion for a total of 12 months.

### **Reduction in Welfare Benefits**

If the family's welfare benefits are reduced or lost due to the expiration of a lifetime benefit limit, the family's rent burden will be reduced according to the calculation methods stated in this Plan.

If a family experiences a benefit reduction due to fraud or a sanction for noncompliance with requirements to participate in an economic self-sufficiency program, as verified by the welfare agency, the family's welfare assistance is treated as follows during the term of the reduction:

- The amount of assistance the family is actually receiving is counted.
- The amount by which the family's assistance has been reduced is also counted. This is called imputed welfare income.

The CoPHD will conduct an investigation to determine any possible program violation(s). However, the CoPHD is not responsible for determining whether a reduction of welfare benefits was correctly determined by the Department of Public Social Services (DPSS).

If the family's income increases for any reason after the sanction is imposed, the amount of imputed welfare income is offset by the amount of additional income. (Whether the new income is earned or unearned, it takes the place of the imputed welfare income during the sanction period.)

The CoPHD may not include imputed income in an annual income if the family was not assisted at the time of the sanction.

Families receiving general relief public assistance monthly payments are eligible to receive aid for 9 or 12 months. Annual income from this source will be anticipated at 12 months unless verification is received stating otherwise.

### **Reduction in Social Security and Supplemental Security Income Payments**

The CoPHD will use the full amount before any deductions, such as a deduction for medical insurance premiums (including Medicare Part B and Prescription Drug Part D) or a garnishment for failure to pay any amount owed for:

- child support,
- alimony,
- taxes,
- student loans, or
- judgement creditor.

The CoPHD will request the family to submit correspondence from the Social Security Administration specifying the

reason(s) for the reduction, total overpaid amount, and effective date of reduction to determine whether the gross or net monthly benefit will be used to anticipate the family's annual income.

The CoPHD will use the monthly benefit amount reflected on the family's EIV report (no cents) to determine annual income unless the family submits most current verification supporting a difference in the monthly benefit.

Families participating in the Supportive Housing Programs will be required to request from the Social Security Administration and submit current verification of their monthly income.

### **Income of Confined Family Members**

If a family member is confined to a nursing home or hospital on a permanent basis, the CoPHD may decide, upon gathering applicable documentation, that a family member who is permanently confined to a hospital or nursing facility is no longer a member of the assisted household, in which case it would remove the individual's name from the approved family composition and not count his or her income. It is the family's responsibility to notify the CoPHD, in writing, when a family member will be away from the unit for 30 days or more.

### **Alimony and Child Support**

The CoPHD must count alimony or child support amounts awarded as part of a divorce or separation agreement, unless the CoPHD verifies that the payments are not being made.

If the amount of child support or alimony received is less than the amount awarded by the court, the CoPHD must use the amount awarded by the court, unless the family can verify that they are not receiving the full amount.

### **Lump Sum Payments**

When there is a delay in the start of periodic income, payment of the portion that has been delayed may be made in the form of a lump sum or perspective monthly amounts.

The lump sum or perspective amount must be included in annual income. (This rule does not apply to SSI or SS benefits.)

Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and workers' compensation), capital gains and settlement for personal or property losses are excluded as income. However, payment in lieu of earnings, such as unemployment, workers' compensation and severance pay are included. Any lump sum receipts that do not represent the delayed start of periodic payments, including lottery winnings that are received in a single lump sum, are excluded from annual income. They may, however, be counted as an asset, depending on when they are received and whether or not they are retained.

Lump sum payments caused by delays in processing periodic payments for unemployment or welfare assistance are included as income. However, any portion of the lump sum that is payment for a period prior to the family's participation in the HCVP would be counted as an asset instead of annual income. A lump sum payment resulting from delayed benefit or other income may be treated in either of two ways:

1. The CoPHD will calculate prospectively if the family reported the payment within 15 days.
2. The entire lump sum payment will be added to the annual income at the time of the interim re-examination.

### **Payments in Lieu of Earnings**

This income category includes payments to individuals who are not working because they have lost their jobs or have been injured on the job. This category includes unemployment benefits, workers' compensation and severance pay.

Payments in lieu of earnings are included in annual income when they are received either in the form of periodic payments or as a lump sum that represents the delayed start of a periodic payment.

Payments in lieu of earnings are excluded from income if they are received as a one-time settlement payment (e.g., for a claim dispute or a permanent work-related injury).

### **Prospective Calculation Methodology**

If the payment is reported on a timely basis, the calculation will be done prospectively and will result in an interim re-examination and adjustment calculated as follows:

The entire lump sum payment will be added to the annual income at the time of the interim re-examination.

The CoPHD will determine the percentage of the year remaining until the next annual re-examination as of the date of the interim re-examination (three months would be 25% of the year).

1. At the next annual re-examination, the CoPHD will apply the percentage balance (75% in this example) to the lump sum and add it to the rest of the annual income.
2. The lump sum will be added in the same way for any interim re-examination which occurred prior to the next annual re-examination.

If amortizing the payment over one year will cause the family to pay more than 25% of the family's adjusted income (before the lump sum was added) for TTP, the CoPHD and family may enter into a Repayment Agreement, with the approval of the Housing Assistance Officer or designee, for the balance of the amount over the 25% percent calculation. The beginning date for this Repayment Agreement will start as soon as the one year is over.

### **Retroactive Calculation Methodology**

1. The CoPHD will go back to the date the lump sum payment was considered, as long as that date is not prior to program participation.
2. The CoPHD will determine the amount of income for each examination period, including the lump sum, and recalculate the tenant rent for each examination period to determine the amount due the CoPHD.

At the CoPHD's option, the CoPHD may enter into a Repayment Agreement with the family or require that the entire amount be paid in full at this time.

The amount owed by the family is a collectible debt, even if the family becomes unassisted.

### **Attorney Fees**

The family's attorney fees may be deducted from lump-sum payments when computing annual income when the attorney's efforts have recovered a lump-sum compensation for the wrongful reduction or denial of a periodic payment, and the recovery does not include an additional amount in full satisfaction of the attorney fees.

In these situations, the family does not actually recover the entire amount of the past due periodic payment because the family must pay the attorney fees.

This situation does not include those in which an amount is withheld from funds otherwise due the family to satisfy legitimate financial obligations unrelated to obtaining the income, such as:

- Withholding from wages to pay child support, alimony or a judgment creditor.
- Garnishment for failure to pay child support, alimony or a judgment creditor.
- The situation does not include those where the family incurs attorney fees unrelated to asserting a right to a source of income or where no income results from the attorney's actions. These are the financial responsibility of the family and are not deducted in determining annual income.

### **Determining Income from Net Family Assets**

The CoPHD is required to include in the calculation of annual income any interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as a deduction in determining net income. Any withdrawal of cash or assets from an investment will be included in income, except to the extent that the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5000, annual income shall include the greater of the actual income derived from net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.

Assets include:

- Amounts in savings and checking accounts.
- Cash on hand held by a family member or on behalf of the family by a 3<sup>rd</sup> party.
- Stocks, bonds, savings certificates, money market funds and other investment accounts.
- Equity in real property or other capital investments.
- The cash value of trusts that are available to the family.
- Cash value of Special Needs Trust will not be included as asset. However, distribution payments received from Special Needs Trust will be treated as asset income.
- IRA, Keogh, and similar retirement savings accounts, deducting any penalties for withdrawal.
- Contributions to company retirement/pension funds.
- Assets, which although owned by more than one person, allow unrestricted access by the family.
- Lump-sum receipts such as inheritances, capital gains, lottery winnings, cash from sale of assets, insurance settlements, Social Security and SSI lump-sum payments and other claims.
- Personal property held as an investment such as gems, jewelry, coin collections, antique cars, etc.

- Cash value of life insurance policies.
- Assets disposed of for less than fair market value during the two years preceding examination or re-examination.

### **Assets Disposed of for Less than Fair Market Value**

Assets disposed of as a result of a divorce, separation, foreclosure, or bankruptcy is not considered assets disposed of for less than fair market value. Some of the types of assets that must be considered include cash, real property, stocks, bonds, and certificates of deposit. They must be counted if the household gave them away or sold them for less than the market value.

The CoPHD's minimum threshold for counting assets disposed of for less than fair market value is \$100. If the total value of assets disposed of within a one-year period is less than \$250 they will not be considered an asset.

### **Contributions to Retirement Funds**

While an individual is employed, count as an asset only amounts the family could withdraw from a company retirement or pension fund without retiring or terminating employment.

After retirement or termination of employment, count as an asset any amount the employee elects to receive as a lump sum from the company retirement/pension fund. Any balance that remains in the account and may be withdrawn by the family member at any time is counted as an asset.

### **Equity in Real Property**

Real property includes land or real estate owned by the family. Equity is the portion of the market value of the asset which is owned by the family (the amount which would be available to the household if the property were to be sold). It is equal to the market value less any mortgage or loans secured against the property (which must be paid off upon sale of the property).

### **Adjusted Income**

A family's adjusted income is the family's annual income minus any deductions mandated by HUD regulations for which the family qualifies. These deductions are called allowances.

### **Dependent Allowance**

The family receives an allowance of \$480 for each family member who is under 18 years of age, a person with disabilities, or a full-time student.

A household head, spouse, co-head, foster child, or live-in aide may *never* be counted as a dependent.

A full-time student is one carrying a full-time subject load (as defined by the institution) at an institution with a degree or certificate program.

A single pregnant woman will not be entitled to the benefit of the \$480.00 dependent allowance until after the birth of the child.

### **Elderly or Disabled Family Allowance**

An elderly or disabled family is any family in which the head or spouse (or the sole member) is at least 62 years of age or a person with disabilities.

Each elderly or disabled family receives a \$400 household allowance. Because this is a “household allowance,” each household receives only one allowance even if both the head and the spouse are elderly.

### **Child Care Allowance**

Reasonable child care expenses for the care of children, including foster children, age 12 and younger may be deducted from annual income if all of the following are true:

1. The care is necessary to enable a family member to be gainfully employed, actively seek work, or further his/her education (academic or vocational);
2. The expense is not reimbursed by an agency or individual outside the household; and
3. The expenses incurred to enable a family member to work do not exceed the amount earned.

The allowable deductions for child care expenses are based on the following guidelines:

1. Child Care to Work: The maximum child care expense allowed must be less than the amount earned by the person enabled to work. The “person enabled to work” will be the adult member of the household who earns the least amount of income from working.
2. Child Care for School: The number of hours claimed for child care may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).
3. Amount of Expense: The CoPHD will survey the local care providers in the community as a guideline. If the hourly rate materially exceeds the guideline, the CoPHD may calculate the allowance using the guideline survey from the community.

In the case of a child attending private school, only after-hours care can be counted as child care expenses.

See Chapter 7 of this Plan, “Verification Procedures” to determine reasonable child care cost.

### **Disability Assistance Expense Allowance**

Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member, and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

This allowance is equal to the amount by which the cost of the care attendant or auxiliary apparatus exceeds three percent of gross annual family income. However, the allowance may not exceed the earned income received by the family member who is 18 years of age or older who is able to work because of such attendant care or auxiliary apparatus.

Auxiliary apparatus are items such as wheelchairs, ramps, adaptations to vehicles, or special equipment to enable a

blind person to read or type, but only if these items are directly related to permitting the disabled person or other family member to work.

### **Medical Expense Allowance**

Medical expenses are the cost of diagnosis, cure, mitigation, treatment, or prevention of disease, and the cost for treatments affecting any part or function of the body. These expenses include payments for legal medical services rendered by physicians, surgeons, dentists, and other medical practitioners. They include the costs of equipment, supplies, and diagnostic devices needed for these purposes. However, the medical care must be primarily to alleviate or prevent a physical or mental condition or illness. They don't include expenses that are merely beneficial to general health, such as vitamins or a vacation.

Medical expenses which exceed three percent of a family's annual income, including medical insurance premiums that are anticipated during the period for which annual income is computed and that are not covered by insurance.

The medical expense deduction is only permitted for households in which the head or spouse, or sole member is at least 62 or disabled (elderly or disabled households).

If the household is eligible for a medical expense deduction, the medical expenses of all family members may be counted (e.g., the orthodontist expenses for a child's braces may be deducted if the household is an elderly or disabled household).

Medical expenses may include:

- Services of doctors and health care professionals.
- Services of health care facilities.
- Medical insurance premiums.
- Prescription/non-prescription medicines (prescribed by a physician).
- Transportation to treatment (cab fare, bus fare, mileage).
- Dental expenses, eyeglasses, hearing aids, batteries.
- Live-in or periodic medical assistance.

Allowance for monthly payments on accumulated medical bills (regular monthly payments on a bill that was previously incurred), may only include the amount expected to be paid in the coming 12 months. However, the medical expense can be determined based on an established historical pattern.

Allowance for previously incurred and paid medical expense will be disallowed unless the family reports the expense at the time it is incurred.

Medical expenses will be disallowed if the family does not submit receipts of payments made which can be used to determine an on-going pattern for the claimed expense; written third party verification was not returned; and third party telephone verification to verify expense was unsuccessful. However, the interest rate and other related fees charged by the credit card company will not be included when determining the medical allowance.

Allowable medical expenses charged to the family's credit card (i.e., Care Credit) which are being paid monthly to the credit company may be included in the determination of medical expenses only if the family submits supporting information on the nature of the medical charge, total amount for medical expense, and receipts supporting monthly payments.

The CoPHD will include medical expenses incurred for the cost of buying, training, and maintain a guide dog or other service animal to assist a visually impaired or hearing disabled person, or a person with other physical disabilities. In general, this includes costs, such as food, grooming, and veterinary care, incurred in maintaining the health and vitality of the service animal so that it may perform its duties.

(See Publication IRS 502 for covered expenses.)

See Chapter 7 of this Plan, "Verification Procedures" to determine allowable medical expenses.

### **Minimum Rent**

Minimum family contribution in the HCVP is \$50. This is not applicable to families participating in the Supportive Housing Programs and Project-Based Voucher Program.

### **Exemptions to Minimum Rents:**

The CoPHD must grant an exemption from payment of minimum rent if the family is unable to pay minimum rent because of financial hardship. Financial hardship includes:

1. The family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits, but for Title IV of Personal Responsibility and Work Opportunity Act of 1996.
2. The family would be evicted because it is unable to pay the minimum rent.
3. The income of the family has decreased due to changed circumstances, including:
  - Loss of employment.
  - Death in the family.
  - Other circumstances determined by the CoPHD or by HUD.

The financial hardship exemption only applies to the payment of minimum rent and not to other elements used to calculate the TTP.

When a family requests a minimum rent hardship exemption, application of the minimum rent will be suspended beginning the month following the family's hardship request.

During the minimum rent suspension period, the housing assistance payment will be increased accordingly.

The CoPHD must promptly determine whether a qualifying hardship exists, and if so, whether such hardship is temporary or long term.

1. No qualifying financial hardship:

If the CoPHD determines there is no hardship covered by the statute, a minimum rent is imposed retroactively to the time of suspension.

The family must pay any back rent on terms and conditions established by the responsible entity.

2. Temporary qualifying financial hardship:

If the CoPHD determines a qualifying financial hardship is temporary, a minimum rent exemption may not exceed a period of 90 days beginning the month following the date of the family's request for a hardship exemption.

The family must be offered a reasonable repayment agreement for any amount of back rent owed by the family.

3. Long term qualifying financial hardship:

If the CoPHD determines a qualifying financial hardship is long term, the CoPHD must exempt the family from the minimum rent requirements so long as such hardship continues.

Such exception shall apply from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying financial hardship.

## **B. AVERAGING INCOME**

When annual income cannot be anticipated for a full 12 months, the CoPHD may:

1. Average known sources of income that vary to compute an annual income; or
2. Annualize current income and conduct an interim re-examination if income changes.

If there are bonuses, commission, tips and/or overtime that the employer cannot anticipate for the next 12 months, income from the previous year may be analyzed and used to determine the amount to anticipate when third party or check-stub verification is not available. If by averaging an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so that the housing payment will not change from month to month. The method used depends on the regularity, source and type of income.

## **C. ZERO INCOME**

The CoPHD will conduct a review every 180 days for families who report zero income. Family will be required to complete the Personal Declaration for Rental Assistance Benefits and Family Expenses forms. Additionally, a notarized Affidavit or self- certification declaring income status will be required. This requirement excludes families who have verifiable assets to cover monthly household expenses for the next 12 months. See Chapter 7 of this Plan, "Verification Procedures".

All families are encouraged to apply for benefits and will be referred to supportive service providers. The CoPHD will send out third-party verifications to support the families' claims.

#### **D. PRORATION OF ASSISTANCE FOR “MIXED” FAMILIES [24 CFR 5.520]**

##### **Applicability**

Proration of assistance must be offered to any “mixed” applicant or participant family. A “mixed” family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

“Mixed” families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. See Chapter 12 of this Plan, “Re-examinations”. “Mixed” applicant families are entitled to prorated assistance. Families that become “mixed” after June 19, 1995, by addition of an ineligible member are entitled to prorated assistance.

##### **Prorated Assistance Calculation**

For families that include both members who are citizens or have eligible immigration status and members who do not have eligible immigration status (or elect not to state that they have eligible status), the amount of assistance is prorated based on the percentage of household members who are citizens or documented eligible immigrants. To calculate prorated assistance, the CoPHD must follow these steps:

1. Determine gross rent (rent to owner plus utilities) for the unit.
2. Determine the housing assistance payment amount, taking into consideration the income of all household members.
3. Determine the proration factor by dividing the number of eligible family members (citizens and those with eligible immigration status) by the total number of members in the household.
4. Multiply the housing assistance payment amount calculated in Step 2 by the proration factor calculated in Step 3 to determine the family's eligible subsidy portion or prorated housing assistance payment.
5. Subtract the prorated housing assistance payment (Step 4) from the gross rent (Step 1).

#### **E. TENANT RENT**

##### **HCV Program:**

If the gross rent for the unit is at or below the payment standard, the family pays the highest of:

- 30% of monthly adjusted income;
- 10% of monthly gross income; or
- minimum rent

If the gross rent for the unit is above the payment standard, the family pays the highest of:

- 30% of monthly adjusted income;
- 10% of monthly gross income; or
- minimum rent
- plus any amount over the payment standard

Supportive Housing Programs & Project-Based Vouchers:

- 30% of monthly adjusted income
- Minus any allowance for tenant paid utilities and/or furnished appliances.

**F. RENT BURDEN [24 CFR 982.508]**

When a family is approved for initial occupancy of a dwelling unit, the rent burden for that family cannot exceed 40% of the family's monthly adjusted income.

**G. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS**  
**[24 CFR 982.153, 982.514, 982.517]**

The utility allowance is intended to help defray the cost of utilities not included in the rent and is subtracted from TTP to establish the family's rent to the owner. The allowances are based on actual rates and average consumption studies, not on a family's actual consumption. The CoPHD will review the utility allowance schedule on an annual basis and revise it if needed.

The approved utility allowance schedule is given to families at admission and moves. The utility allowance is based on the lesser of the size of dwelling unit actually leased by the family or the family unit size as determined under the CoPHD subsidy standards.

Where the utility allowance exceeds the family's TTP, the CoPHD may provide a Utility Reimbursement Payment for the family each month.

**H. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT [24 CFR 982.551]**

The CoPHD must compute all applicable income of every family member who is part of the approved household composition, including those who are temporarily absent. In addition, the CoPHD must count the income of the spouse or the head of household if that person is temporarily absent.

Income of persons permanently absent will not be counted. If the spouse is in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition, in writing, within 15 days of the change by completing an Update of Family Circumstances form and submit supporting information regarding the change. The CoPHD will evaluate absences from the unit using this policy.

**Absence of Entire Family**

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the CoPHD will terminate assistance in accordance with appropriate termination procedures. See Chapter 15 of this Plan.

Families are required to both notify the CoPHD before they move out of a unit and to give the CoPHD information about any family absence from the unit. Families must notify the CoPHD if they are going to be absent from the unit for more than 30 consecutive days.

If the entire family is absent from the assisted unit for more than 90 consecutive days, the unit will be considered to be vacated and the assistance will be terminated.

In order to determine if the family is absent from the unit, the CoPHD may:

1. Contact the family to schedule an office appointment.
2. Conduct a compliance inspection of the assisted unit.
3. Verify if utilities are in service.
4. Contact the property owner/manager.

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD allowed limit of 180 consecutive calendar days. The rental assistance will terminate if the absence exceeds 180 consecutive calendar days.

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

#### **Absence Due to Vacation**

Families who are planning to be away on vacation for 60 consecutive days must submit a written statement to the CoPHD stating the date they plan to leave, return date, and method of transportation. If the request is approved, the CoPHD will continue to make a housing assistance payment for the family for the 60 days period. However, a housing assistance payment will not be paid if the family is away for longer than 60 days, in which case the family will be responsible for paying the full contract rent to the owner. Housing assistance payments may resume upon return of the family.

#### **Absence of Any Member**

Any member of the household will be considered permanently absent if the family member is away from the unit for three (3) consecutive months or 180 days in a 12-month period, except as otherwise defined in this Chapter.

#### **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 CoPHD 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. The CoPHD will process an interim re-examination to remove the household member from the approved family composition.

If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent.

#### **Absence Due to Incarceration**

Any member of the household will be considered permanently absent if the family member is incarcerated for 30 consecutive days or 90 days in a 12 month period. If the CoPHD determines the reason for incarceration is for drug-related or violent criminal activity, termination of assistance may ensue.

### **Foster Care and Absence of Children**

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

If the time period is to be greater than 90 days from the date of removal of the child/children, the HCV size will be reduced and the family will be issued a new HCV.

### **Absence of Adult**

In cases where an adult has been brought to care for a child / children in the absence of the parent(s)/guardian, the CoPHD will treat that adult as a caretaker/visitor for the first 30 days, while guardianship or custody is in the process of being established.

Rental assistance will be terminated if the remaining members are foster children and/or adults or in cases where the remaining children have been removed by Department of Children Services because there is no adult assigned to care for them.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the certificate or voucher may be transferred to the caretaker if he or she meets the rental assistance program eligibility criteria. The CoPHD will re-determine the family's annual income to include the income of the newly appointed head of household.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the CoPHD will review the status at 90-day intervals.

If the court has not awarded custody or legal guardianship, but the action is in process, the CoPHD will secure verification from the appropriate social service agency or the attorney as to the status.

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

The CoPHD will transfer the HCV to the caretaker, in the absence of a court order, if the caretaker has been in the unit for more than 180 consecutive days and it is reasonable to expect that custody will be granted.

If a member of the household is subject to a court order/incarceration that restricts him/her from the home for more than 90 days, the person will be considered permanently absent.

If an adult family member leaves the household for any reason, the family must report the change in family composition to the CoPHD, in writing, within 15 days. The notice must contain a certification by the family as to whether the adult is temporarily or permanently absent.

The family will be required to notify the CoPHD, in writing, within 15 days when an adult family member moves out. Family members will be removed, including their income (if any), from the approved household composition only after the CoPHD receives supporting written verification of their new residence address and verifies all of their personal belongings have been removed from the assisted unit.

Family members will be determined permanently absent if verification is provided. Refer to Chapter 7 of this Plan for required verifications.

Time extensions will be granted as an accommodation upon request by persons with a disability.

If an adult family member goes into the military and leaves the household, they will be considered permanently absent.

Students who attend school away from the home are considered permanently absent.

### **Visitors**

Any person not included as part of the household who has been in the unit more than 15 consecutive days, or a total of 60 days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of another address as the visitor's principal place of residence will be considered verification that the visitor is a family member. Statements from neighbors and/or the owner will be considered in making the determination.

Use of the unit address as the visitor's or non-visitor's current residence address for any purpose is prohibited. The family must not allow anyone who is not part of the approved family composition to use the assisted unit address for mailing purposes.

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 family, and the CoPHD may terminate assistance 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 are not considered members of the household, but they may visit for up to 90 days per year without being considered a member of the household. However, the family must notify the CoPHD, in writing, the name of the visitor and length of the stay prior to the visit.

In a joint custody arrangement, if the minor is in the household less than 180 days per year, the minor will be considered to be an eligible visitor and not a family member.

The family must obtain prior written approval from the owner and CoPHD to add any additional family members.

If the family does not obtain prior written approval from the CoPHD, any person the family has permitted to move in will be considered an unauthorized household member.

An interim re-examination will be conducted for any additions to the household.

### **Other Related Income Matters**

The income received on behalf of family members residing in the assisted unit will be included in the family's annual income even if the person(s) receiving such income on their behalf does not live in the assisted unit (i.e., public assistance).

## CHAPTER 7

### VERIFICATION PROCEDURES

#### [24 CFR Part 5, Subparts B, D, E and F; 982.207]

#### **INTRODUCTION**

HUD regulations require that the factors of eligibility and Total Tenant Payment be verified by the CoPHD. Applicants and program participants must furnish proof of their statements whenever required by the CoPHD, and the information they provide must be true and complete. The CoPHD's verification requirements are designed to maintain program integrity. This Chapter explains the CoPHD's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and when there are changes in family members. The CoPHD will ensure that proper authorization from the family is always obtained before making verification inquiries.

#### **A. METHODS OF VERIFICATION AND TIME ALLOWED (Notices PIH-2010-19 (HA), 2011-25 (HA), & 2012-26 (HA))**

HUD identifies the following levels in its hierarchy of verification as listed below from the highest to lowest rank:

Level 6: Up-Front Income Verification (UIV). Using HUD's Enterprise Income Verification (EIV) System (see Chapter 24 for EIV Security Policy and Procedures).

Level 5: Upfront Income Verification (using non-HUD system).

Level 4: Written third party verification. Mandatory to supplement EIV reported income sources and when EIV has no data; non-EIV reported income sources; when tenant disputes EIV reported employment and income information and is unable to provide acceptable documentation to support dispute.

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

Level 2: Oral Third Party Verification: Mandatory if written third party verification is not available.

Level 1: Tenant Declaration. Use as last resort when unable to obtain any type of third party verification.

#### **Up-Front Income Verification (UIV)/(EIV)**

Upfront income verification is the verification of income, before or during reexaminations, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals.

Current UIV resources include:

- HUD's UIV System, which provides a single source for obtaining verification of wages, unemployment compensation, and social security benefits;
- Social Security (SS) and Supplemental Security Income (SSI) information accessed via a secure Internet facility (EIV);
- State Wage Information Collection Agencies (SWICAs);
- State Cal-Works Systems;
- Credit Bureau Association (CBA) credit reports;
- Internal Revenue Service (IRS) Tax Transcript (request with Form 4506-T); and
- Private sector databases (e.g., The Work Number).

As part of the EIV requirements, prior to admission, the CoPHD should query each adult household member's Social Security Number to determine if a PHA has reported a debt or adverse termination to determine the family's eligibility for participation in the HCVP.

The CoPHD is required to review the Income Report for new admissions within 90 days of the admission date, to confirm/validate family reported income.

The CoPHD will review and print the EIV report for all program participants during the time of their annual re-examination. The report will be reviewed to determine whether a discrepancy exists between the tenant reported information and EIV. The report will be maintained in a sealed envelope in each participant case file. The CoPHD will complete the Enterprise Income Verification (EIV) System Certification form.

The CoPHD will review the EIV report when processing an interim re-examination. However, the report would only be printed if it reveals a discrepancy between tenant provided and the EIV report. The CoPHD is only required to maintain a copy of the Income Control Number (ICN) page generated after the EIV report is viewed and determined the report matches the tenant reported information.

### **Written Third-Party Verification**

Written third party verification is an original or authentic document generated by a third party source dated either within the 60-day period preceding the reexamination or PHA request date. Such document may be in possession of the tenant or applicant. This verification type is commonly referred to as tenant-provided documents. The CoPHD may reject any tenant-provided documents and follow-up directly with the source to obtain necessary verification of information.

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

Documents older than 60 days (from the CoPHD's interview/determination or request date) are acceptable for confirming effective dates of income.

### **Written Third Party Verification Form**

Written third party verification form, also known as traditional third party verification, is a standardized form to collect information from a third party source. Third-party written verification forms will be sent and returned via mail, fax, or e-mail. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source are considered third-party written verifications.

The CoPHD will allow 10 days for the return of third-party verifications; after that time period, the CoPHD will utilize other acceptable methods of verification. Please refer to Chapter 1 of this Plan, "Reasonable Accommodation" regarding reasonable accommodation procedures.

For applicants, verifications may not be more than 60 days old at the time of issuance of a HCV. For participants, they are valid for 120 days from date of receipt.

The CoPHD will not delay the process of determining eligibility for a program applicant/participant due to a third-party verification that has not been returned. The eligibility will be determined following the levels of verification hierarchy.

If third-party verification form is received after tenant-provided documents have been accepted as verification, and there is a discrepancy, the third-party verification will prevail.

### **Oral Third-Party Verification**

Oral third-party verification is an independent verification of information by contacting the individual income/expense source(s), as identified through the UIV technique or identified by the family, via telephone or in-person visit. This verification technique will be used in the event that the independent source does not respond to the CoPHD's request for information within 10 days of request.

When oral third-party verification is used, the CoPHD staff will be required to document in the tenant file, the date and time of the telephone call (or visit to the third party), the name of the person contacted and telephone number, along with the confirmed information.

### **Tenant Declaration**

The family submits a notarized Affidavit/statement of reported income and/or expenses to the CoPHD. This verification method should be used as a last resort when the CoPHD has not been successful in obtaining information via all other verification techniques. However, the family will be required to submit receipts/statement(s) from the person(s) whom payments are made to determine allowable program deductions.

The CoPHD may make an exception for families who claim they cannot afford to pay the fee of a Public Notary due to their income status and accept a non-notarized Tenant Declaration in lieu.

### **Non-acceptable Tenant Provided Documents**

The following are the only HUD-approved reasons where the CoPHD may reject documentation provided by the tenant:

1. The document is not an original; or
2. The original document has been altered, mutilated, or is not legible; or
3. The document appears to be a forged document (i.e., does not appear to be authentic).

If the CoPHD rejects documents provided by the tenant for any of the above stated reasons, the CoPHD should:

1. Explain to the tenant the reason(s) the submitted document(s) is/are not acceptable and request the tenant to provide additional documentation.
2. The CoPHD will request the traditional written third party verification form from the third party source for completion and submission to the CoPHD.
3. The CoPHD will document the tenant file of its attempt to obtain third party verification and that no response to the third party verification request was received.

### **Exceptions to Third Party Verification Requirements**

The CoPHD staff will document the family's case file stating the reason(s) why third party verification was not available of the following reported factors: family annual income; the value of assets; expenses related to deductions from annual income and other factors that affect the determination of adjusted income.

### **B. RELEASE OF INFORMATION**

Each family member, 18 years of age or older or emancipated minor, must sign Authorization for Release of Information/Privacy Act Notice (form HUD-9886) and CoPHD's Authorization for Release of Information.

Family's refusal to cooperate with HUD and CoPHD's prescribed verification system will result in denial of admission or termination of assistance based on the family's failure to meet its obligation to supply any information requested by the CoPHD or HUD.

### **Client Screening-Criminal History Background**

Pursuant to HUD Federal Regulations, 24 CFR 982.202-982.553 requires that the CoPHD conduct appropriate criminal history background inquiries on applicants and participants for subsidized housing. State Law (California Penal Code Section 11105.03, et seq.) has provided that PHAs may conduct appropriate criminal history investigations to ascertain suitability for subsidized housing. To satisfy these mandates, arrests that resulted in conviction will be released to the CoPHD. This information will be used to screen housing applicants and participants, allowing only eligible persons to qualify for subsidized housing. A background report with noted incidences of criminal activity may result in rescinding the issued HCV and/or application, proposed termination of rental assistance, and/or denial of request for addition to the family composition.

The CoPHD will work in conjunction with the Pasadena Police Department in obtaining said report for all applicants. The CoPHD will carefully review the report to determine if drug-related, criminal activity or violent criminal activity occurred within five years prior to the date when eligibility is being determined. HUD prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. Upon receipt of the report, the CoPHD will review the report and make the appropriate determination on the family's eligibility for rental assistance. Dissemination of the information contained in the report is considered a felony and the staff person(s) found to be in violation will be prosecuted.

The CoPHD will conduct criminal background inquiries on program participants when reports of alleged criminal activity are received. The CoPHD will work in conjunction with the City of Pasadena's Police Department in obtaining

said reports.

### **C. COMPUTER MATCHING**

The 1988 McKinney Act legislation authorized State wage record keepers to release to both HUD and local housing agencies, information pertaining to wages and unemployment compensation accessible through the EIV system.

### **D. ITEMS TO BE VERIFIED**

1. Income.
2. Assets.
3. Allowable deductions from income.
4. Non-financial factors.
5. "Preference" status based upon CoPHD's local preferences.
6. Familial/marital status when needed for head or spouse definition.

### **E. VERIFICATION OF INCOME**

This section defines the methods the CoPHD will use to verify various types of income.

#### **Employment Income**

Verification forms request the employer to specify:

1. Dates of employment.
2. Termination of employment.
3. Current position.
4. Work location address.
5. Date of the last pay increase.
6. Current pay rate and frequency of pay.
7. Likelihood of change of employment status and effective date of any known salary increase during the next 12 months.
8. Earnings year to date.

9. Estimated income from overtime, tips, or bonus pay expected during the next 12 months.
10. Type of employment, whether it is regular, temporary or seasonal.
11. Number of weeks of the year worked and months of the year worked.
12. Whether employment is part of a Work-Study or Training Program.

Acceptable forms of verification include:

- UIV/EIV provided by a centralized computer matching system and pay stubs for the most recent three consecutive months.
- Employment verification form completed by the employers, only if: tenant is unable to provide documents requested by the CoPHD; tenant provided documents are not acceptable by the CoPHD; or tenant disputes the EIV reported information.
- Pay stubs for most current three to six consecutive months or earning statements which indicate the employee's gross earnings, frequency of pay or year to date earnings.
- Computer print-outs from the employer.
- W-2 forms plus income tax return forms.
- Letter from employer(s) which include detailed employment information, provided that the information is confirmed by telephone.
- Income tax returns provided by the family may be used for verifying self-employment income, or income from tips and other gratuities. Tenant Declaration form may be used if no other readily available source for verification exists.
- Annual Earned Income Statement furnished by the Social Security Administration.

The CoPHD will accept faxed/e-mailed documents from agencies and employers regarding participants and applicants.

The CoPHD will anticipate earnings for families working for the school district or any other similar jobs based on the number of actual months worked during the year. However, the families will be instructed to report by completing an Update of Family Circumstances form, if employment is to continue during the 12 months of the year or if they become eligible for Unemployment payments while they are not working. The CoPHD shall use earnings for the past twelve months to anticipate annual earnings for families whose earnings vary but hourly rate and/or salary has not changed.

For families whose working hours vary and hourly and/or salary rate has changed, the CoPHD shall anticipate annual earnings by averaging the working hours during the most recent 3 to 6 consecutive months by the new rate.

The CoPHD may anticipate annual earnings based on the family's earnings during the most recent 12 months, for families working through temporary agencies. This is after the CoPHD establishes the family's history of employment through temporary jobs.

Earnings from seasonal jobs will be anticipated based on earned income during the previous year.

Applicants and program participants may be requested to sign Form 8821 Tax Information Authorization from the IRS for further verification of income.

In cases where there are questions about the validity of information provided by the family, the CoPHD will require the most recent Federal income tax statements.

### **Social Security, Pensions, Supplemental Security Income, Disability Income**

Acceptable forms of verification include:

1. UIV/EIV.
2. Benefit verification form completed by agency providing the benefits.
3. Award or benefit notification letters prepared and signed by the providing agency.
4. Computer report electronically obtained or in hard copy.
5. Payment stubs for the 3 most recent months.

Families reporting a reduction in their benefit will be required to submit information pertaining to the reason(s) for the reduction (i.e., what caused the overpayment, overpaid amount, effective date of deduction, and amount/frequency of deduction).

Third party verification form will not be requested if the benefit will remain the same for lifetime. However, families are required to submit payment stubs for the most recent 3 months.

For families who are working and receiving Social Security and/or Supplemental Security Income payments, the CoPHD will anticipate annual income by using the average monthly payment received by the family during the most recent 6 consecutive months.

### **Unemployment Compensation**

Acceptable forms of verification include:

1. UIV/EIV;
2. Unemployment Insurance Claim Award letter; and
3. Payment stubs for the most recent three to six consecutive months (if available); or computer print-out reflecting payment history.

The CoPHD shall include income from unemployment compensation benefits for families who have a pattern of working seasonal jobs and receiving unemployment payments when they are not working.

For families who are working and receiving unemployment compensation benefits, the CoPHD will anticipate annual income by using the average monthly payment received by the family during the most recent 6 consecutive months.

### **Public Assistance Payments**

Acceptable forms of verification include:

1. Verification form completed by the Department of Public Social Services (DPSS).
2. Written statement from DPSS indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.
3. Computer-generated Notice of Action.
4. Oral Third party Verification.

In cases where the verification reveals a reduced monthly cash aid, the CoPHD will contact the DPSS to verify the reason(s) for the reduced amount, to determine the anticipated countable annual income.

For families who are working and receiving cash aid, the CoPHD will anticipate annual income by using the average cash grant received by the family during the most recent 6 consecutive months.

### **Alimony Payments**

Acceptable forms of verification include:

1. Copy of a separation, settlement agreement, or a divorce decree stating amounts and payment schedules.
2. Third-party verification form completed by the agency enforcing the Court order and/or person paying the support.
3. Computer-generated payment history report for the most recent twelve months from the agency enforcing the payment.
4. Copy of the most recent twelve months of payment stubs.
5. If payments are irregular, the family must provide either of the following verifications:
  - a. Computer-generated payment history report for the most recent twelve months from the agency enforcing the payment;
  - b. A statement from the agency responsible for enforcing payments or attorney to show that the family has filed for enforcement;
  - c. A copy of the Monthly Report for the past twelve months showing amounts received for support;
  - d. A written statement from an attorney certifying that a collection or enforcement action has been filed;
  - e. Current Quarterly Reports from District Attorney's Office; or

- f. Tenant Declaration indicating the amount(s) received.
6. Tenant Declaration stating the name, address, and telephone number of the person making the payments; amount received; frequency of payment; method of payment; the likelihood of support payments being received in the future; or support payments are not being received.

### **Child Support Payments**

Acceptable forms of verification include:

1. Third-party verification form completed by the agency enforcing the child support order and/or person paying the child support.
2. Computer-generated payment history report for the most recent twelve months from the agency enforcing the payment.
3. Copy of a separation or settlement agreement or a divorce decree or child support order stating amounts and types of support and payment schedules.
4. Tenant Declaration stating the name, address, and telephone number of the person making the payments; amount received; frequency of payment; method of payment; the likelihood of support payments being received in the future; or support payments are not being received.
5. If payments are irregular, the family must provide either the following verifications:
  - a. Computer-generated payment history report for the most recent twelve months from the agency enforcing the payment;
  - b. A statement from the agency responsible for enforcing payments or attorney to show that the family has filed for enforcement;
  - c. A copy of the Monthly Report for the past twelve months showing amounts received for support;
  - d. A written statement from an attorney certifying that a collection or enforcement action has been filed;
  - e. Current Quarterly Reports from District Attorney's Office; or
  - f. Tenant Declaration indicating the amount(s) received.

### **Net Income from a Business (CFR 5.609 (b) (2))**

HUD regulations stipulate that the "net income from the operation of a business or profession" must be included in annual income. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service (IRS) regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the

extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

Families will be required to submit a notarized Self-Employment Affidavit indicating the type of business they operate, net income realized from the business during the previous year, if applicable, anticipated business related expenses, and anticipated net income for the following year. Additionally, they will be required to submit documents supporting revenue from business and business expenses.

Documents such as appointment books, casebooks, bank statements, and receipts for the prior six months (or lesser period if not in business for six months) will be used as a guide to project income for the next 12 months. The family will be advised to maintain these documents in the future, if they are not available.

Families may be required to submit supplemental forms from the list below which are applicable to their business:

1. IRS Form 1040, including:
  - a. Schedule C (Small Business)
  - b. Schedule E (Rental Property Income)
  - c. Schedule F (Farm Income)
2. If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense computed using straight-line depreciation rules.
3. Audited or un-audited financial statement(s) of the business.
4. Credit report or loan application.
5. Copy of State Board of Equalization documents and Business License.
6. Earned Income Statement from the Social Security Administration.

In order to verify the net income from a business, the CoPHD may request IRS and financial documents from prior years and use this information, if available, to anticipate net income for the next 12 months as allowable by the Internal Revenue Service (IRS) regulations.

The CoPHD will exclude any business expenses that are not supported by documentation and expenses that are for personal purposes (i.e. personal vehicle use for business and personal purposes). The allowable expenses must be strictly business related purposes.

### **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 CoPHD may 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, telephone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person. The applicant/participant must provide a copy of their

child care license, if licensed.

If the family has filed a tax return, the family will be required to provide a copy to the CoPHD annually.

If child care services were terminated, third-party verification form will be sent to the parent whose child was cared for.

The CoPHD will mail a third party Vendor Verification form if the family reports a form 1099 is being generated.

### **Regular Gifts and Contributions**

Regular gifts and contributions (**monetary or not**) from persons or organizations outside the family must be counted as income and must be reported to the CoPHD within 15 days.

Any contribution or gift received for two months or more frequently will be considered a regular contribution or gift. This may include rent and utility payments paid on behalf of the family and other cash or non-cash contributions provided on a regular basis.

Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling, qualify as income and must be reported.

If the family's expenses exceed its known income, the CoPHD will inquire of the family regarding contributions and gifts. The family must provide/submit a Tenant Declaration with the following information:

1. Name, address, and telephone number of the person(s) who provides the gifts/contributions;
2. Value of the gifts/contributions;
3. Regularity (dates) of the gifts/contributions; and
4. Purpose of the gifts/contributions.

The CoPHD will mail a third party verification form directly to the source providing the contribution.

Bank statements will be reviewed to determine if additional deposits may be considered regular contributions.

Families claiming the regular contribution received from persons residing out of the assisted household is a "loan" and not financial support will be required to submit a copy of the signed/notarized "Promissory Note/Contract" which provides information pertaining to the names of the persons entering into this legal transaction described as "lender" and "borrower; total loan amount; terms of the loan; amount and frequency of payment; and date when first and final payments are due. The CoPHD will determine whether this contribution will be included in the family's annual gross income after reviewing the document. However, this contribution will be included in the family's annual gross income if the "Promissory Note/Contract" is not received by the CoPHD.

### **Zero Income Status**

Families claiming to have zero income may be required to complete a notarized Affidavit stating they have no income sources and must complete and submit the Family Expenses form along with supporting documents by given deadline. A Self-Certification form completed by the family will be accepted in lieu of a notarized Affidavit to avoid a

hardship to the family.

The CoPHD will request third-party verifications from the following agencies for families claiming zero income status: EDD, In-Home Supportive Services and DPSS. The CoPHD will also review the EIV report. The CoPHD will inform all zero income families to apply for benefits they may be entitled to receive.

The CoPHD may request information from the IRS.

The CoPHD will conduct a review every 90 days for families claiming zero income and review the Family Expenses form and supporting documents to determine whether an interim re-examination is necessary.

#### **Income from Excess of Tuition Assistance (Institution of Higher Education)**

The CoPHD will verify the total assistance an individual receives from financial assistance while attending school to determine countable income in excess of tuition and other required fees and charges, using the hierarchy of verification levels.

Family must submit financial assistance award letter including verification of school related expenses (i.e. tuition, mandatory fees, books, lab fees).

#### **Other Income Sources**

Other income sources not mentioned above will be verified using the hierarchy of verification levels.

### **F. VERIFICATION OF ASSETS**

The CoPHD will include the full cash value of any asset and any income it produces for assets owned jointly by more than one person.

The CoPHD's established passbook savings rate applied to determine imputed asset income is 0.06%, which is based on the Saving National Rate calculated by the Federal Deposit Insurance Corporation (FDIC) plus .75 percent. This rate will be evaluated yearly. If the results of the evaluation reveal a change in the rate, the new rate will be implemented.

Acceptable forms of verification include:

#### **Financial Institution Accounts**

1. Account statements, certificates of deposit, or CoPHD verification forms completed by the financial institution.
2. Broker's statements showing value of stocks or bonds and the earnings credited the family and any fees deducted for managing the account (i.e., broker fees). Earnings can be obtained from current newspaper quotations, internet and/or oral broker's verification.
3. IRS Form 1099 from the financial institution provided that the CoPHD must adjust the information to project income expected for the next 12 months.

#### **Interest Income from Mortgages or Similar Arrangements**

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for the next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or re-examination.

**Net Rental Income from Property Owned by Family**

1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of rent receipts for the past three months, leases, or other documentation of rent amounts.
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
4. Lessee's written statement verifying rent payments to the family and family's notarized Affidavit as to net income realized.
5. Copy of Grant Deed and current property Tax Bill.

For property owned in another Country, families will be required to submit documents supporting the cash value of the property when converted into U.S. currency.

**Family Assets**

The CoPHD will require the following information to determine the current cash value (the net amount the family would receive if the asset were converted to cash):

1. Verification forms, letters, or documents from a financial institution or broker.
2. Most recent three to six months checking and savings account statements (all pages).
3. Most current statement for certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
4. Quotes from a stock broker verifying the number of stocks, value per share, income received for the past 12 months and fees for management of account. Internet stock market values to determine current value.
5. Financial statements for business assets.
6. Family's Tenant Declaration describing assets or cash held at the family's home or in safe deposit boxes.

**Real Estate**

The CoPHD will require the following information to determine the current net value for real estate properties:

1. Copy of Grant Deed.
2. Copy of Property Tax Bill.
3. Copy of property insurance policy.
4. Most recent mortgage statement.
5. Most recent property appraisal, if available.
6. Certification from real estate agent confirming the value of the property.
7. Copies of closing escrow documents showing the selling price and the distribution of the sale proceeds.
8. Purchase agreement for burial plot.

The CoPHD will use real estate websites to obtain and determine the current market value of real estate.

#### **Life Insurance**

The CoPHD will use the insurance policy which reflects the cash surrender value schedule to determine the net value. If the cash surrender value is less than \$5000, the CoPHD will not request third party verification. However, the family will be required to submit a copy of the policy/policies.

#### **Assets Disposed of for Less than Fair Market Value (FMV)**

Assets disposed of for less than FMV during two years preceding effective date of admission or re-examination. Third-party verification will be obtained wherever possible:

1. For all admissions and re-examinations, the CoPHD will obtain the family's notarized Affidavit as to whether any member has disposed of assets for less than FMV during the two years preceding the effective date of the admission or re-examination.
2. If the family certifies that they have disposed of assets for less than FMV, verification is required that shows:
  - (a) all assets disposed of for less than FMV;
  - (b) the date they were disposed of;
  - (c) the amount the family received;
  - (d) the market value of the assets at the time of disposition;
  - (e) the Bill of Sale; and
  - (f) Escrow Settlement Statement.

## **G. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME**

### **Dependent Deduction**

By regulatory definition (24 CFR 5.603(b)), a dependent is a family member other than the head, spouse, or co-head (except foster children and foster adults) who is any of the following:

1. Under 18 years of age.
2. A person with a disability 18 years of age or older.
3. A full-time student who is 18 years of age or older.

Minor status may be verified with a Birth Certificate, hospital certificate (newborns only), and Numident from the Social Security Administration (SSA) showing:

1. Name.
2. Sex.
3. Social Security number.
4. Date of birth.
5. Relationship to head of household.

Verification of full-time student status for family members 18 years of age or older includes:

1. Third-party verification form completed by the school registrar and financial aid office or other school official.
2. School records indicating that the enrolled family member is a full-time student as defined by the school or institution.
3. Current class schedule provided by the family as long as the CoPHD verifies via telephone what the institution considers to be full-time.

### **Elderly or Disabled Family Deduction**

Elderly deduction is verified by providing one or more of the following:

1. Birth Certificate.
2. Certificate of Naturalization.
3. Passport.
4. Numident from the SSA.

5. U. S. Military Discharge Form (DD Form 214).

The deduction for a disabled family receiving disability benefits from the SSA may be verified:

1. CoPHD Certification of Disability form completed by a qualified, reliable, and knowledgeable professional.
2. Through EIV system.
3. By viewing an original SSA notice provided by the disabled family member that specifically identifies the person as disabled, if third-party written verification is not available.

**Child Care Expense Deduction**

1. Written verification from the person who receives the payments is required. If the child care provider is an individual, they must provide a statement of the amount they are charging the family for their services.
2. Written verifications must specify the child care provider's name, address, telephone number, license number (if applicable), the names of the children cared for, the number of hours the child care occurs, the rate of pay, method of payment, and the typical yearly amount paid, including school and vacation periods.
3. Families must provide canceled checks or receipts of payment for six consecutive months or more to verify child care expenses.
4. Families may be required to submit most recent income tax returns to verify child care expenses claimed. Child care expenses will be disallowed if the amount is not reflected on income tax returns and none of the other methods of verification are available.

The CoPHD will determine reasonable child care expense deduction by taking into account the age of the child/children; number of hours the child/children attends school; working hours of the working family member(s); number of hours the family member(s) attends school; and/or reasonable hours the family member(s) actively is seeking work.

Families claiming childcare expenses because they are seeking work will be required to complete and submit the Employment Search form supporting the dates of search; number of hours they actively sought employment; and names, addresses, & telephone numbers of employers contacted and/or applications submitted.

Families claiming child care expenses because they attend school and/or are participating in vocational training will be required to submit verification supporting the number of hours they attend school and/or number of training working hours. The CoPHD will mail third party verification to the school of attendance and/or the company/agency where the training is being provided.

Childcare expenses claimed by family members who are under the first 12 month (100%) and second 12 month (50%) exclusion under the Earned Income Disallowance, the CoPHD will follow guidelines under 24 CFR 5.603.(b).

The childcare expense may be disallowed if the childcare provider is a relative who is not licensed; the provider has not returned requested third party verification; family pays in cash and provider does not provide receipts of payment; and family does not claim expenses on filed tax returns.

### **Medical Expense Deduction**

Total medical expenses, exceeding the annual income threshold, claimed by the family which will not be reimbursed by an outside source and are anticipated to be incurred during the 12 months following certification or re-examination, will be verified by one or more of the methods listed below:

1. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
2. EIV report which reveals the monthly amount automatically deducted from the SS check for Medicare premiums.
3. Correspondence from SSA confirming the amount of Medicare premiums to be paid by the family monthly.
4. Computer-generated report supporting the pattern of on-going medical expenses.
5. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
6. Copies of payment agreement(s) or most recent invoice(s) that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
7. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. The CoPHD may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, non-recurring expenses from the previous year.
8. The CoPHD will use mileage at the IRS rate, cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.
9. Share of Cost payments. This applies to families receiving medical insurance through Medi-Cal. Families will be required to submit a copy of the notification from the Department of Public Social Services informing them of their monthly Share of Cost and proof supporting the monthly payment.

Written verification by a doctor, hospital or clinic personnel, dentist, or pharmacist indicating anticipated medical costs to be incurred by the family and regular payments on medical bills; and extent to which those expenses will be reimbursed by insurance or a government agency. If the mailer is not returned, the CoPHD may rely on tenant-provided documentation which support on-going medical expenses. to anticipate medical expenses claimed and document why third-party verification was not available. Medical expenses will not be provided if third party verification is not returned; receipts are not submitted by family; and/or receipts submitted do not support on-going medical expenses.

Families claiming medical expenses for medications purchased over-the-counter or on-line will be required to submit a written statement from a doctor or reliable/knowledgeable professional supporting the need and recommendation to treat a specific medical condition for the medication. The CoPHD will not verify diagnosis/illness patient information.

The CoPHD will refer to IRS Publication No. 502 for further assistance related to additional allowance for medical expenses.

### **Assistance to Persons with Disabilities**

Deduction is applicable only to HCVP families that include a person with disabilities. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with a disability, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus.

1. In All Cases:

- a. The CoPHD Certification of Disability and Housing Needs form must be completed by a reliable, knowledgeable professional stating that the person with disabilities requires the services of an attendant, live-in aide, and/or the use of auxiliary apparatus to permit them to be employed or to function sufficiently independent to enable another family member to be employed.
- b. Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

2. Attendant Care:

- a. A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
- b. Attendant must complete the CoPHD's Verification of Home Care Services form for hours of care provided and amount and frequency of payments received from the family or agency.
- c. Copies of canceled checks the family used to make payments or pay stubs from the agency providing the services.
- d. Third party verification from In-Home Supportive Services and/or any other agency making the payment.
- e. Share of Cost payments. This applies to families receiving attendant care through the Department of Public Social Services. Families will be required to submit a copy of the notification from the Department of Public Social Services informing them of their monthly Share of Cost and proof supporting the monthly payment.

3. Auxiliary Apparatus:

- a. Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.
- b. In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.
- c. Doctor certification supporting the need of auxiliary apparatus.

4. Live-in Aide

Disabled families requesting a Live-in Aide due to their disability will be required to complete a Request for Reasonable Accommodation form indicating the name, address, and telephone number of the qualified, reliable, and knowledgeable professional that will verify the need for a Live-in Aide. The CoPHD will mail the Certification of Disability and Housing Needs form to be completed and returned to assist the CoPHD in making a decision regarding the family's request.

5. Service Animal Care Cost

- a. Provide a third-party certification from a professional for the need of a service animal.
- b. Receipts for purchases or proof of payments for the care of the service animal.

The CoPHD will refer to IRS Publication No. 502 for further assistance related to allowances for service animal care cost.

## **H. VERIFYING NON-FINANCIAL FACTORS**

### **Verification of Legal Identity**

In order to prevent program abuse, the CoPHD 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 all adults. In the event of conflict, more than one of these documents will be required.

1. Certificate of Birth.
2. Certificate of Naturalization.
3. Church issued Baptismal Certificate.
4. Valid Driver License or Identification Card from the Department of Motor Vehicles.
5. U.S. Military Discharge Form (DD Form 214).
6. U.S. Passport.
7. Numident from SSA.
8. Hospital Certificate of Birth.
9. U.S. Census Bureau records.
10. Court documents showing a change in name.

In addition to the documents listed above, the following will be considered acceptable verification of legal identity for a minor:

1. Adoption documents.

2. Custody agreement.
3. Foster care placement documents.
4. Court order emancipation documents.

Families who possess documents in a different language other than English will be required to have the document(s) translated into English and submit the translated document(s) to the CoPHD.

### **Verification of Marital Status**

Verification of marital status would be used to determine spouse for income, deduction and non-citizen purposes.

1. Verification of divorce status will be a certified copy of the Divorce Decree signed by a Court Officer.
2. Verification of a separation may be a copy of court-ordered maintenance or other records.
3. Marriage Certificate.
4. Other acceptable form of verification i.e., Death Certificate, Certificate of Naturalization, filed income tax returns, etc.

### **Familial Relationships**

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide additional verification. The following verifications will always be required if applicable:

1. Verification of relationship:
  - a. Official identification showing names.
  - b. Birth Certificate.
  - c. Baptismal Certificate.
2. Verification of legal guardianship/custody:
  - a. Court-ordered assignment (adoption or foster parents).
  - b. Verification from social service agencies for foster parents.

### **Special Needs Adult**

The CoPHD will request from the family a copy of Conservatorship of Special Needs Adult granted in a court proceeding where a superior court judge appoints a responsible person (a conservator) to care for another adult (a conservatee) who cannot care for themselves or their finances.

A conservator (usually a family member) may have the authority to:

- Decide where the conservatee will live;
- Manage the conservatee's social affairs;
- Manage the conservatee's financial affairs;
- Examine the conservatee's confidential records and papers;
- Sign a contract for the conservatee;
- Give or withhold consent for medical treatments;
- Make decisions regarding education and vocational training.

This document will be requested in the following instances:

1. Single household adults with development disabilities applying for rental assistance.
2. Former head of household passed away and the adult with development disabilities becomes the remaining family member and eligible head of household.

The CoPHD will deny rental assistance to single household adults with development disabilities who do not provide a copy of the Conservatorship of Special Needs Adult. The applicant will be provided an opportunity to request an informal review of the CoPHD's decision.

In cases where the developmental disabled adult becomes the eligible head of household, the family will be required to submit the following information within 15 days of the date of occurrence:

1. Documents supporting the former head of household passed away or moved out of the assisted unit permanently.
2. Written request notifying the CoPHD of the proposed conservator including the following documents:
  - California Identification or Driver License.
  - Copy of filed Request for Conservatorship of Special Needs Adult.

The CoPHD requires the family to submit a copy of the approved Conservatorship of a Special Needs Adult within 60 days of the date of the occurrence. However, an extension may be granted if the family submits a written request informing the CoPHD of the reason(s) conservatorship has not been secured and the date when they expect the process to be finalized. Additionally, the family will be required to submit documents supporting their request.

In cases where the proposed Conservator plans to live in the assisted unit and be included as a family member, the CoPHD will follow the process in place outlined in Chapter 12 of this Administrative Plan.

Housing assistance payments on behalf of the family will not be interrupted if the family submits requested information which determines that an adult is caring for the disabled adult and request for Conservatorship is in process.

Housing assistance payments will be proposed for termination if a copy of the approved Conservatorship is not received by the CoPHD within 180 days of date of the occurrence. The family will be informed of their right to request an informal hearing if they disagree with the CoPHD's decision.

#### **Verification of Permanent Absence of Adult Member**

If an adult member of the household is reported permanently absent by the family, the CoPHD will consider any of the following as verification:

1. Copy of court filing reflecting husband or wife instituted divorce action.
2. Copy of court filing reflecting husband or wife instituted legal separation.
3. Copy of order of protection/restraining order obtained by one family member against another.
4. Proof of another home address, such as utility bills, canceled checks for rent, rent receipts, driver license, lease or rental agreement.
5. Statements from other agencies such as social services.
6. Written statement from the landlord or manager that the adult family member is no longer living at the assisted unit.
7. If no other proof can be provided, the CoPHD will accept a notarized Affidavit from the head of household certifying the date of the move and their whereabouts. Additionally, the CoPHD may conduct a special inspection to verify the reported person(s) is/are no longer occupying the assisted unit.
8. If the adult family member is incarcerated, a document from the Court or prison should be obtained stating the date of incarceration, charges, and expected release date. The CoPHD may use other available methods to verify the incarceration (i.e., Los Angeles County Sheriff's Department Inmate Information, State of California Department of Corrections and Rehabilitation, Bureau of Federal Prisons websites, etc.).
9. If the adult family member is hospitalized, a letter from the doctor should be obtained stating the date of hospitalization and expected release date.

In order for the absent family member to be considered permanently absent, all personal belongings must be removed from the assisted unit. Additionally, the person must not use the assisted unit address for mailing purposes except for students attending school away.

### **Absence of the Entire Family**

The family is responsible for reporting absences from the assisted unit within 15 days of the date of the absence and to submit information supporting the reason(s) for the absence. This is in accordance with the CoPHD's Family Obligations.

In cases where the sole family member has been hospitalized, the family will be requested to submit verification from their doctor regarding the date of their admission, expected release date, and whether they are able to live independently.

The CoPHD will mail a third party verification form to the doctor identified by the tenant to complete regarding the tenant absence, as a reasonable accommodation, in cases where the family is not able to submit verification from their doctor.

In cases where the sole family member has been incarcerated, the family will be required to submit supporting information regarding the date of arrest, charges, and expected release date.

Refer to Chapter 6 of this Plan, "Absence of Entire Family", regarding HUD-allowed limit on absences and Chapter 15 of this Plan, "Denial or Termination of Assistance" regarding termination of rental assistance due to absences beyond the allowed limit.

### **Verification of Change in Family Composition**

The CoPHD may verify changes in family composition (either reported or unreported) through tenant declaration, letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school, Department of Motor Vehicle records, and other sources.

The CoPHD will re-determine the family's Housing Choice Voucher bedroom size when changes in family composition occur, in accordance with Chapter 5 of this Plan.

### **Verification of Disability**

The following methods in conjunction with HUD prescribed guidelines will be used to verify disability status:

Receipt of Social Security Disability or SSI verifications will be used as verification of disability as long as the appropriate disability codes are reflected. If such benefits are not received, the following can provide a basis for verification:

1. Letters from Social Security Administration regarding qualification for SSI disability benefits payments.
2. Letters from a knowledgeable professional, such as a health or service professional.
3. Certification of Disability form completed by a reliable, knowledgeable professional, identified by the family on the HCVP application, Personal Declaration for Rental Assistance Benefits form or Request for Reasonable Accommodation form.

### **Verification of Reasonable Accommodation**

The Certification of Disability and Housing Needs form will be mailed by the CoPHD to the reliable, knowledgeable professional identified by the family on the reasonable accommodation request form.

Please refer to Chapter 1 of this Plan, "Reasonable Accommodation" regarding reasonable accommodation procedures.

### **Verification of Citizenship/Eligible Immigration Status**

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by the U.S. Department of Homeland Security. Each family member must declare their status. Assistance cannot be delayed, denied, or terminated while verification of status is pending, except that assistance to families may be delayed while the CoPHD hearing is pending. The primary verification for immigration status of the person is conducted by the responsible entity through the U.S. Department of Homeland Security automated Systematic Alien Verification for Entitlements (SAVE). These are the following status:

1. Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury. The CoPHD will require citizens to provide documentation of citizenship.
2. Eligible Immigrants who were participants and 62 years old or older on September 30, 1996, are required to sign a declaration of eligible immigration status and provide proof of age.
3. Non-citizens with eligible immigration status must sign a declaration of status and verification consent form, and provide their original immigration documents which are copied front and back and returned to the family. The CoPHD verifies the status through the U.S. Department of Homeland Security's SAVE system. If this primary verification fails to verify status, the CoPHD must request, within ten days, that the U.S. Department of Homeland Security conduct a manual search.
4. Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.
5. Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa, but their status will not be verified and they do not sign a declaration, but are listed on the statement of ineligible members.

Eligible non-citizen program participants with expired Permanent Resident card are required to provide the CoPHD with a copy of their renewed Permanent Resident Card at the time of their annual re-examination. The CoPHD will verify their status through the SAVE System.

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

**Time of Verification:** For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors for final eligibility determination. In the case of incoming portable families, the CoPHD must conduct the determination if the initial PHA does not supply the documents.

**Extensions of Time to Provide Documents:** The CoPHD will grant an extension of 30 days for families to submit evidence of eligible immigrant status.

**Acceptable Documents of U.S. Citizens/Nationals:**

1. U.S. Passport.
2. Birth Certificate.
3. U.S. Certificate of Naturalization.
4. Numident from SSA.

**Acceptable Documents of Eligible Immigration:** The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

1. Permanent Alien Resident Card (I-551).

2. Alien Registration Receipt Card (I-151).
3. Arrival-Departure Record (I-94).
4. Temporary Resident Card (I-688).
5. Employment Authorization Card (I-688B)
6. Receipt issued by the INS for issuance or replacement of any of the above documents that shows individual's entitlement has been verified.

A Birth Certificate is not acceptable verification of eligible immigration status. All documents in connection with U.S. citizenship/eligible immigration status must be maintained in the file.

### **Verification of Social Security Numbers**

Social Security numbers (SSN) must be provided as a condition of eligibility for all family members. Verification of SSN will be done through a Social Security card issued by the SSA. If a family member cannot produce a Social Security card, only the documents listed below showing their Social Security number may be used temporarily for verification. The family must apply for another Social Security card. The family is also required to certify in writing that the documents submitted in lieu of the Social Security card are complete and accurate:

1. Receipt of application for SSN.

Addition of household members under the age of 6 who have not been assigned a SSN will be provided 90 days to provide documentation of the SSN. The CoPHD may extend the time frame for an additional 90 days if unforeseen circumstances outside the control of Head of Household prevent timely disclosure of required documentation.

Addition of household members at least 6 years of age or under the age of 6 who have an assigned SSN must disclose the SSN and provide documentation of the SSN to the CoPHD at the time of request to add new household member or during interim re-examination.

New household members cannot be added to the family composition until the family has complied with SSN disclosure and verification requirements.

Foster children cannot be added to the family composition until the family has complied with SSN disclosure and verification requirements.

The CoPHD requires families to submit SSN assigned to a newborn within 4 weeks.

Families are required to disclose a newly assigned SSN at time of receipt of new SSN.

Individuals exempt from disclosure of SSN are: individuals who do not contend to have eligible immigration status; tenants age 62+ as of 1/31/10; tenant who previously disclosed a SSN.

The CoPHD will reject tenant provided documentation if: document is not an original; original document has been altered, mutilated, or not legible; or document appears to be a forged document. When there is a discrepancy with the SSN, the family will be required to provide documentation from the SSA to validate the Social Security number.

Refer to Chapter 15 of this Plan, "Denial or Termination of Rental Assistance", for procedure when the family fails to disclose and/or provide a SSN.

### **Verification of Emancipated Youth**

A copy of the court ordered emancipation will be required.

### **Verification of Student Status**

Family members other than the head of household, co-head, and spouse claiming full-time student status will be required to submit current proof from the institution of attendance and transcripts.

Verification of full-time student status includes:

- a. School records supporting attendance is full-time pursuant to the educational institution;
- b. Written verification from the registrar's office or other school official.

The CoPHD may also mail a third party verification form to the identified institution of attendance to verify the status.

### **Verification of Students Enrolled at an Institution of Higher Education**

For families who are applying for rental assistance and are enrolled at an institution of higher education, the following verifications must be submitted:

- Legal age or an emancipated minor under State law. Refer to "Verification of Legal Identity in this Chapter for list of acceptable documents.
- The student must submit documents from the institution they attend verifying that their institution qualifies as a "higher education" institution.
- The student must provide a written certification that the student does or does not anticipate receiving financial support from the student's parent(s) or guardian(s) and the amount of support.
- The student must have established a household separate from their parents or legal guardians for at least one year prior to applying for the HCVP. The CoPHD will verify evidence of separate households by verifying the address information that predated the student's application by a minimum of one year.
- The student must not be claimed as a dependent by parent(s) or legal guardian(s) on their IRS tax return. The CoPHD may request a copy of the student's 1040 tax returns for the prior year. The CoPHD will also review the student's parents or guardians tax return.
- The student must supply any information that the CoPHD determines is necessary in verifying the college student's eligibility.

The following documents must be submitted:

- Lease/rental agreement.
- Utility bills.

- Mail that predates the student's application by a minimum of one year.
- Marriage Certificate.
- U.S. Military Discharge Form (DD Form 214).

Refer to Chapter 2 of this Plan, "Eligibility for Admission", for procedure when the family is an applicant.

### **Verification of Domestic Violence**

The CoPHD will comply with Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA), which protects family members who are victims of domestic violence, dating violence, or stalking, from being evicted or terminated from housing assistance based on acts of such violence against them. The family may be required to complete, sign and submit form HUD-50066, or other acceptable certification/documentation, in order to verify the family's claim of domestic violence, within 14 business days of the request. The certification must include the name of the perpetrator.

### **I. Waiting List Preferences [24 CFR 5.430, 982.207]**

#### **Local Preferences**

1. Families who claim Involuntary Displacement due to:

a. Disaster or Government Action:

Written verification by the displacing unit or agency of government, or by a service agency such as the Red Cross.

b. Actions taken by the family's current property owner/agent:

Written notification by owner to family of the action/written verification by the owner or agent, or documents such as sales agreements, foreclosure notices or building permits.

c. Domestic Violence:

Written verification from police, social service agency, court, clergy person, physician, and/or public or private facility giving shelter and/or counseling to victims.

Verification must be obtained (from an owner or other source) that the abuser still resides at the unit.

The family must certify that the abuser will not return to the household without the advance written approval of the CoPHD.

Before giving approval, the CoPHD will require verification of the following:

1. Written statement from social worker, psychologist, or other professional familiar with the abuser that he/she has received counseling/treatment and is unlikely to continue the abuse.
2. Written statement from local law enforcement agency that no complaints have been

filed since the date of the preference approval.

3. Certification that the abuser has completed a rehabilitation program.

d. Witness Protection Program:

Certification of participation by a law enforcement agency of participation in the Witness Protection Program.

Written recommendation from law enforcement agency or HUD.

e. Hate Crimes:

Written statement from law enforcement agency, HUD, Fair Housing or other agency responsible for non-discrimination advocacy. Statement should contain approximate number of occurrences and date of last occurrence.

f. Inaccessibility of Unit:

Statement from the owner of the critical elements that are inaccessible, and that the owner is not going to make the needed modifications, or permit the family to make the modifications.

Inspection by CoPHD to verify inaccessibility of critical elements. Statement from the owner of the building that the accommodations required will not be made.

If the owner permits the tenant to make the modifications, verification that the family cannot afford the expense.

g. HUD Disposition of a Project:

Written verification from HUD.

2. Living in Substandard Housing:

a. Families who claim to be living in a substandard housing unit must provide written verification from a reliable, knowledgeable professional.

b. Homeless Families: Written verification by a public or private facility providing shelter, the police, or a social services agency certifying that the family lacks a fixed, regular, and adequate nighttime residence.

c. Visual verification by CoPHD staff.

3. Residency Preference: For families who live or work in the jurisdiction of the CoPHD.

In order to verify that a family is a resident, the CoPHD will require a minimum of three of the following documents: rent receipts, leases, utility bills, employer or agency records, school records, driver licenses, voter registration records, credit reports, and written statement from household with whom the family is residing. Along with the written statement from the household, the family must provide at least five pieces of mail (i.e., voter's registration, DMV correspondence, etc.).

The head of household and/or spouse who have been hired to work or are working in the jurisdiction of the CoPHD, a statement from the employer will be required.

4. Veteran's Preference: Families who are claiming a veteran's preference must submit documentation supporting their U.S. Military Armed Forces veteran status (i.e., DD214).
5. Housing Opportunity Through Modernization Act (HOTMA). Revisions in this chapter pertaining to annual re-examination will be revised upon receiving guidance from HUD and updates will be included in Chapter 26. Public Housing and HCV Programs Temporary Compliance Assistance.

## CHAPTER 8

### ISSUANCE AND BRIEFINGS

#### **INTRODUCTION**

The CoPHD's objectives are to assure that families selected to participate in the Housing Choice Voucher Program (HCVP) are successful in obtaining an acceptable housing unit, and that they have sufficient knowledge to derive maximum benefit from the program and to comply with program requirements. When applicant families have been determined eligible, the CoPHD will conduct a mandatory briefing to ensure that applicant families know how the HCVP works. The briefing will provide a broad description of owner and applicant family responsibilities, CoPHD procedures, and how and where to lease a unit. The applicant family will also receive a briefing packet which provides more detailed information about the program. This Chapter describes how briefings will be conducted, the information that will be provided to applicant families, and the policies for how changes in the family composition will be handled.

In addition, the CoPHD's objective is to ensure that participant families are also successful in leasing another unit after a move.

#### **A. ISSUANCE OF HOUSING CHOICE VOUCHER (HCV) [24 CFR 982.302]**

When funding is available, the CoPHD will issue HCVs to applicant families whose eligibility has been determined. The issuance of HCVs must be within the dollar limitations set by the Consolidated Annual Contribution Contract (ACC) Budget Authority.

The number of HCVs issued must ensure that the CoPHD stays as close as possible to 100% lease-up. The CoPHD performs a monthly calculation both electronically and manually to determine whether applications can be processed, the number of HCVs that can be issued, and to what extent the CoPHD can over-issue (issue more HCVs than the budget allows).

The CoPHD may over-issue HCVs only to the extent necessary to meet leasing goals. HCVs which are over-issued may be cancelled due to lack of funding. If the CoPHD finds it is over-leased, it must adjust future issuance of HCVs or the cancellation of HCVs in order not to exceed the ACC budget limitations over the fiscal year.

#### **B. BRIEFING TYPES AND REQUIRED ATTENDANCE [24 CFR 982.301]**

##### **Initial Applicant Briefing**

A HUD-required briefing will be conducted for applicant families who are determined eligible for assistance. The briefings will be conducted in either individual or group meetings. All adult family members must attend the briefing. Families who attend group briefings may require individual assistance by a CoPHD staff member.

Briefings will be conducted in English. However, Non-English speaking families are encouraged to bring an interpreter for assistance.

The CoPHD will not issue a HCV to an applicant family unless they have attended a briefing and signed the HCV.

Applicant families who provide prior notice of their inability to attend a briefing will automatically be scheduled for the next briefing. However, if the applicant family was unable to attend the briefing due to circumstances beyond their control, a final briefing will be scheduled. An applicant family who fails to attend the scheduled briefing without prior notification of their inability to attend will result in the disqualification of the application for rental assistance. Upon request, the CoPHD may conduct individual briefing for applicant families with disabilities at their home, if required for reasonable accommodation. Applicants who failed to attend a briefing due to incarceration will be disqualified. Applicants who failed or are unable to attend due to being out of town or of the country will be rescheduled only if the applicant will return within 15 days.

### **Participant Briefing**

An interview will be held with participant families who wish to move. The interview will be held prior to the participant family giving notice to the owner and CoPHD's issuance of a HCV to the participant family. Similarly, an interview will be held for outgoing portable participant families. The interviews are conducted to inform participant families of the move/portability process and to minimize charges against security deposits. All participant families who plan to move are required to notify the CoPHD, in writing, 90 days in advance of the planned move date. The CoPHD will schedule an interview within 30 days of receipt of the written request. Participant families failing to attend a scheduled interview will be denied issuance of a new HCV based on failure to provide required information. See Chapter 13 of this Plan, "Moves with Continued Assistance/Portability" for additional information.

### **Applicant Briefing Packet**

Applicant families will be provided with a briefing packet. The documents and information provided in the briefing packets for the HCVP will comply with all HUD requirements. The CoPHD also includes other information and/or materials which are not required by HUD.

The applicant family is provided with the following information and materials:

1. The CoPHD Statement of Policies, which provides guidance and information on the following matters:
  - Rental Assistance Programs (RAP)
  - RAP Regulations
  - RAP Administrative Plan
  - Obligations of the Family
  - Term of Voucher/Extension/Suspension
  - Request for Tenancy Approval
  - Housing Quality Standards
  - Rent Reasonableness
  - Repayment/Recovery of Outstanding Debt
  - Moves with Continued Assistance
  - Portability Procedures
  - Denial and Termination of Assistance
  - Informal Review and Informal Hearing Procedures
  - Termination of Housing Assistance Payments Contract
2. The term of the HCV, and the CoPHD's policy for requesting extensions to the term of the HCV or suspensions of the HCV.
3. A description of the method used to calculate the assistance payment, information on Fair Market Rents, Payment Standards and Utility Allowances.

4. Rent Estimate form
5. How the maximum allowable rent is determined, including the rent reasonableness standard.
6. Guidance and materials to assist the family in selecting a unit, such as proximity to employment, public transportation, schools, shopping, and the accessibility of services. Guidance will also be provided to assist the family to evaluate the prospective unit, such as the condition, whether the rent is reasonable, average utility expense, energy efficiency, and security. A Tenant Tool Kit with tips on how to conduct a successful housing search will also be provided to the family.
7. The boundaries of the geographical area in which the family may lease a unit, including an explanation of portability along with the HUD Portability Handout.
8. The CoPHD Proposed Lease and HUD Tenancy Addendum.
9. The Request for Tenancy Approval (RFTA) packet and a description of the procedure for requesting approval for a unit. The packet will include the following forms:
  - Request for Tenancy Approval
  - Renting to Relatives Disclosure Notice
  - Inspection Checklist
  - Proposed Lease Agreement
  - Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards
  - Statement of Property Ownership
  - W-9 Request for Taxpayer Identification Number and Certification
  - Vendor List Questionnaire (Form AA-1)
10. The HUD brochure on how to select a unit and/or the HUD brochure "A Good Place to Live" on how to select a unit that complies with HQS.
11. The Environmental Protection Agency booklet "Protect Your Family From Lead In Your Home" and information about where blood level testing is available.
12. Information on Federal, State and local equal opportunity laws including the pamphlet "Fair Housing: It's Your Right," other information about fair housing laws and guidelines, and the telephone numbers of the local fair housing agency and the HUD enforcement office.
13. The CoPHD's Available Housing List including property owners or other parties willing to lease to applicant/participant families. The CoPHD will only provide contact **information** to applicant/participant families with the permission of the property owner.
14. Information on the City of Pasadena's housing search website ([pasadenahousingsearch.com](http://pasadenahousingsearch.com)) and additional free property rental websites.
15. If the family includes a person with disabilities, the CoPHD will provide, if available, resources for locating accessible units.
16. The Obligations of the Rental Assistance Program Participant Family.

17. The Things You Should Know.
18. The Federal Privacy Act.
19. The Notification - Watch Out For Lead-Based Paint Poisoning.
20. What You Should Know About EIV.
21. Debts Owed to the Public Housing Agencies and Terminations.
22. The grounds for denial and termination of assistance because of family action or failure to act.
23. Procedures for when and how to request an informal review and informal hearing.
24. Procedures for notifying the CoPHD and/or HUD of program abuse such as side payments, extra charges, violations of tenant rights, and owner's failure to repair deficiencies in the assisted unit.
25. The family's rights as a tenant and a program participant.
26. Requirements for reporting changes between re-examinations.
27. Violence Against Women Act of 2005 Flyer.

#### **Other Information to be Provided at the Briefing**

The CoPHD will describe how the program works, and the relationship between the family and the owner, the family and the CoPHD, and the CoPHD and the owner.

The briefing presentation emphasizes:

1. Applicant family and owner responsibilities.
2. Where an applicant family may lease a unit inside and outside CoPHD's jurisdiction.
3. How portability works for applicant families eligible to exercise portability.
4. Advantages to moving to areas with low concentration of poor families if family is living in a high poverty census tract in the CoPHD 's jurisdiction.
5. Exercising choice in residency through careful and thorough consideration of available units.

If the applicant family includes a person with disabilities, the CoPHD will ensure compliance with CFR 8.6 to ensure effective communication.

#### **Participant Briefing Packet**

Participant families will be provided with a briefing packet. The documents and information provided in the briefing packets for the HCV will comply with all HUD requirements. The CoPHD also includes other information and/or materials which are not required by HUD.

The participant family is provided with the following information and materials:

1. The CoPHD Statement of Policies, which provides guidance and information on the following matters:
  - Rental Assistance Programs (RAP)
  - RAP Regulations
  - RAP Administrative Plan
  - Obligations of the Family
  - Term of Voucher/Extension/Suspension
  - Request for Tenancy Approval
  - Housing Quality Standards
  - Rent Reasonableness
  - Repayment/Recovery of Outstanding Debt
  - Moves with Continued Assistance
  - Portability Procedures
  - Denial and Termination of Assistance
  - Informal Review and Informal Hearing Procedures
  - Termination of Housing Assistance Payments Contract
2. The term of the HCV, and the CoPHD's policy for requesting extensions to the term of the HCV or suspensions of the HCV.
3. A description of the method used to calculate the assistance payment, information on Fair Market Rents, Payment Standards and Utility Allowances.
4. Rent Estimate form
5. How the maximum allowable rent is determined, including the rent reasonableness standard.
6. Guidance and materials to assist the family in selecting a unit, such as proximity to employment, public transportation, schools, shopping, and the accessibility of services. Guidance will also be provided to assist the family to evaluate the prospective unit, such as the condition, whether the rent is reasonable, average utility expense, energy efficiency, and security. A Tenant Tool Kit with tips on how to conduct a successful housing search will also be provided to the family.
7. The boundaries of the geographical area in which the family may lease a unit, including an explanation of portability along with the HUD Portability Handout.
8. The CoPHD Proposed Lease and HUD Tenancy Addendum.
9. The Request for Tenancy Approval (RFTA) packet and a description of the procedure for requesting approval for a unit. The packet will include the following forms:
  - Request for Tenancy Approval
  - Renting to Relatives Disclosure Notice
  - Inspection Checklist
  - Proposed Lease Agreement
  - Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards
  - Statement of Property Ownership
  - W-9 Request for Taxpayer Identification Number and Certification

- Vendor List Questionnaire (Form AA-1)
10. The HUD brochure on how to select a unit and/or the HUD brochure "A Good Place to Live" on how to select a unit that complies with HQS.
  11. The Environmental Protection Agency booklet "Protect Your Family From Lead In Your Home" and information about where blood level testing is available.
  12. Information on Federal, State and local equal opportunity laws including the pamphlet "Fair Housing: It's Your Right," other information about fair housing laws and guidelines, and the telephone numbers of the local fair housing agency and the HUD enforcement office.
  13. The CoPHD's Available Housing List including property owners or other parties willing to lease to applicant/participant families. The CoPHD will only provide contact information to applicant/participant families with the permission of the property owner.
  14. Information on the City of Pasadena's housing search website ([pasadenahousingsearch.com](http://pasadenahousingsearch.com)) and additional free property rental websites.
  15. If the family includes a person with disabilities, the CoPHD will provide, if available, resources for locating accessible units.
  16. The Obligations of the Rental Assistance Program Participant Family.
  17. The grounds for denial and termination of assistance because of family action or failure to act.
  18. Procedures for when and how to request an informal review and informal hearing.
  19. Procedures for notifying the CoPHD and/or HUD of program abuse such as side payments, extra charges, violations of tenant rights, and owner's failure to repair deficiencies in the assisted unit.
  20. The family's rights as a tenant and a program participant.
  21. Requirements for reporting changes between re-examinations.
  22. Violence Against Women Act of 2005 Flyer.

If required, participant family members may have to complete the program forms listed below:

- The Things You Should Know.
- The Federal Privacy Act.
- The Notification - Watch Out For Lead-Based Paint Poisoning.
- What You Should Know About EIV.
- Debts Owed to the Public Housing Agencies and Terminations.

### **Owner Briefings**

Owner briefings are held for participating owners and prospective owners who may wish to participate in the program. The purpose of the briefing is to ensure successful owner participation in the program by furnishing the owner with current program information.

### **C. ENCOURAGING PARTICIPATION IN AREAS WITH LOW CONCENTRATION OF POVERTY**

At the briefing, applicant and participant families are encouraged to search for housing in non-impacted areas.

The CoPHD will follow the steps listed below in an attempt to establish a list of units in non-impacted areas:

1. Direct contact with owners.
2. Counseling with the family.
3. Providing information about services in various non-impacted areas.
4. Formal or informal discussions with owner groups.
5. Formal or informal discussions with social service agencies.
6. Meeting with rental referral companies or agencies.
7. Meeting with fair housing groups or agencies.

### **D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION**

#### **Fair Housing Laws**

The CoPHD will provide the applicant and participant families with information on housing discrimination. The telephone number and location of the local Housing Rights Center will also be provided. To report suspected discrimination to HUD, additional information will be provided to the applicant and participant families upon request. If HUD's Fair Housing makes a finding of discrimination against an owner, the CoPHD will restrict the owner from future participation.

### **E. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]**

Security deposits charged by owners may not exceed those charged to unassisted tenants or the maximum prescribed by State or local law. In addition, owners must follow State or local law in regards to increasing security deposits for tenants with existing leases.

### **F. TERM OF HCV [24 CFR 982.303]**

During the briefing, each family will be issued a HCV which authorizes the family to search for housing and specifies the family's obligations under the program. It does not constitute admission to the program, which occurs when the lease and contract have been executed.

### **Initial Term**

An applicant and/or participant family will be issued a HCV. The initial term of the HCV must be at least 60 calendar days.

### **Expirations**

The HCV is valid for a period of 60 calendar days from the date of issuance. The applicant and/or participant family must submit a RFTA and proposed lease within the 60-day period unless an extension has been granted by the CoPHD.

Only one RFTA will be accepted at a time for an applicant and/or participant family and processed by the CoPHD.

If the HCV has expired for an applicant family and has not been extended by the CoPHD or expired after an extension, the applicant family's name will be removed from the waiting list. The family will not be entitled to an informal review. The applicant family will need to re-apply during the next open enrollment.

If the HCV has expired for a participant family and has not been extended by the CoPHD or expired after an extension, the participant family's participation under the HCVP terminates/ends. The CoPHD will process an End of Participation. The participant family will not be entitled to an informal hearing. If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect and the owner wishes to continue the family tenancy.

### **Suspensions**

The CoPHD will suspend the initial or any extended term of the voucher from the date the family submits a RFTA until the date the CoPHD notifies the family in writing whether the RFTA has been approved or denied. If the RFTA has been denied, the CoPHD will provide the family with another RFTA and the family will be credited the number of days from the date the RFTA was received through the cancellation date or the expiration date of the HCV, whichever is less.

Suspension will be denied for the following reasons:

1. The applicant /participant family and the property owner are related and failed to disclose this information.
2. The property owner and HCV holder reside in the same unit.
3. The unit is occupied by someone other than the applicant/participant family.

In cases when the applicant/participant family has committed fraud, suspension of the RFTA will be denied and the HCV will be canceled. The applicant/participant family will be informed of their right for an informal review or informal hearing if they disagree with the CoPHD's decision to cancel the HCV. See Chapter 18 of this Plan "Complaints and Appeals".

### **Extensions**

An applicant and participant family may request an extension of the HCV time period. The applicant and participant family must submit a log reflecting their attempt to locate a unit during the HCV term. All requests for extensions must be received prior to the expiration date of the HCV.

Extensions are permissible at the discretion of the CoPHD, up to 180 days from the date of issuance, primarily for these reasons:

1. The CoPHD is satisfied that the applicant or participant family has made a reasonable effort to locate a unit throughout the initial and/or extensions of term.
2. Extenuating circumstances such as disability, hospitalization or a family emergency for an extended period of time which has affected the family's ability to find a unit within the initial and/or extension term. Family must submit documentation supporting the family circumstance, which will then be verified by the CoPHD.
3. The family was prevented from finding a unit due to disability, accessibility requirements or for a larger size unit requirement of four or more bedrooms. The Search Record is part of the required verification.

**NOTE:** Reasonable effort is defined as "for every 3 days, the family must have contacted an owner, management company, agent, and/or viewed a rental property." For example, if the family had 60 days, then the family needs to have 20 properties listed on the request for an extension.

The CoPHD may grant an additional 60 days over the 180 days as a reasonable accommodation for persons with a disability provided that the family has made a reasonable effort to locate a unit throughout the initial and extension terms. This extension would be considered a final extension. See Charter 1 of this Plan, "Statement of Policies and Objectives" for additional information on reasonable accommodation.

The CoPHD has the discretion to grant an extension at the time of issuance up to 120 days which will allow for the full 180 days to be issued. Families will not be granted any additional extensions.

### **Assistance to HCV Holders**

Applicant or Participant families who require additional assistance during their search may contact the CoPHD to request a marketing list and will be referred to the Pasadena Housing Search website. HCV holders will be notified at their briefing that the CoPHD periodically updates the listing of available units and how the updated list may be obtained.

The CoPHD will provide limited assistance to families in their negotiations with owners and provide other resources related to families search for housing. Family will be required to present their HCV and proper identification before a marketing list will be provided.

For families who have not been able to secure a unit for lease within the first sixty (60) to ninety (90) days from the date of voucher issuance, the CoPHD may request the family to attend a meeting to assess their progress in locating a unit. The CoPHD will review the housing search process, address the family's concerns in locating a unit and provide additional resources if available.

### **Transfer of HCV**

#### **Applicant Family**

Once a HCV has been issued to an applicant family, the HCV is non-transferable. However, in the event that the head of household has passed away or is permanently residing in a convalescent home, the HCV may be transferred to the approved spouse listed on the Personal Declaration for Rental Assistance Benefits form and Application. In all

other cases, the CoPHD will send notification that the HCV has been cancelled and removed their name/application from the waiting list.

### **Participant Family**

Once a HCV has been issued to a participant family, the HCV may be re-assigned based on the conditions stated in Chapters 6 & 12 of this Plan.

For the remaining member of the assisted family, please refer to Chapter 12 of this Plan, "Re-Examinations" for additional information.

In the event that the original family members are minors, please refer to Chapter 6 of this Plan, "Factors Related to Total Tenant Payment Determinations".

### **G. DISCLOSURE OF FAMILY INFORMATION TO OWNER [24 CFR 982.307]**

The CoPHD must give the owner the following information upon their request:

1. The family's current and prior address (as shown in the CoPHD records); and
2. The name and address (if known to the CoPHD) of the landlord at the family's current and prior addresses.

The CoPHD will inform the families of the CoPHD policy on providing information to owners. The statement will be included in the information packet that is given to a family when the family has been selected to participate in the HCVP or at the time the family is issued a HCV to move with continued assistance. The CoPHD will give the same information to families and owners.

## CHAPTER 9

### REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION

#### **INTRODUCTION [24 CFR 982.305 (a)]**

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

#### **A. REQUEST FOR TENANCY APPROVAL [24 CFR 982.305 (b), 982.313]**

The RFTA, Inspection Checklist, a copy of the proposed lease, including the HUD prescribed Tenancy Addendum, Lead-Based Paint Disclosure Information form and the Renting to Relatives Disclosure Notice must be submitted by the family during the term of the HCV. The family and owner will be required to complete all areas of the RFTA including the year the property was constructed and disclosure information regarding Lead Based- Paint.

The CoPHD will not permit the family to submit more than one RFTA at a time.

The RFTA will be approved if:

1. The unit is an eligible type of housing.
2. The unit meets HUD's Housing Quality Standards (HQS), local housing codes and any additional criteria identified in this Administrative Plan.
3. The rent to owner is reasonable.
4. The family initially receives tenant-based assistance for occupancy of a dwelling unit, and the gross rent of the unit exceeds the applicable payment standard for the family, the family share does not exceed 40% of the family's monthly adjusted income.
5. The security deposit amount is not in excess of private market practice or in excess of amounts charged by the owner to unassisted tenants.
6. The proposed lease complies with HUD and CoPHD requirements and State  
and local law.
7. The owner is approvable and there are no conflicts of interest.
8. The owner has provided all requested ownership documents within the required deadline.

9. The CoPHD will review the required CoPHD forms and ownership documents listed below to determine whether they are acceptable:

Renting to Relatives Disclosure Notice  
CoPHD Joint Owner/Tenant Inspection Checklist  
Proposed Lease with the HUD Tenancy Addendum  
Disclosure of information Lead-Based Paint and/or Lead-Based Paint hazard  
Statement of Property Ownership:  
    Part A - Declaration of Property Ownership  
    Part B - Housing Assistance Payment Information  
    Part C - Notarized Agent Authorization  
    Part D - Section 8 Landlord Certification  
Request for Taxpayer Identification Number and Certification (W-9) Form  
Recorded Property Grant Deed  
Current Property Tax Bill  
Certificate of Inspection and Code Compliance  
Property Management Agreement, if applicable  
Partnership Agreement & Resolution for Signatory, if applicable  
Corporate Bylaws & Resolution for Signatory, if applicable  
Operating Agreement for Limited Liability Company (L.L.C.), if applicable  
Vendor List Questionnaire (Form AA-1)

Families who plan to lease the unit they currently reside in and have household members who are not part of the CoPHD approved household composition will be required to submit documents supporting their place of residence. The family will be required to submit documents to the CoPHD as proof of new residence within 15 days of submitting a RFTA packet. The CoPHD will not conduct an inspection, approve a lease or execute a HAP contract until it is verified the household consist of the approved family members only. Acceptable forms of documentation as proof of residence may include, but is not limited to, lease agreement; rent receipts; utility bills; vehicle registration and Driver License.

### **Disapproval of RFTA**

If the CoPHD determines that the RFTA cannot be approved for any reason, the owner and the family will be notified in writing.

If an RFTA is not approved, the CoPHD will furnish another RFTA packet to the family-providing there is remaining time on the Housing Choice Voucher.

The RFTA will be disapproved if:

1. The owner and tenant fail to disclose they are related.
2. The unit is currently occupied by the owner.
3. The unit is currently occupied by someone other than the voucher holder
4. The rent is unaffordable.
5. The owner has not submitted the required property ownership information to the CoPHD.
6. The property is in foreclosure.
7. The owner failed to correct deficiencies within the given deadline.
8. The family did not move into the unit within 30 days from the date of the passed initial inspection.
9. The family fails to submit proof of residency for the non CoPHD approved household members within 15 days after submitting a RFTA packet.

**B. ELIGIBLE TYPES OF HOUSING [24 CFR 982.352]**

The CoPHD will approve any of the following types of housing in the HCV Programs:

1. Structure Types:
  - a. Single Family Detached;
  - b. Row House or Townhouse;
  - c. Duplex or Two-Family Dwelling; and
  - d. Multi-Family (low rise 2-4, high rise 5 or more).
2. Independent Group Residences.
3. Congregate Facilities (only the shelter rent is assisted).
4. Single Room Occupancy.
5. CoPHD Owned Units (HUD-prescribed requirements).

The CoPHD may not permit a HCV holder to lease a unit that is receiving project-based assistance or any duplicative rental subsidies.

The CoPHD will not approve:

1. A unit occupied by the owner or by any person with an interest in the unit.
2. Nursing homes or other institutions that provide care.
3. School dormitories and institutional housing.
4. Any other types of housing prohibited by HUD.

**C. LEASE REVIEW [24 CFR 982.308]**

The CoPHD will review the lease, particularly noting the approvability of optional charges and compliance with regulations and State/local law. The family must also have legal capacity to enter a lease under State and local law. Responsibility for utilities, appliances and optional services must correspond to those provided on the RFTA.

The form of lease used must be consistent with the form used in the locality by the owner for other unassisted tenants. The lease must include the HUD Tenancy Addendum. The CoPHD may review the lease for compliance with State or local law.

The term of the lease shall not exceed one year. The CoPHD may approve lease terms shorter than one year, if:

- (1) The shorter lease term is the prevailing local practice; and
- (2) The CoPHD's approval of a shorter lease term will improve housing opportunities for families.

The CoPHD will encourage owners to use the program model lease provided by the CoPHD, which includes the HUD-mandated language. House rules of the owner may be attached to the lease as an addendum, provided they are approved by the CoPHD to ensure they do not violate any HUD fair housing provisions.

### **Separate Agreements**

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

The owner and the family cannot enter into any verbal or written agreement to use the attached garage or any external structure attached or detached to the dwelling unit, for living purposes. The owner and the family cannot violate any city ordinance by using such structure for living purposes.

Owners and families may execute separate agreements for services, appliances (other than range and refrigerator), and other items that are not included in the lease, if the agreement is in writing and approved by the CoPHD.

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

The CoPHD is not liable for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

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

All agreements for special items or services must be attached to the lease approved by the CoPHD. If agreements are entered into at a later date, they must be approved by the CoPHD and attached to the lease.

Owners will be required to submit a copy of their written house rules signed by the tenant prior to the approval of the RFTA, if applicable.

If the owner makes modifications to the unit, the costs should be recovered through the rent collected, not by having the family pay for the modifications. Exception will be considered if the modifications are such that they most likely would be removed if the family moved out or if the modifications are specifically to accommodate a family's disability.

### **D. INITIAL INSPECTIONS [24 CFR 982.305 (a) & (b), 982. 401]**

See Chapter 10 of this Plan, "Housing Quality Standards and Inspections."

The family must take possession and have moved into the unit within 30 days of the passed initial inspection. The initial inspection will be voided if the family has not taken possession and moved into the unit within 30 days.

If the initial inspection has been voided, the CoPHD will conduct another initial inspection. See Chapter 10 of this Plan, "Housing Quality Standards and Inspections."

### **E. LEASE EXECUTION**

The owner is responsible for obtaining the tenant's signature on the executed lease. The owner must submit the executed lease to the CoPHD within 30 days of the lease effective date. The CoPHD may not honor the lease if the owner submits the lease 30 days after the effective date on the lease. If the executed lease is received by the CoPHD 30 days after the effective date of the lease, the lease will be voided. The effective date of the lease will be revised and the process starts over.

#### **F. RENT LIMITATIONS [24 CFR 982.503]**

The CoPHD has been authorized by HUD to approve rents which are higher than the published Fair Market Rents (FMR). These rents are termed "area exception rents." Approval of any area exception rent is based on the census tract the unit is located in and remains subject to rent reasonableness. Additionally, at the time a family initially receives rental assistance or any time a participant family moves to a new unit with continued assistance, the rent burden of the family may not exceed 40% of the family's monthly adjusted income.

Area exception rents will be utilized to:

1. Expand housing opportunities for families to move from poverty-impacted areas.
2. Make accessible units available to persons with disabilities.
3. Increase the housing choices available to low-income families.

For the HCVP, the CoPHD will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease in the private unassisted market and the rent charged by the owner for a comparable assisted or unassisted unit in the building or premises. See Chapter 11 of this Plan, "Owner Rents, Rent Reasonableness, and Payment Standards."

#### **G. INFORMATION TO OWNERS [24 CFR 982.307 (b), 982.54 (d)(7)]**

The CoPHD will provide prospective owners with the address of the family, and the names, addresses and telephone numbers of the family's current and previous landlord, if known, provided that such request is received in writing.

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

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

The CoPHD's policy on the Disclosure of Information to Owners is included in the briefing packet and will apply uniformly to all families and owners.

#### **H. CoPHD DISAPPROVAL OF OWNER [24 CFR 982.306]**

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

1. HUD or other agencies directly related informed the CoPHD that the owner has been disbarred, suspended or subject to a limited denial of participation under 24 CFR part 24.
2. HUD has informed the CoPHD that the Federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other Federal equal opportunity requirements and such action is pending.
3. HUD has informed the CoPHD that a court or administrative agency has determined that the owner violated the Fair Housing Act or other Federal equal opportunity requirements.
4. The owner has violated obligations under a HAP Contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
5. The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
6. The owner has engaged in drug-related criminal activity or any violent criminal activity.
7. The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based rental assistance or leased under any other Federal housing program.
8. The owner has a history or practice of renting units that fail to meet State or local housing codes.
9. The owner has not paid State or local real estate taxes, fines or assessments.
10. The owner has a history of refusing to evict families who disturb the peaceful enjoyment of the property, engage in drug-related criminal activity, or threaten the health or safety of other residents, managers, CoPHD employees or the owner.
11. The CoPHD will not approve a unit if the owner and any family member are related. Family members include but are not limited to, the parent, spouse, child, grandparent, grandchild, sister, brother, son, daughter, uncle, aunt, niece, nephew, cousin, related by adoption, related by marriage and domestic partners.  
  
If the family requests reasonable accommodation to rent from a relative, the CoPHD may approve if the CoPHD determines that approving the unit will provide reasonable accommodation for a family member who is a person with disabilities.
12. The owner has engaged in or threatened abusive or violent behavior towards CoPHD personnel.

#### **I. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP CONTRACT EFFECTIVE DATE**

When the family reports changes in factors that will affect the Total Tenant Payment (TTP) prior to the effective date of the HAP Contract, the information will be verified and the TTP will be recalculated. If verifications are more than 60 days old prior to the effective date of the HAP Contract, new verifications must be obtained by the CoPHD.

If the TTP equals or exceeds the gross rent, payment standard, or if the family income is now found to exceed the income limits of the program, the CoPHD will not enter into a HAP Contract and the RFTA will be rescinded.

#### **J. HAP CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]**

The CoPHD prepares the HAP Contract for execution. The family and the owner will execute the lease agreement, and the owner and the CoPHD will execute the HAP Contract. Copies of the documents will be furnished to the parties who signed the respective documents.

The CoPHD schedules group briefings and/or individual meetings for new owners and any other owners who wish to attend.

The HAP Contract may not be executed more than 60 days after commencement of the lease term and no payments will be made until the contract is executed. However, CoPHD will not penalize the owner and the family due to administrative errors.

The following CoPHD representative(s), upon approval of the Chief Executive Officer, are authorized to execute a contract on behalf of the CoPHD:

1. Housing Assistance Officer
2. Housing Specialist
3. Housing Director
4. Senior Project Manager
5. Project Planner

Owners must provide the current 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 assisted unit's address.

The CoPHD will verify that Owners must provide a Taxpayer Identification number or Social Security number. Owners must also submit proof of ownership of the property by providing copies of a recorded property Grant Deed and current Property Tax Bill, as well as a copy of the Property Management Agreement if a management agent manages the property. The owner must provide a business or home telephone number as well.

The CoPHD will also verify property ownership by utilizing property detail reports from RealQuest.com. Reports can only be used to confirm property ownership if system has been updated with current property transfers and foreclosure activity. Updates to RealQuest.com occur approximately once a month.

In order for owners/payees to receive Housing Assistance Payment, they must enroll on line at the paymode web site address [www.bankofamerica.com/paymode/cityofpasadenaca](http://www.bankofamerica.com/paymode/cityofpasadenaca) for electronic payment.

#### **K. CHANGE IN PROPERTY OWNERSHIP**

A change in property ownership requires execution of an Assumption of Obligations and Benefits contract. The CoPHD will provide the owner with copies of the existing HAP Contract, lease agreement, and current notice of Annual Recertification/Rent Changes. The new owner will be required to complete the Renting to Relative Disclosure Notice prior to the execution of the Assumption of Obligations and Benefits Contract. If the family and the new owner is related, both parties will not be allowed to enter into an Assumption of Obligations and Benefits contract.

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The CoPHD will process a change of property ownership upon receipt of the requested documents listed below:

- Recorded Property Grant Deed
- Closing Escrow Documents
- Statement of Property Ownership (Parts A-D)
- Request for Taxpayer Identification Number and Certification (W-9) Form
- Vendor List Questionnaire (Form AA-1)
- Property Management Agreement, if applicable
- Partnership Agreement & Resolution for Signatory, if applicable
- Operating Agreement for Limited Liability Company (L.L.C.), if applicable
- Corporate Bylaws & Resolution for Signatory, if applicable.

## CHAPTER 10

### HOUSING QUALITY STANDARDS AND INSPECTIONS [CFR 982.401, 982.404, 982.405]

#### **INTRODUCTION**

Housing Quality Standards (HQS) are HUD's minimum quality standards for all rental assistance programs. HQS compliance is required both at initial occupancy and during the term of the lease. HQS applies to the building and premises, as well as the unit.

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

#### **A. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401, 982.405]**

All units must meet:

##### **Basic Housing Quality Standards (HQS)**

UNIT MUST BE DECENT, SAFE AND SANITARY. THIS MEANS THE FOLLOWING:

1. Adequate space and security are required. The dwelling unit must have at least one bedroom or living/sleeping room for each two persons. Exterior doors and windows must have working locks. The assisted unit cannot have any double keyed locks on any doors or windows in the unit. Each sleeping room must include a closet (portable closets may be substituted) with closet door(s) or curtains and the room must be at least 90 square feet to qualify as a bedroom.
2. Sanitary requirements specify a private indoor toilet, hot and cold running water for the bathtub or shower and the fixed basin. Either a window that opens or other adequate exhaust ventilation is required for the bathroom.
3. Kitchens must have a sink with hot and cold running water, adequate space for food storage, preparation and serving, and disposal facilities for garbage. The stove and refrigerator must be fully operational and may be provided by owner or family.
4. The dwelling unit must not contain un-vented room heaters that burn gas, oil or kerosene. The CoPHD does not allow the use of electric heaters.
5. The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets. There must be at least one window in the living room and each sleeping room.
6. The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.
7. The unit must be structurally sound with no severe defects. The entrance to the unit must not present a danger of tripping, and elevators must be in safe operating condition.

8. The interior must be free of all dangerous pollutants, such as carbon monoxide, sewer gas, fuel gas and dust.
9. There must be an approved safe water supply.
10. The owner must inform the family if the building was constructed prior to 1978. This will alert the family to the possibility of exposure to the hazards of lead-based paint poisoning.
11. Access to the unit must not be through any other private properties. In addition, the building must provide an alternate means of exit in case of fire. This includes provision of security bars with release mechanisms when installed in bedrooms without an exterior door.
12. The site and neighborhood must not be subject to serious adverse environmental conditions (i.e., flood, fire, disturbing noise, vermin or rodent infestation, sewage hazards and excess accumulation of trash).
13. The unit must be free of vermin, insects, and rodent infestation. Screens for windows must be provided to prevent entry of insects.
14. An operable working smoke detector must be installed in each bedroom/sleeping room/basement.
15. The hot water heater must have a pressure relief valve with a drainpipe pointing downward and ending about six inches above the floor. Hot water heater must be securely strapped. It must also be located, equipped and installed in a safe manner.
16. Carbon monoxide detectors must be installed in all units within 10 feet of each separate sleeping area effective January 1, 2013.
17. All three prong electrical outlets must be grounded.
18. Fire extinguishers are required for all structures that consist of five units or more in accordance with Section 901.4.3 of the International Fire Code Standards.

Efforts will be made to encourage owners to provide housing above HQS minimum standards.

All utilities must be on in the rental unit at the initial inspection and remain in service during the term of the lease.

The dwelling unit must have an oven, a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. Either the owner or the family may supply the equipment. A microwave oven may be substituted for a family-supplied oven and stove or range. A microwave oven may be substituted for an owner-supplied oven and stove or range if the family agrees, and if microwave ovens are furnished instead of an oven and stove or range to both subsidized and unsubsidized families in the building or premises.

Inspectors will not enter a unit if the family reports bed bugs infestation. The CoPHD will notify the owner in writing to inspect and/or treat unit for bed bugs before the HQS inspection can be conducted.

There are five types of inspections the CoPHD will perform:

1. Initial/Move-In: Conducted upon receipt of an approved RFTA.

- a. Ownership documents submitted and approved.
  - b. Contract rent pre-negotiated.
2. Annual: Conducted within 365 days of the last annual inspection date.
3. Special/Emergency: May be conducted upon request from the owner, family, an agency, third party, or CoPHD. CoPHD may periodically require special inspections to ensure family's compliance with the HCVP Family Obligations. Emergency inspections that may endanger the health and safety of the family will take precedence over all other inspections.
4. Move-Out/Vacate: May be conducted upon owner or family's request no more than 5 days after the family has vacated the property.
5. Quality Control: Conducted for at least five percent of all units which have been inspected during the CoPHD's previous fiscal year.

## **B. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401]**

The CoPHD adheres to the acceptability criteria in the program regulations and HUD Inspection Booklet and local codes.

## **C. INSPECTIONS**

Each unit must be inspected annually during the assisted tenancy to determine if the unit meets HQS. The inspection must be conducted within 365 days of the last annual inspection. The family must allow the CoPHD to inspect the unit at reasonable times and after reasonable notice [24 CFR 982.551 (d)].

The CoPHD will notify the family in writing at least 5 days prior to the inspection. However, Special Inspections/Program Compliance Inspections conducted by CoPHD do not require any type of notification. It is up to the family to allow the special inspection; prior notification will not be given, due to the nature of the inspection.

Generally, all inspections will be conducted by the CoPHD in the following manner:

Monday through Friday, between the hours of 7:30 a.m. to 5:00 p.m.

The family will be mailed a notice of the scheduled date of the inspection with a copy to the owner. If the family fails to honor the scheduled inspection appointment, a final inspection appointment notice will be mailed to the family and the owner. If the family fails to honor the final inspection appointment, a termination of HAP letter will be mailed to the owner and a copy to the tenant. Failure to keep scheduled appointments is a violation of the Obligations of the Family and grounds for termination of rental assistance. See Chapter 15 of this Plan, "Denial or Termination of Assistance".

The family will be required to contact the CoPHD prior to the inspection, if they are unable to keep the scheduled inspection appointment due to medical reasons and unforeseen circumstances (i.e., death in the family, etc.).

If the head of household cannot be present for the scheduled inspection, family must make arrangements to have an adult (18 years of age or older) present to allow the inspection to be conducted.

HQS deficiencies which cause a unit to fail must be corrected by the owner, unless it is a deficiency for which the family is responsible. The family is only responsible for breaches of HQS that are caused by:

1. Non-payment of utilities paid by the family.
2. Not providing or failing to maintain appliances not provided by the owner.
3. Damages to the unit or premises caused by the family or guest beyond normal wear and tear.

**Time Standards for Repairs**

1. Emergency items which endanger the family's health or safety must be corrected within 24 hours of notification.
2. For non-emergency items, repairs must be made within 30 days.
3. For major repairs, the Housing Specialist may approve an extension beyond 30 days.

**D. EMERGENCY REPAIR ITEMS [24 CFR 982.401 (a)]**

The following items are considered of an emergency nature and must be corrected by the owner or family (whoever is responsible) within 24 hours of notice by the CoPHD:

1. Lack of security for the unit.
2. Waterlogged ceiling in imminent danger of falling.
3. Major plumbing leaks or flooding.
4. Natural gas leak or fumes.
5. Electrical problem which could result in shock or fire.
6. The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.
7. Utilities not in service.
8. No running hot water.
9. Broken glass where someone could be injured.
10. Obstacles which prevent or block the entrance or exit of the unit.
11. Lack of functioning toilet.
12. Sewer backups.

The CoPHD may give a short extension, not more than 48 hours, whenever the responsible party cannot be notified or it is impossible to affect the repair within the initial 24-hour period.

In cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to affect the repair, the proper authorities will be notified by the CoPHD.

If the emergency repair items are not corrected in the time period required by the CoPHD and the owner is responsible, the housing assistance payment will be abated and the HAP Contract will be terminated.

If the emergency repair items are not corrected in the time period required by the CoPHD and are a HQS breach which is a family obligation, the CoPHD will stop housing assistance payments to the owner and propose termination of the rental assistance to the family.

#### **E. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS)**

When it has been determined that a unit on the program fails to meet HQS, and the owner is responsible for completing the necessary repairs in the time period specified by the CoPHD and the repairs are not corrected, the housing assistance payment to the owner will be abated.

##### **Abatement**

A Notice of Abatement will be sent to the owner and family. The abatement will be effective the day after a failed re-inspection. The length of the abatement is 30 days.

The CoPHD will inspect abated units within 24 hours, or the next working day, after the owner's or family's notification that the repairs have been completed. The re-inspection must take place within the 30-day abatement period.

If the owner makes repairs during the abatement period, housing assistance payments will resume on the day the unit passes inspection.

When the CoPHD has been informed that the repairs have been completed, the CoPHD will notify the family or the owner of the re-inspection date.

No retroactive payments will be made to the owner for the period of time the housing assistance payment was abated and the unit did not comply with HQS.

##### **Extensions In Lieu of Abatement**

The CoPHD will grant an extension in lieu of abatement in the following cases:

1. The failed items are minor in nature.
2. There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
3. The owner makes a good faith effort to make the repairs.
4. The repairs are extensive (such as exterior painting or roof repair) and the owner needs time to obtain the funds.
5. The repairs are delayed due to climate conditions.

The CoPHD may extend the time period up to an additional 30 days. However, if the repairs are not completed or substantially completed at the end of that time period, the housing assistance payment will

be placed in abatement and/or terminated.

### **Termination of HAP Contract**

If the owner is responsible for repairs and fails to correct all the deficiencies cited prior to the end of the abatement period, the HAP Contract will terminate 30 days from the abatement date. If repairs are completed before the effective termination date, the termination may be rescinded by the CoPHD if the family remains in the unit.

If the repairs are completed within 15 days after the termination date, the CoPHD will conduct one final HQS inspection. Housing assistance payments to the owner will resume effective the date the unit passed inspection. However, if the repairs are not completed within the 15-day period, the owner and family will be required to enter into a new lease and HAP Contract.

### **F. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404]**

Certain deficiencies are considered the responsibility of the family:

1. Family-paid utilities not in service.
2. Failure to provide or maintain family-supplied appliances.
3. Damages to the unit or premises caused by the family member or guest beyond normal wear and tear which resulted in a breach of HQS.
4. Poor housekeeping and/or excessive clutter.

Families will be notified in writing with an appointment to come into the office for counselling if their annual inspection fails for poor housekeeping two consecutive years. If the family does not show improvement with their housekeeping habits, the CoPHD will propose termination of the family's rental assistance for breach of HQS and violation of the Family Obligations of the Rental Assistance Program.

The owner is responsible for all other HQS violations.

Extermination services shall be provided by the owner as conditions may require. However, if such infestation is serious and repeated due to the family's living habits, it may be considered a lease violation and the owner may evict for serious or repeated violations of the lease. The CoPHD may terminate the family's assistance on that basis.

The owner is responsible for informing the CoPHD, in writing, of any family-related deficiencies, and the CoPHD will hold the family responsible for the correction of these deficiencies. The owner must notify CoPHD and the family in writing which party is obligated to correct the deficiencies prior to the re-inspection date. If written notification is not given, all deficiencies are the owner's responsibility.

### **G. CONSEQUENCES IF FAMILY IS RESPONSIBLE**

If non-emergency violations of HQS are determined to be the responsibility of the family, the CoPHD will require the family make any repairs or corrections. If the repairs or corrections are not made by the re-inspection date, the CoPHD will terminate the HAP Contract and propose termination of assistance to the family. Extensions in these cases must be approved by the Housing Specialist. The owner's housing assistance payments will not be abated for items that are the family's responsibility.

## **H. INITIAL HQS INSPECTION**

The initial HQS inspection will be conducted to:

1. Determine if the unit and property meet HQS defined by HUD and this Plan.
2. Document the current condition of the unit as a basis to evaluate whether the future condition of the unit exceeds normal wear and tear.
3. Document the information to be used for determination of rent reasonableness.

The CoPHD shall inspect the unit within ten working days of receiving the complete RFTA package. Please see Chapter 9 of this Plan, "Request for Tenancy Approval" and "HAP Contract Execution Process" for delays, disapprovals or cancellations of RFTA.

If the unit fails the initial HQS inspection, the owner will be mailed a re-inspection appointment letter. The owner and family are advised to contact the CoPHD if repairs are done prior to the scheduled re-inspection date.

On an initial inspection, the owner will be given up to 10 days to correct the items noted as deficiencies. At the inspector's discretion, the time period may be extended based on the cost and complexity of work to be done, however, not to exceed thirty days from the initial inspection date.

The owner will be allowed two re-inspections for repairs to be completed. However, if the time period given by the inspector to correct the repairs has elapsed, or the maximum number of re-inspections failed, the RFTA will be rescinded. Photographs will not be accepted for initial inspections that fail to meet Housing Quality Standards.

## **I. ANNUAL HQS INSPECTION [24 CFR 982.405(a)]**

Each unit must be inspected annually during the assisted tenancy to determine if the unit meets HQS. The inspection must be conducted within 365 days of the last annual inspection.

The family will be mailed a notice of the scheduled date of the inspection with a copy to the owner. If the family fails to honor the scheduled inspection appointment, a final inspection appointment notice will be mailed to the family and the owner. If the family fails to honor the final inspection appointment, a proposed termination of HAP letter will be mailed to the owner and a copy to the tenant. Failure to keep scheduled appointments is a violation of the Obligations of the Family and grounds for termination of rental assistance. See Chapter 15 of this Plan, "Denial or Termination of Assistance".

The family will be required to contact the CoPHD prior to the inspection, if they are unable to keep the scheduled inspection appointment due to medical emergencies and unforeseen circumstances (i.e., death in the family, etc.).

If the head of household cannot be present for the scheduled inspection, family must make arrangements to have an adult (18 years of age or older) present to allow the inspection to be conducted.

HQS deficiencies which cause the unit to fail must be corrected by the owner, unless it is a deficiency for which the family is responsible. If the family is responsible for breach of HQS, the CoPHD will inform the family in writing of their responsibility to correct the deficiencies.

The CoPHD will accept photographs from owners and families as proof that minor deficiencies have been corrected in lieu of a re-inspection. Acceptable photographs will be at the inspector's discretion.

### **LEAD-BASED PAINT:**

The CoPHD will not execute a HAP contract before the owner and the family submit a signed Lead-Based Paint Disclosure form indicating if they have knowledge of the presence of lead-based paint on the surface on all units built prior to 1978.

The CoPHD will update and maintain a log every quarter of all lead-based paint cases received internal and from the Health Department. The CoPHD will report all Environmental Intervention Blood Lead Level (EIBLL) cases to HUD on a quarterly basis. Each quarter the CoPHD will request a list from the Health Department of all reported cases of lead-based paint for households that consist of children under the age of six with identified EIBLL. The list will be compared to the CoPHD's database.

The CoPHD will request a Risk Assessment Report from the Health Department for all assisted units that have been identified with EIBLL children under the age of six. The CoPHD will provide a copy of the Risk Assessment Report to the property owner. The property owner will be required to contact a lead-based paint professional to complete the Reduction Hazard of Identified Lead-Based Paint. The property owner will be given 30 days from the date they are notified in writing by the CoPHD to remove/clear the unit of lead-based paint and provide a Clearance Report to the CoPHD.

If the owner does not provide a Clearance Report to the CoPHD the HAP contract will terminate 30 days from the date the property owner was notified the property contains lead-based paint. The family will be issued a Housing Choice Voucher to re-locate to another unit.

If there is evidence of EIBLL, the CoPHD will keep a copy of each notice, evaluation and clearance or abatement report required, for at least three years after ongoing lead-based paint maintenance or reevaluation activities are no longer required.

### **Rent Increases**

The housing assistance payment to the owner is subject to change after the initial term of the lease, upon a 60-calendar day written notice to the family and the CoPHD before commencement of any change in rent. The Annual Review and Renewal of HAP Contract rent notice shall state both the new rental amount and the date from which the revised rent is payable. Only one rental increase is allowed annually during the family's extended term at the time of annual inspection and re-examination. The rent increase will be approved if it meets rent reasonableness.

Contract rent increases to owner will not be approved if the unit is in a failed condition.

The CoPHD will not approve contract rent increases to the owner if the CoPHD has insufficient program funding. Owners will be informed at the beginning of the families annual process that contract rent increases have been suspended for the next annual lease term until further notice.

If the proposed rent increase submitted by the property owner will cause a rent burden for the family, the CoPHD will negotiate the contract rent with the property owner. If the owner agrees with the negotiated contract rent, the CoPHD will notify the owner in writing the new contract rent and the date the new rent will be effective. If the property owner does not agree to the reduced contract rent, the CoPHD will notify the owner in writing that the rent increase is not affordable for the family and the increase cannot be approved. If the property owner serves the family a Notice to Vacate and the family is eligible for continued rental assistance, the family will be issued a HCV to locate affordable housing.

### **J. SPECIAL INSPECTIONS**

If the owner/family would like to request a special inspection, the owner/family must notify the property owner/family prior to CoPHD of the deficiencies and allow reasonable time for correction of the

deficiencies. If the deficiencies are not correct, the CoPHD will conduct a special inspection and notify the owner/family in writing of the deficiencies. If the deficiencies are not corrected by the follow up inspection, the family's rental assistance and/or HAP contract may be submitted for termination.

The CoPHD may also conduct a special inspection based on information from third parties such as neighbors or public officials, etc.

The CoPHD will inspect only the items which were reported, however if the inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be notified of their obligation to correct the deficiencies.

#### **K. QUALITY CONTROL INSPECTIONS**

Quality control inspections will be performed by the Housing Assistance Officer and/or Housing Specialist on five percent of the units inspected within the last 90 days for each fiscal year. The purpose of quality control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in the application of HQS.

#### **L. BIENNIAL INSPECTIONS**

The Appropriations Act allows the CoPHD to transition Annual HQS inspections to biennial HQS inspections to assist in reducing administrative and financial burdens due to budget reductions. The CoPHD may elect to transition units where an HQS inspection has been completed within the previous 12 months. A unit is eligible to be inspected on a biennial schedule when the unit has passed the last two consecutive annual inspections. Units that failed the annual inspections and passed on the follow up inspections are not eligible for a biennial schedule.

#### **HOUSING OPPORTUNITY THROUGH MODERNIZATION ACT (HOTMA)**

**The CoPHD will make a decision regarding implementation of HOTMA provisions for this chapter upon HUD's issuance of Notice or Regulation as referenced in Chapter 26.**

## CHAPTER 11

### OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS [24 CFR 982.503, 982.504, 982.505, 982.507, 982.508]

#### **INTRODUCTION**

The CoPHD is responsible to ensure rents charged by owners are reasonable based upon objective comparables in the rental market. When the CoPHD has determined the unit meets minimum Housing Quality Standards (HQS), the lease is approvable, the rent is reasonable, and the Housing Assistance Payment (HAP) Contract has been executed, the CoPHD will begin payments to the owner. This Chapter explains the CoPHD's procedures for determination of rent reasonableness, payments to owners, adjustments to the payment standards and rent adjustments.

#### **A. PAYMENT STANDARDS FOR THE HOUSING CHOICE VOUCHER PROGRAM (HCVP) [24 CFR 982.503]**

The payment standard is initially set by the CoPHD based on the Fair Market Rent (FMR) in effect at the time the consolidated Annual Contributions Contract (ACC) for the first increment of voucher funding is approved by HUD. The payment standard is used to determine the maximum subsidy which can be paid by the CoPHD on behalf of the family.

The CoPHD voucher payment standard schedule shall establish a payment standard amount for each unit size. For each unit size, the CoPHD may establish a payment standard amount for the whole FMR area, or may establish a separate payment standard amount for each designated parts of its jurisdiction.

#### **B. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.503]**

Payment standards may be adjusted to increase housing assistance payments in order to keep family rents affordable. The CoPHD will not raise the payment standards so high that the number of families that can be assisted under available funding is substantially reduced. The CoPHD will not raise payment standards if the need is solely to make "high end" units available to voucher holders.

The CoPHD will review the payment standards annually to determine whether an adjustment should be made for some or all unit sizes. The payment standard will be reviewed according to HUD requirements. The CoPHD may set the payment standard between 90% and 110% of FMR. Additionally, upon the CoPHD's request, HUD may approve a payment standard lower than 90% or higher than 110%, excluding reasonable accommodation.

The CoPHD may approve on a case by case basis a payment standard amount up to 110% of the published FMR if its payment standards are set below 110% of the FMR in accordance with 24 CFR 982.503. The higher payment standard must be requested by the family and may be approved, as necessary by the CoPHD. For families remaining in their assisted unit and who have requested an exception payment standard, the 40% cap of their monthly adjusted income will be applied. See Chapter 1 of this Plan, "Statement of Policies and Procedures".

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The CoPHD may use some or all of the following measures listed below in making its determination whether an adjustment should be made to the payment standards:

1. Assisted Families' Rent Burden

The CoPHD will review reports showing the percent of income used for rent by HCVP families to determine the extent to which the rent burden is more than 40% of income.

2. Reasonable Accommodation

If the family includes a person with disabilities and requires a higher payment standard for the family, as a reasonable accommodation for such person, the CoPHD may establish a higher payment standard for the family within the CoPHD established range. The CoPHD may establish an exception payment standard of not more than 120 % of the published FMR if required as a reasonable accommodation for a family that includes a person with a disability.

Any unit approved under an exception payment standard must still meet the reasonable rent requirements.

3. Quality of Units Selected

The CoPHD will review the quality of units selected by families before determining any change to the payment standard to ensure that payment standard increases are only made when needed to reach the mid-range of the market.

4. Rent to Owner Increases

The CoPHD will allow one rent increase annually during the family's extended term at the time of the annual re-examination. The rent increase will be approved if it is affordable and passes rent reasonableness.

5. Rent Reasonableness Database/Average Contract Rents

The CoPHD will compare the payment standards to average rents in its rent reasonableness database and to average contract rents by unit size.

6. Lowering of the Payment Standards

If statistical analysis reveals that the payment standard should be lowered, the CoPHD will lower the payment standards no less than 90% of the current FMR.

However, the CoPHD must obtain HUD approval if the CoPHD wishes to lower the payment standards less than 90% of the current FMR.

The CoPHD may submit a waiver request to HUD for its review and approval to lower the payment standards below 90% of the current FMR if less than 40 percent of participants in the CoPHD's voucher program are paying less than 30 percent of adjusted monthly income for rent.

If the payment standards are lowered, the CoPHD will apply the reduced payment standards at the second annual re-examination following the reduced payments standards.

7. Financial Feasibility

Before increasing the payment standards, the CoPHD may review the budget and project reserves to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, the CoPHD will compare the number of families who could be served under a higher payment standard with the number assisted under current payment standards.

### **File Documentation**

A file will be retained by the CoPHD for at least three years to document the analysis and findings to justify whether or not the payment standard was changed.

### **C. CALCULATION OF HOUSING ASSISTANCE PAYMENTS [24 CFR 982.505, 982.508]**

The maximum subsidy for each family is determined by the payment standard for the voucher size issued to the family, less 30% of the family's monthly adjusted income.

(a) Use of payment standard. A payment standard is used to calculate the monthly housing assistance payment for a family. The payment standard is the maximum monthly subsidy payment.

(b) Amount of monthly housing assistance payment. The CoPHD shall pay a monthly housing assistance payment on behalf of the family that is equal to the lower of:

- (1) The payment standard for the family minus the total tenant payment; or
- (2) The gross rent minus the total tenant payment.

(c) Payment standard for family.

- (1) The payment standard for the family is lower of:
  - (i) The payment standard amount for the family unit size; or
  - (ii) The payment standard amount for the size of the dwelling unit rented by the family.
- (2) If the CoPHD has established a separate payment standard amount for a designated part of an FMR area in accordance with 24 CFR 982.503 and the dwelling unit is located in such designated part, the CoPHD must use the appropriate payment standard amount for such designated part to calculate the payment standard for the family.
- (3) Decrease in payment standard amount during the HAP Contract term. If the amount on the payment standard schedule is decreased during the term of the HAP Contract, the lower payment standard amount generally must be used to calculate the monthly housing assistance payment for the family, beginning at the effective date of the family's second regular reexamination following the effective date of the decrease in the payment standard amount.
- (4) Change in the family unit size during the HAP Contract term. Irrespective of any increase or decrease in the payment standard amount, 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 amount for the family, beginning at the family's first regular reexamination following the change in

the family unit size.

### **Maximum Family Share at Initial Occupancy**

At the time the family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is a new admission or a move to a different unit, the family share may not exceed 40% of the family's monthly adjusted income. During the initial 12-month term of the lease, the owner may not raise the rent.

### **D. PAYMENTS TO OWNERS [24 CFR 982.451]**

Once the HAP Contract is executed, the CoPHD begins processing payments to the owner. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. HAP is generally disbursed directly from the City of Pasadena's Finance Department to the owner the 1st and middle of each month. In cases of demonstrated hardship, an exception may be made with the approval of the Housing Director and/or the Housing Assistance Officer.

The Finance Department will be contacted regarding payments that have not been received by the owner/payee. After the Finance Department has verified that payment was not received, a replacement payment will be processed to the owner/payee.

When subsidies are paid late, owners may assess late fees against the CoPHD where local practice provides for late fees. The CoPHD is not obligated to pay any late payment penalty if HUD determines that late payment by the CoPHD is due to factors beyond the CoPHD's control.

### **E. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.507]**

Rent reasonableness determinations are made when:

1. Units are placed under a HAP Contract for the first time;
2. Owners request special contract rent adjustments; or
3. Owners request annual or interim rent increases.

The CoPHD will determine and document on a case-by-case basis the approved rent:

1. Does not exceed rents currently charged on new leases by the same owner for an equivalent assisted or unassisted unit in the same building or complex.
2. Is reasonable in relation to rents currently charged by other owners for comparable units in the unassisted market.

At least two comparable units will be used for each rent determination, one of which must be from the first category above if possible. All comparables must be based on the rent that the unit would command if leased in the current market. Leased in the current market means that the unit has been leased within the last 90 days.

The data for other unassisted units will be gathered from periodicals, websites for rental property listings, owner's rent roll/schedule and inquiries of owners, professional associations, market surveys and other available sources.

Rent reasonableness determinations for the CoPHD market areas will be compared to similar unassisted units within the same area.

If the owner is reducing and/or allowing some form of rental reduction to the unassisted tenants, the CoPHD will use the rent paid by the tenant plus the reduction, to determine the actual rent the owner is charging for the unassisted units.

Upon request, the owner must provide the CoPHD their current rent schedule for rents charged for unassisted units on the premises and other locations within the City.

The following factors will be used for rent reasonableness documentation:

1. Location
2. Number of Bedrooms
3. Housing Condition/Quality
4. Amenities
5. Date Built
6. Unit Type
7. Housing Services

The CoPHD will maintain a database on unassisted units for use by staff in making rent reasonableness determinations. The database is updated on an ongoing basis.

## CHAPTER 12

### RE-EXAMINATIONS

#### **INTRODUCTION**

HUD requires the CoPHD to re-examine the income and composition of all families at least annually. In addition, the CoPHD is required to inspect the assisted unit, process requests for rent adjustments and review the utility allowance schedule. These activities must be coordinated to ensure that they are completed in accordance with the regulations. It is a HUD requirement that families report all changes in family composition, but the CoPHD decides what other changes must be reported and the procedures for reporting them. This Chapter defines the CoPHD's policy for conducting annual re-examinations and coordinating annual activities. It also explains the interim reporting requirements for families and the standards for timely reporting.

#### **A. ANNUAL ACTIVITIES [24 CFR 982.401, 982.516, 982.517, 982.519]**

The CoPHD generates a monthly computerized list of units under contract 120 days before the re-examinations are to take effect. This procedure allows the CoPHD ample time to obtain all required verifications, review contract rent adjustments, conduct annual HQS inspections, and provide reasonable advance notice to both the family and the owner of any changes in the tenant rent and housing assistance payment.

Annual activities for contracts that did not commence on the first of the month must be conducted no later than the first of the month in which the lease was effective.

The CoPHD conducts annual re-examinations of family income and composition which also includes:

1. Applying to current Utility Allowance Schedule: See Chapter 6 of this Plan, "Factors Related to Total Tenant Payment Determination."
2. Conducting Annual Inspection: See Chapter 10 of this Plan, "Housing Quality Standards and Inspections."
3. Review of Rent Adjustments: See Chapter 11 of this Plan, "Owner Rents, Rent Reasonableness and Payment Standards."

An EIV report will be reviewed and printed as part of the annual re-examination process. The CoPHD will complete the Enterprise Income Verification (EIV) System Certification form.

#### **B. ANNUAL RE-EXAMINATION [24 CFR 5.609, 982.516]**

The CoPHD must conduct a re-examination of family income and family composition at least annually. The annual re-examination determines the continued eligibility of the family and establishes the housing assistance payment to be made on behalf of the family. Families are required to report all household income and family composition timely and accurately as set forth in the CoPHD's Family Obligations. Families will report this information by completing a Personal Declaration for Rental Assistance Benefits form and providing supporting documents to verify income, assets, allowances, and family composition.

The CoPHD must obtain and document in the family's case file third-party verifications of the following factors:

- (i) Reported family annual income;
- (ii) Value of assets;
- (iii) Expenses related to deductions from annual income; and
- (iv) Other factors that affect the determination of adjusted income.

If third-party verifications are not contained in the family's case file, the CoPHD must document why it was not available.

Annual re-examinations should be implemented as of the scheduled effective date even if other annual activities are not complete.

Families who intend to move may be issued a HCV, if eligible for continued rental assistance. See Chapter 13 of this Plan, "Moves with Continued Assistance/Portability" for the eligibility criteria to move. An Annual Searching certification will be processed if the family moves out of the unit prior to the annual re-examination date.

When families move to another dwelling unit, an annual re-examination will be conducted and the anniversary date may change.

Income limits are not used as a test for continued eligibility at re-examination.

The CoPHD will verify with the City of Pasadena's Finance Department whether families under a Repayment Agreement are current with their monthly payment. If the family is delinquent with the Repayment Agreement, the family will be required to pay full balance within thirty days of the CoPHD notification and the family may be proposed for termination.

### **Re-examination Notice to the Family**

The CoPHD will notify the family by mail of the upcoming annual re-examination approximately 120 days in advance of the anniversary date. The notification will include date and time of the appointment, location of the appointment, family members required to attend, and information supporting family circumstances. Families who are not selected for an office appointment will be notified of the information they need to submit and the deadline for submittal. The notice to the family also instructs the family to call the CoPHD to request another appointment if the family is unable to keep the scheduled appointment. The CoPHD will also mail the notice to a third party if requested as reasonable accommodation for a person with disabilities; however, a written request must be submitted to the CoPHD by the head of household. The request must include the name, address and telephone number of the person appointed to receive the notification. This accommodation will be granted upon verification that they meet the need presented by the disability.

Persons with disabilities who are unable to attend their office appointment will be granted an accommodation of conducting the interview either at the person's home or by telephone.

The CoPHD will schedule an office appointment with family members who recently turned 18 years of age to explain their responsibility under the program, obtain signatures on the Family Obligations, Authorization for the Release of Information/Privacy Act Notice (Form HUD-9886), Debts Owed to Public Housing Agencies and Terminations (Form HUD-52675), Enterprise Income Verification System, Things You Should Know and CoPHD Authorization for Release of Information forms, inquire about income circumstances, and obtain copies of their California Identification or Driver License.

### **Collection of Information**

The CoPHD will mail a Personal Declaration for Rental Assistance Benefits form, Authorization for the Release of

Information/Privacy Act Notice (Form HUD-9886), CoPHD Authorization for Release of Information, and Family Obligations with the annual re-examination notice to the family. The head of household will be required to complete and sign a Personal Declaration for Rental Assistance Benefits form, and have all family members 18 years and older sign Form HUD-9886, the CoPHD's Authorization for Release of Information, and Family Obligations. The completed forms and the information supporting the family's circumstances must be submitted to the CoPHD by a given deadline as a condition for continued assistance.

Household members claiming zero income, who have recently turned 18 years of age and are attending high school at the time of the annual re-examination, will be required to complete a tenant declaration by submitting a Self-Certification. However, at the next re-examination, a notarized Affidavit will be required if they are still claiming zero income.

### **Requirements to Attend**

All adult household members will be required to attend the re-examination interview, including live-in aides and foster adults. If any adult household member is unable to attend the interview, the family must notify the CoPHD 48 hours in advance of appointment and request to have appointment re-scheduled to allow all adult household members to be present. If any adult household member is absent at time of appointment, the family will not be seen and the appointment will be considered a missed appointment.

The CoPHD will schedule an appointment for families whose EIV Report reveals a discrepancy.

### **Failure to Respond to Notification for Re-examination**

The annual re-examination notification informs the family that failure to keep the appointment, call to re-schedule, submit program forms and/or supporting documents by the established deadline, is a violation of the Family Obligations and grounds for proposed termination of rental assistance.

If the family fails to keep the appointment, submit the programs forms, and/or supporting documents, a final appointment will be scheduled or a final deadline will be established. If the family fails to comply with all of the CoPHD's request, the family will be given proper notice of the proposed termination via "certified and regular mail," and informed of their right to request an informal hearing and the deadline to submit the written request. The CoPHD will also notify the owner, in writing, of the proposed termination of the HAP Contract.

Exceptions to these policies may be made by the CoPHD if the family is able to document an emergency situation that prevented them from canceling, re-scheduling, attending the appointment or submitting the requested information.

### **Documents Required from the Family**

In the annual re-examination notification letter to the family, the CoPHD will include instructions for the family to submit the following information by a given deadline:

1. Completed Personal Declaration for Rental Assistance Benefits forms.
2. Completed, signed, and dated Form HUD-9886, and CoPHD Authorization for Release of Information.
3. Signed Family Obligations by all adult family members.
4. Current documentation of income sources for all family members.

5. Current documentation of disposed assets, the cash value of assets, and income derived from assets.
6. Current documentation of any deductions/allowances.
7. Notarized Affidavit from adult family members reporting zero income.
8. Completed Self Certification form from adult family members no longer receiving California Work Opportunity and Responsibility to Kids (CalWORKs) due to the expiration of a lifetime or other time limit on welfare benefits and who are reporting zero income.
9. Birth Certificate and Social Security card for new additions to the family due to birth and approved family members by the CoPHD.
10. Completed, signed, and dated 214 Certification form for new additions to the family.
11. Copy of California Identification or Drivers License for family members who turned 18 years old.
12. Copy of Permanent Resident card for family members whose legal status has been adjusted.
13. Copy of renewed Permanent Resident card.
14. Documentation supporting continued disability status for family members whose disability payments have been terminated by the Social Security Administration.
15. Copy of Marriage Certificate or Divorce Decree, if marital status has changed.
16. Other documentation as may be determined necessary by the CoPHD.
17. For individuals enrolled in an institute of higher education, as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); refer to Chapter 7 of this Administrative Plan for requirements.
18. Verification of financial aid awards or amounts showing tuition and other school fees for all household members receiving financial aid to attend school.
19. Completed Live-in Aide Certification form, if applicable.

### **Verification of Information**

The CoPHD will follow the verification procedures and guidelines described in Chapter 7 of this Plan, "Verification Procedures". Verifications obtained at re-examination must be dated within 120 days from the date received.

The CoPHD may obtain third-party verifications of the family's income, assets, allowances and any other factors that affect the determination of adjusted income, tenant rent, and housing assistance payment. The CoPHD will follow the six levels of hierarchy of verification methods established by HUD. See Chapter 7, of this Plan, "Methods of Verification and Time Allowed". CoPHD staff will properly document the family's case file where third-party verifications are unavailable.

### **Moves with Continued Assistance**

Families who express interest in moving with continued assistance, within or outside of the CoPHD's jurisdiction, will be required to comply with the procedure established in Chapter 13 of this Plan, "Moves with Continued Assistance/Portability".

### **Tenant Rent Increases**

If the tenant rent increases, a 30-day notice will be mailed to the family prior to the anniversary date. Once the family has received the notification of the tenant rent increase, this amount may change as a result of additional information that may not have been available at the time of notification (i.e., third-party verification forms). If less than 30 days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the month following the 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 process, there may be a retroactive increase in rent to the anniversary date.

The following are examples where the family waives the right to a proper 30-day notice of tenant rent increase:

- Delay in returning the completed annual re-examination program forms and documentation supporting family circumstances by established deadlines.
- Violation of Family Obligations due to unreported and/or untimely reporting of changes in family circumstances.
- The CoPHD verifies that the family failed to disclose true, complete, and accurate information of family circumstances.
- Failure to keep the scheduled annual re-examination appointment.

The family will be required to reimburse the CoPHD any rental assistance which was overpaid to the owner due to the delay caused by the family. The overpaid rental assistance may be paid in full or by entering into a Repayment Agreement with the CoPHD. See Chapter 17 of this Plan, "Property Owner or Family Debts to the CoPHD".

Families may be required to move if the re-examination reveals that the tenant rent plus reported household expenses is higher than their monthly reported income. The CoPHD will follow the procedures established in Chapter 13 of this Plan, "Moves with Continued Assistance."

### **Contract Rent Increase**

If the CoPHD approves a contract rent increase after the annual re-examination, the CoPHD may use the supporting information from the latest approved action. The family will be notified that the tenant rent was based upon most recent household information.

### **Tenant Rent Decreases**

If the annual re-examination reveals that a decrease in family's income occurred prior to the CoPHD's notification of the family's annual re-examination, the decrease in tenant rent may become effective at the family's anniversary date. The following is an example where the family waives their right to an interim re-examination prior to their annual re-examination:

1. If in the process of reviewing the case the CoPHD determines that a serious violation of the program rules and regulations occurred. The CoPHD may propose the termination of rental assistance for the family in accordance with Chapter 15 of this Plan.
2. Family failed to submit all requested information supporting reported changes.

### **Families Ineligible for Current HCV Size**

Families whose HCV bedroom size has been downsized due to a change in family composition will be informed of the tenant rent based on the new HCV bedroom size effective at the re-examination date. The family will also be informed of the option to remain in the assisted unit paying a higher tenant rent or move with continued assistance.

The family will be required to sign an updated HCV. However, if the tenant rent and household expenses exceed their monthly income they may be required to move.

If the HCV bedroom size has increased due to a change in family composition or approved reasonable accommodation, the new HCV bedroom size will be applied at the family's upcoming annual re-examination date. The family will be required to sign an updated HCV.

CoPHD may re-determine reasonable accommodations that are currently in place. Families affected by the change in HCV bedroom size will be informed of their new tenant rent based on their new HCV bedroom size. The family will be informed of the option to remain in the assisted unit paying a higher rent or move with continued assistance. If the tenant rent and household expenses exceed the monthly income, the family will be required to move. Additionally, the family will be required to sign an updated HCV.

#### **Families Ineligible for Continued Rental Assistance [24 CFR 982.455]**

Families found ineligible for continued rental assistance due to a re-examination resulting in zero housing assistance payments will be informed, in writing that their rental assistance will automatically terminate 180 calendar days after the last housing assistance payment to the owner. The family will be informed of their responsibility to report changes in family circumstances by completing an Update of Family Circumstances form and submit supporting information regarding the change, within 15 days of the change, during the 180-day period. The HAP Contract may be reinstated if the family reports income changes or contract rent increases within this time frame which results in a HAP to be generated.

Effective with January 2013 annual re-examinations, eligible one-person household program participants have been and will continued to be downsized from a 1-bedroom to a 0-Bedroom HCV. The CoPHD's HCV bedroom size determination is in accordance with CFR Part 982.402. Refer to Chapter 5 of this Administrative Plan for housing subsidy guidelines, Chapter 20 for Supportive Housing Programs and Chapter 25 Special Housing Choice Voucher Allocations.

#### **Changes in the Lease and Rent [24 CFR 982.308]**

The CoPHD must approve a new lease and execute a new HAP Contract in the following cases:

- Changes in tenant or owner supplied utilities or appliances.
- Changes governing the term of the lease.
- Offer of a new lease by the property owner.
- Family moves to a new unit (even if the unit is in the same building or complex).

The term of the HAP Contract matches the term of the lease. The owner and tenant will be required to sign a new lease and the owner will also be required to execute a new HAP Contract with the CoPHD.

In cases where there has been a change to the owner supplied utilities or appliances or changes to the term of the lease and the owner fails to return signed new Lease and HAP Contract by given due date, the Housing Assistance Payment will be placed on hold status for no more than 60 days. If new Lease and HAP Contract are not returned within the 60

days of new effective date or mailed date, HAP Contract will be terminated, at no fault of the tenant.

### **C. REPORTING INTERIM CHANGES [24 CFR 982.516, 982.553]**

HUD requires families to report all changes in household composition to the CoPHD between annual re-examinations. This includes additions due to birth, adoption and court-awarded custody of a non-criminal nature. The family must obtain CoPHD approval prior to all other additions to the household.

HUD requires PHAs to process interim re-examinations when a family reports a reduction in income, and prohibits processing an interim re-examination when the family reports a loss of welfare benefits due to fraud or failure to participate in self-sufficiency or work activity.

The CoPHD requires families to report changes in family composition, income, assets and allowances within 15 days of the change, in writing and submit supporting information on the changes that are being reported. To comply with this obligation, the family must report the change in family circumstances by completing an Update of Family Circumstances form.

The CoPHD will follow the procedures established in Chapter 7 of this Plan, "Verification Procedures" in cases where the family requires a live-in aide as a reasonable accommodation.

#### **Increases in Income**

The CoPHD may conduct interim re-examinations when families have an increase in income. Families will be required to report all increases in income/assets of all household members to the CoPHD by completing an Update of Family Circumstances form and submit supporting information regarding the change within 15 days of the increase.

Families who report increases in household income of more than \$200 per month will be scheduled for an interim re-examination, no later than 90 days from the date the increase is reported to the CoPHD. The family's case file will be documented in cases where no interim re-examination is necessary because the increase in monthly income is less than \$200. However, this rule does not apply to families who previously reported zero income.

The CoPHD will not process an interim re-examination for families reporting an increase in annual income from Social Security and Supplemental Security Income payments if the increase is due to the Cost of Living Adjustment (COLA). However, the CoPHD will document the family's case.

#### **Decreases in Income**

The CoPHD may process an interim re-examination for families reporting a decrease in income and any other changes such as an increase in allowances which would reduce the amount of the tenant rent. The CoPHD will process an interim re-examination for the families if preliminary review of the case reveals that the decrease in income would result in a decrease in tenant rent.

The CoPHD will only verify the change in family circumstances reported by the family, in accordance with Chapter 7 of this Plan, "Verification Procedures" when processing an interim re-examination.

#### **Tenant Rent Decreases**

If the annual re-examination reveals that a decrease in the family's income occurred prior to the CoPHD's notification of the family's annual re-examination, the decrease in tenant rent may become effective at the family's anniversary date. If the family does not waive their right to an interim re-examination prior to their annual re-examination by

definition, the effective date of an interim re-examination will be the first of the following month after the family reports a decrease. However, if the family causes a delay by not submitting requested or required information, the effective date of the decrease will be on the first day of the month after the family submits the information.

### **Tenant Rent Increases**

The family will be given a proper notice of the increase in the tenant rent upon receipt of all supporting information.

### **Contract Rent Increase**

If the owner requests an increase in the contract rent after the annual re-examination has been approved, the CoPHD may use the supporting information from the latest approved action. Additionally, the CoPHD will review EIV and print the ICN page if the EIV report reveals no change from the latest approved action. The family will be notified that the tenant rent was based upon most recent household information and the CoPHD will remind the family of their responsibility to report all changes in circumstances, within fifteen days of the change.

### **Administrative Corrections**

If the CoPHD makes a calculation error at admission to the program or at an annual re-examination, an interim re-examination will be conducted to correct the error. If there is an increase in the tenant's rent, the family will not be charged retroactively. However, if the family has overpaid, an adjustment will be made retroactive to the date when the error occurred.

### **Other Interim Reporting Issues**

An interim re-examination does not affect the date of the annual re-examination. An interim re-examination will be scheduled for families with zero or unstable income every 90 days. In addition, the CoPHD will automatically review an EIV report and mail third-party verifications to the Department of Public Social Services, Employment Development Department, and In-Home Supportive Services for families who report zero income as a means of verifying the income status reported by the family.

If there is a change from public assistance income to employment income, the CoPHD will defer the family's rent increase for three months in order to encourage families to move to self-sufficiency.

1. This incentive will only be provided once to any family.
2. This incentive is not provided to persons who work seasonally.

In the following circumstances, the CoPHD may conduct the interim re-examination by mail:

1. Changes that will not result in a change in tenant rent or HCV size.
2. Changes in income that is normal for the family, such as seasonal employment.
3. As a reasonable accommodation when requested (see Chapter 1 of this Plan, "Statement of Policies and Objectives").

Any changes reported by the family, other than those listed in this section, will be noted in the file by staff, but will not be processed between regularly scheduled annual re-examinations.

#### **D. NOTIFICATION OF RESULTS OF RE-EXAMINATIONS**

The CoPHD will notify the family and the owner of the results of the annual re-examination by mailing the Notice of Annual Re-certification/Rent Change. This notice informs the family and the owner of the contract rent, tenant rent, housing assistance payment, effective date of the change, and the family's next annual re-examination. The notice also informs the family of their right to request an informal hearing if they disagree with the rent adjustment (refer to Chapter 18 of this Plan, "Complaints and Appeals").

A new lease and HAP Contract will be executed when an owner and/or family requests a new lease, or if there are any changes in the lease requirements governing tenant or owner responsibilities for utilities or appliances. The family will be notified by mail of their new tenant rent.

#### **E. TIMELY REPORTING OF CHANGES IN INCOME AND ASSETS**

##### **Standard for Timely Reporting of Changes**

The CoPHD requires that families report interim changes by completing an Update of Family Circumstances within 15 days of when the change occurs. The family will be required to submit supporting documentation for the change within 30 days of the change.

An exception for the submission of the documents supporting the change will be made for CalWorks recipients who obtain employment. In such cases, families will have to submit the Notice of Action from the Department of Public Social Services within 15 days of receipt that shows the full adjustment for employment income.

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 and may be subject to proposed termination of rental assistance.

Family members who have signed up to be care providers through In Home Supportive Services (IHSS) are required to follow above mentioned procedures for reporting changes upon signing up to be a care provider; whether or not employment payment has been received.

It is the family's responsibility to notify the CoPHD of the approval or disapproval as an IHSS care provider within fifteen (15) days of IHSS notification.

Families are also required to report any lump sum payments received for delayed employment earnings, in writing, within two weeks of receipt.

##### **Procedures when Change is Reported by Tenant in a Timely Manner**

The CoPHD will notify the family and owner of any change in the housing assistance payment to be effective according to the following guidelines:

1. Increase in the Tenant Rent is effective on the first of the month following at least a 30-day notice.
2. Decrease in the Tenant Rent is effective the first of the following month in which the change was reported in writing. However, no rent reductions will be processed until all the facts have been verified, even if it results in a retroactive adjustment.

An interim re-examination may be processed based on documentation provided by the family when the change in family

circumstances results in a decrease in tenant rent, and after an attempt was made to obtain third-party written verification. However, the case may be re-evaluated upon return of the third-party written verifications to make sure the tenant rent and housing assistance payment were accurately determined. The CoPHD will revise the interim re-examination if the review reveals that the tenant rent and housing assistance payment were over/under estimated.

In cases the family reports a loss of income (i.e. termination of employment, unemployment, etc.) but has applied for benefits (i.e. unemployment, CalWorks, etc.), the CoPHD will process an interim re-examination to avoid a hardship to the family. However, the family will be notified that the interim re-examination will be re-determined once a decision on their application for benefits has been approved along with estimated tenant rent.

#### **Procedures when Change is not Reported by Tenant in a Timely Manner**

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

1. Increase in Tenant Rent may be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be notified, in writing, of their forfeiture to an advance notice of rent increase due to their untimely reporting of changes in family circumstances. The family will also be informed of their right to request an informal hearing, in writing, if they disagree with the CoPHD's decision.

The family will be liable for any overpaid housing assistance payments and may be given an opportunity to enter into a Repayment Agreement, depending on the family's history under the HCVP, or make a lump-sum payment.

2. Decrease in Tenant Rent will be effective on the first of the month following completion of the process by the CoPHD and not retroactively.

#### **Procedures when Change is not Processed by CoPHD in a Timely Manner**

"Processed in a timely manner" means that the change in family circumstances was reported, by completing an Update of Family Circumstances form within 15 days of the change. In this case, an increase in the tenant rent will be effective after the required 30-day notice prior to the first of the month after completion of the process by the CoPHD.

If the change resulted in a decrease in the tenant rent, the overpayment by the family will be calculated retroactively to the date it should have been effective.

#### **F. REPORTING OF CHANGES IN FAMILY COMPOSITION** **[24 CFR 982.505, 982.516, 982.315]**

All changes in family composition must be reported, by completing an Update of Family Circumstances form, within 15 days of the occurrence. Irrespective of any increase or decrease in the payment standard amount, if the family unit size increases or decreases during the HAP Contract term, the family unit size must be used to determine the payment standard amount for the family beginning at the family's first regular re-examination following the change in the family unit size.

When a family wishes to add additional members to the household, the CoPHD will follow the procedure outlined below, for members who are 18 years or older, to determine whether or not to approve the new member as part of the family:

1. Family completes Update of Family Circumstances form.

2. Prepare and mail appointment letter to the family.
3. Conduct an interview with the proposed new family member if the individual(s) is 18 years of age or older.
4. Proposed family member(s) reviews, completes, and signs the following program forms:
  - a) Proposed Addition to Household Update of Family form.
  - b) Form HUD-9886 – Authorization for Release of Information/Privacy Act Notice.
  - c) CoPHD Authorization for the Release of Information.
  - d) Form HUD-52675 – Debts Owed to the Public Agencies and Terminations.
  - e) What You Should Know About EIV.
  - f) Things You Should Know.
  - g) Obligations of the Rental Assistance Program Participant Family (Obligations of the Family).
  - h) Declaration of Section 214 Status.
5. Signs the Client Screening - Criminal History Background form.
6. Collect vital statistics information.
7. Collect income and asset information.
8. Collect allowance information, if applicable.
9. Documents supporting place of residence.

If the proposed family member is a minor other than by birth, the following information must be submitted:

1. Birth Certificate.
2. Social Security Card.
3. Court documents supporting custody (legal guardianship or adoption).
4. Foster care placement documents.
5. Verification supporting income received by or for the minor child(ren).
6. School verification, if applicable.

The U.S. citizenship/eligible immigration status of additional family members must be declared and verified.

The family will be notified, in writing, of the CoPHD's decision of their request to add the additional family members to the household upon receipt of all supporting information. If the additional family members are approved by the CoPHD, the family will be informed that written approval from the owner is necessary prior to allowing the additional members to move into the assisted unit.

The CoPHD will process an interim re-examination to add the proposed family member. If the addition to the household results in an increase in the tenant rent, the family has the option to waive their right to a proper 30-day notice of rent increase if they wish to allow the proposed family member to move into the assisted unit in less than 30 days.

The CoPHD will follow the procedures established in Chapter 7 of this Plan, "Verification Procedures" in cases where the family requires a live-in aide as a reasonable accommodation.

### **Increase in Family Size**

Increases other than by birth, adoption or court-awarded custody of a non-criminal nature must have the prior approval of the owner and the CoPHD.

If a change due to birth, adoption, court-awarded custody of a non-criminal nature, or need for a live-in aide requires a larger size unit due to overcrowding, the change in the HCV shall be made effective immediately. However, the payment standard will increase only at the time of the annual re-examination.

The additional family member(s) will not be approved to move into the assisted unit if it causes overcrowding. The family will be required to move. In the case where the addition(s) is by birth, adoption, court-awarded custody, the additions will be allowed to move into the assisted unit. However, the family will be required to move.

### **Decrease in Family Size**

When a family member has moved out of the assisted unit, the family must follow the steps listed below to remove a family member from the household:

1. Complete and submit the Update of Family Circumstances form to the CoPHD within 15 days of the date of the change.
2. A copy of the lease where the family member will be residing will need to be submitted. If not available, other documentation must be submitted as proof of the new residence (i.e., utility bills, updated California Identification/Driver License, business correspondence, etc.). If new lease or other acceptable documentation is not available, household must submit a notarized Affidavit informing that family member will no longer be part of the assisted household and reason why proof of new address is not available. The statement must include the effective move date, forwarding address, and telephone number. In addition, the Housing Department may conduct a special inspection to verify that the reported adult household member(s) has moved out of assisted unit.
3. See Chapter 7 of this Plan, "Verification of Permanent Absence of Adult Family Member" for verification procedures.

An interim re-examination will not be processed if the family fails to submit the supporting information that proves that the family member has moved out of the assisted unit. The CoPHD will determine the effective date of the interim re-examination upon submittal of the supporting information. The family will be required to sign an updated HCV if the change in family composition results in a reduction of the HCV bedroom size.

### **Family Break-Up**

The CoPHD has discretion to determine which members of an assisted family continue to receive assistance from the program if the family breaks up (i.e., divorce, legal separation, division of the family, etc.). The CoPHD will consider the following factors when deciding who remains on the program if the family breaks up:

1. Which family members remain in the assisted unit.

2. The interest of minor children or of ill, elderly or disabled family members.
3. Whether family members are forced to leave the unit as a result of actual or threatened physical violence against family members by a spouse or other members of the household. These families are protected under the Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA 2005). See Chapter 7 of this Plan, "Verification of Domestic Violence" for verification procedures.
4. Which family member was the head of household when the HCV was initially issued (refer to the HCV Application)
5. Recommendations of social service professionals.

*Note: If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the CoPHD is bound by the court's determination of which family members will continue to receive assistance on the program.*

The family will be responsible for submitting documentation verifying the above factors. The CoPHD may terminate assistance if the family fails to submit the required documentation to determine the family's continued eligibility.

The family will be informed of their option to move to another unit or continue residing in the assisted unit where the breakup of the family results in a change of the bedroom size of the voucher.

#### **Remaining Family Member**

A remaining family member could be a spouse, head of household, co-head, adult family member, or a dependent as long as the assistance is continuous. Continuously assisted refers to families that are currently receiving assistance. It is the responsibility of the assisted family to select the new "head of household" from the approved remaining members.

The family will be required to inform the owner of the assisted unit about the change in head of household/family composition. The owner will decide if the change in head of household is acceptable. The head of household must notify the CoPHD if the owner shall offer a new lease.

#### **G. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES** **[24 CFR 5.504, 5.518]**

Under the Restrictions on Assistance to Non-Citizens rule, "mixed" families are families whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. Mixed families may receive continued housing assistance. Mixed families who qualify for continued assistance after November 29, 1996, shall receive prorated assistance. See Chapter 6 of this Plan, "Factors Related to Total Tenant Payment Determination".

#### **H. ENTERPRISES INCOME VERIFICATION SYSTEM DISCREPANCY**

The CoPHD will discuss the discrepancy in the EIV report only with the individual who has the income discrepancy. The CoPHD may only discuss the discrepancy with the head of household if the individual gives written permission to the CoPHD.

If the person is under 18 years of age, the CoPHD will discuss the discrepancy with the parent or guardian.

If the family agrees the information in EIV is correct, the family will sign the EIV Certification Page or a self-certification

agreeing that the information is accurate. The CoPHD will request the following information:

1. Information supporting the income reflected in EIV (i.e. Award letter, pay stubs, etc.).
2. Third Party verifications.

Once the information has been received and reviewed, the CoPHD will determine if a rent adjustment is necessary and/or an overpayment has occurred.

If the family disputes the information in EIV, the family will sign the EIV Certification Page or a self-certification certifying the reason(s) they disagree with the report. The family will be instructed to:

1. File a Police Report if the person is a victim of identity theft and provide copy to the CoPHD.
2. File a complaint with the Federal Trade Commission
3. Contact the Social Security Administration (SSA) and submit information from the SSA.
4. Contact credit bureaus.
5. Contact the employer(s) or agency listed on the report by telephone and in writing to inform them of the discrepancy and request correction to be reported to the state. Copy of the written request must be submitted to the CoPHD.

The family will be required to repeat steps #3 and #5 if the same discrepancy appears in subsequent years or repeat steps #1 through #5 if they dispute new discrepancies.

#### **I. HOUSING OPPORTUNITY THROUGH MODERNIZATION ACT (HOTMA)**

Revisions in this chapter pertaining to annual re-examination will be revised upon receiving guidance from HUD and updates will be included in Chapter 26, Public Housing and Housing Choice Voucher Programs Temporary Compliance Assistance.

## CHAPTER 13

### MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

#### INTRODUCTION

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

#### A. ALLOWABLE MOVES [24 CFR 982.354, 982.552]

A family may move to a new unit if:

1. The assisted lease for the old unit has terminated because the CoPHD has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.
2. The owner has given the family a notice to vacate, commenced an action to evict the family based on non-program violations, obtained a court judgment, or other process allowing the owner to evict the family (unless rental assistance to the family is proposed for termination).
3. The family has given at least a 60 Day Notice of lease termination to the owner (if the family has a right to terminate the lease on notice to owner, for owner breach or otherwise).
4. A member of the family is being relocated because they are a witness in connection with efforts to combat crime in public and/or assisted housing, if requested by law enforcement.
5. A member of the family is protected by the Violence Against Women and Justice Department Reauthorization Act 2005 (VAWA), because he/she has been a victim of domestic violence, dating violence, sexual assault, or stalking. The family will be required to complete, sign and submit Form HUD-50066. See Chapter 7 of this Plan, Verification Procedures".
6. A reasonable accommodation is approved.
7. The CoPHD requires the family to move because it has been determined the owner committed fraud.

#### B. RESTRICTIONS ON MOVES

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

Families will not be permitted to move outside the CoPHD's jurisdiction under portability procedures during the first year of admission, unless they have met all requirements.

Families will not be permitted to move more than once in a 12-month period. Moves with continued rental assistance will only be processed during the family's annual re-examination unless the requested move is due to the following circumstances:

1. Causes beyond the family's control (i.e., foreclosure or loss of property; new owner unwilling to assume HAP contract, substandard unit).
2. Family is unable to afford the increased tenant rent due to changes in family circumstances.
3. VAWA victims.
4. Under-housed family.
5. Reasonable accommodation is approved.

Families requesting a move other than during their annual re-examination will be required to submit a 90-Day advance written request to move. However, the family must not serve a notice of intent to vacate to the owner prior to receiving CoPHD approval.

The CoPHD will deny permission to move if:

1. There is insufficient funding for continued assistance after securing HUD approval.
2. The family owes the CoPHD or any other Housing Agency money. This would include cases pending determination of overpaid rental assistance.
3. The family currently has a Repayment Agreement unless the outstanding balance of the Repayment Agreement is paid in full within 90 days of the move request and if no other program violations exist.
4. The family has been evicted for damages to the assisted unit beyond normal wear and tear, failure to provide or maintain tenant-supplied utilities and/or appliances, non-payment of tenant rent, violent or drug-related criminal activity, serious or repeated violation of the lease, and/or other Family Obligation.
5. The family is participating in Project-based Program and a voucher or other comparable tenant-based rental assistance is not immediately available.
6. The family's total tenant payment exceeds the applicable payment standard.
7. The family has moved or been issued a voucher within the last 12 months.

The CoPHD may allow a family to move if they are required to move through no fault of their own (i.e. unaffordable tenant rent, overcrowding, foreclosure, etc.).

The CoPHD may deny permission to move if:

1. The family has violated a Family Obligation.
2. The family's rental assistance has been placed on a "Conditional" status.

Please refer to Chapter 19 of this Plan, "Project-Based Voucher Program", to determine eligibility to move with

continued rental assistance for families participating in project-based programs.

### **C. PROCEDURE FOR MOVES**

Families may request a move with continued rental assistance during their annual re-examination and/or at any other time. The CoPHD will follow the applicable procedures listed below for move requests submitted by the families:

#### **Move requests submitted during the family's annual re-examination:**

1. CoPHD determines the family's continued eligibility. This process consists of reviewing the family's case to determine if the family has a Repayment Agreement or the case is pending determination of overpaid rental assistance; family's compliance with the Family Obligations (HUD & CoPHD) including the terms of the lease entered into with the property owner; printing, reviewing & analyzing the family's EIV System report; and to ensure the family has submitted all requested program forms and information supporting their family circumstances.
2. CoPHD schedules and notifies the family of the move appointment within 30 days of the annual in-take interview appointment. If the CoPHD determines the family eligible for a move, the family will be instructed to provide the owner with written notice of lease termination in accordance with the family's lease, bring a copy of the served notice to the CoPHD to their scheduled appointment, and keep a copy for their records
3. CoPHD schedules and notifies the family of the move appointment. If the CoPHD determined the family ineligible for a move, the family will be informed of the reason(s) during this appointment and of their right to request an informal hearing if they do not agree with the CoPHD's decision. Written notification will be mailed to the family confirming the CoPHD's decision.
4. Families determined eligible for a move with continued rental assistance will be issued a Housing Choice Voucher during the move appointment if they submit a copy of the served written notice of lease termination. A Housing Choice Voucher will not be issued to the family until a copy of the Notice of Intent to Vacate is received by the CoPHD.

#### **Move requests submitted other than at the family's annual re-examination:**

1. The family submits a written request to move 90 days in advance of planned move.
2. CoPHD provides the family with a move policy, including a Personal Declaration for Rental Assistance Benefits form and schedules a pre-move interview appointment with the family within 30 days of the written request.
3. CoPHD reviews the family's case to determine if a special inspection is required. Pre-move out special inspections will only be performed upon request from the owner, tenant, or if the CoPHD deems it is necessary.
4. CoPHD conducts a move interview with the family to review the requirements for a move with continued rental assistance. As with an annual interview, the family will be required to provide all current information regarding family circumstances and sign the applicable forms and certifications. Additionally, the family will be required to submit rent receipts for the current month and past 5 months or a written statement from the owner to verify their tenant rent is current.
5. Based on the move interview, pre-move special inspection (if required), review of Enterprise Income

Verification System (EIV) report, and receipt of the appropriate third party verifications, if requested, the CoPHD will determine if the requested move with continued assistance will be granted.

If the move request is approved, the CoPHD will:

1. Instruct the family to provide the owner with a written notice of lease termination in accordance with the family's lease, keep a copy for their records and provide a copy of the served notice to the CoPHD.
2. CoPHD schedules an appointment with the family for issuance of the Housing Choice Voucher.

If the move request is not approved, the CoPHD notifies the family within 15 days of the determination and advises the family of their right to an informal hearing.

The CoPHD will conduct a briefing session with the family to discuss and review the following materials:

- Rental Assistance Programs (RAP).
- RAP Regulations .
- RAP Administrative Plan.
- Obligations of the Family.
- Term of Voucher/Extension/Suspension.
- CoPHD Available Housing List & Free Property Rental Listing Websites.
- Request for Tenancy Approval.
- Housing Quality Standards.
- Rent Reasonableness.
- Repayment/Recovery of Outstanding Debt.
- Moves with Continued Assistance.
- Portability Procedures / HUD Portability Handout.
- Denial and Termination of Assistance.
- Informal Review and Informal Hearing Procedures.
- Termination of Housing Assistance Payments Contract.

CoPHD will notify the owner of the termination of the Housing Assistance Payments Contract in accordance with the family's written notice of lease termination.

The family will be advised of their responsibility to remain in occupancy of the assisted unit and continue paying their tenant rent to the owner through the end of their lease termination, leave the unit clean and without tenant related damages, and return the keys to the owner upon vacating the assisted unit, as required by the Family Obligations to remain eligible for the program.

The family will be in violation of the Family Obligations if they vacate the assisted unit prior to the lease termination unless the family submits an agreement between the tenant and owner for an earlier termination of the lease. In the event that an agreement is not submitted, the family's voucher will be suspended pending the collection of the overpaid rental assistance.

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits. Additionally, the family and owner must submit a written statement prior to the lease termination, signed by both parties agreeing to rescind the termination of the lease or agreeing to extend the termination of the lease.

Families who fail to continue paying their tenant rent through the end of their lease termination will have their issued voucher canceled and will be proposed for termination due to non-compliance of the Family Obligations, unless they submit a written statement from the owner verifying the outstanding rent has been paid.

Families who are interested in moving during their annual reexamination are not required to submit a written request to move 90 days in advance of planned move.

#### **Time of HAP Contract Change**

In a move, assistance stops at the old unit in accordance with the proper written notice to vacate.

The CoPHD will enter into a HAP contract on the new unit after the termination of assistance at the old unit unless the family submits an agreement between the tenant and owner for an earlier termination of the lease.

The CoPHD may approve up to 5 days of overlap assistance for the month in which the family moves.

Families moving in the same building/complex owned by the same owner will be processed like any other move, except that there will be no overlapping of assistance.

#### **D. PORTABILITY [24 CFR 982.353, 982.355]**

Portability applies to families moving out of or into the CoPHD's jurisdiction within the United States and its territories. Under portability, families are eligible to receive assistance to lease a unit outside of the CoPHD's jurisdiction. The unit may be located in the same State as the CoPHD or in the jurisdiction of a Public Housing Agency (PHA) anywhere within the United States that administers a tenant-based program. See Exhibit G of this Plan for outgoing/incoming deadlines.

#### **E. OUTGOING PORTABILITY [24 CFR 982.353, 982.355]**

Families interested in moving outside of the CoPHD's jurisdiction, must meet the criteria established for moves with continued rental assistance.

#### **Restrictions on Portability**

Families will not be permitted to exercise portability for any of the following reasons:

1. If applicant family who neither the head or spouse had a "domicile" (legal residence) in the jurisdiction of the initial PHA at the time when the family first submitted an application for participation in the program to the initial PHA. (24 CFR 982.353 (c) (1).
2. During the initial 12 month period after admission to the program or lease-up in the CoPHD's jurisdiction.
3. If the family is in violation of a Family Obligation.
4. If the family owes money to the CoPHD.
5. If the voucher has expired.

The VAWA 2005 Act provides that the family may receive a voucher and move in violation of the lease under the portability procedures if the family has complied with all other obligations of the voucher program and has moved out of the assisted unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating, violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted unit. Therefore, the CoPHD may allow a family to move under portability procedures if the only basis for the denial is that the family is violating the lease agreement.

### **Outgoing Portability Procedures**

Families who express an interest in portability must complete and submit the Request for Portability of Rental Assistance form to move outside of the CoPHD's jurisdiction prior to the expiration of the issued HCV, which specifies the area to which the family wants to move. The CoPHD will process one request for portability at a time.

The CoPHD provides the family with contact information (PHA name, location, contact person, email, fax number, and telephone number) for the receiving PHA which the family selected. The family may request for the CoPHD to choose the receiving PHA.

If the family is moving to a unit located in the same State as the CoPHD, in the same Metropolitan Service Area (MSA), or in an adjacent MSA in a different State, and there is no PHA in the area where the unit is located, the CoPHD will be responsible for the administration of the family's assistance. The CoPHD will choose a management company, another PHA, or a private contractor to administer the assistance.

The CoPHD will contact the receiving PHA in the jurisdiction where the family wants to move and advise the receiving PHA that the family will be moving into their jurisdiction. The CoPHD will also determine prior to approving the family's request to move if the receiving PHA will bill or absorb.

Once the receiving PHA has notified the CoPHD of its decision to bill or absorb it cannot reverse its decision at a later date without the consent of the CoPHD.

Regulations require the use of email or other delivery confirmation methods for communications between the initial and receiving PHA. CoPHD will safeguard personal identifiable information to prevent potential breaches of personal sensitive data.

The receiving PHA will be responsible for contacting the family to schedule an appointment.

The CoPHD will prepare and mail the portability packet to the receiving PHA. The following documents will be included in the portability packet:

1. Family Portability Information form (form HUD-52665).
2. A copy of the family's HCV with issued and expiration dates.
3. The most recent form HUD-50058 (Family Report) and copies of the income supporting the form.
4. Copy of the Enterprise Income Verification System report in a sealed envelope.
5. Copy of the most recent Personal Declaration for Rental Assistance Benefits form and/or Request for Portability Rental Assistance form.

### **Receiving PHA Responsibilities**

The receiving PHA must promptly notify the CoPHD:

1. Whether the receiving PHA will bill the initial PHA for assistance on behalf of the portable family, or will absorb the family into its own program.
2. If the family has leased an eligible unit under the program or if the family fails to submit a Request for Tenancy Approval for an eligible unit within the term of the HCV.

It is the responsibility of the receiving PHA to issue a voucher to the family which does not expire 30 calendar days prior to the expiration date of the CoPHD's voucher.

The receiving PHA must contact the CoPHD if the voucher expired before the portability packet was received by the receiving PHA to determine if the CoPHD will extend the voucher.

If the CoPHD does not receive notification from the receiving PHA regarding the status of the ported family, within 90 days following the expiration of the initial HCV, the CoPHD will cancel the HCV and will notify the receiving PHA.

Families porting out of the CoPHD's jurisdiction may be subject to criminal background conducted by the receiving PHA.

Families who decide not to lease in the jurisdiction of the receiving PHA and wish to port out to another jurisdiction must submit their decision in writing to the receiving PHA. The receiving PHA must return the portability packet to the CoPHD before processing the family's request to port out to another jurisdiction.

The voucher of record for the family is once again the voucher originally issued by the CoPHD. However, the CoPHD will not honor another request for portability if the voucher has expired.

If the receiving PHA denies assistance to the family, the receiving PHA will be required to notify the CoPHD within 15 days, and offer the family an informal review or informal hearing.

### **Payment to the Receiving PHA**

Payments for families in other jurisdictions will be made to other PHA's in accordance with HUD approved procedures for payment.

The initial PHA will reimburse the receiving PHA for the lesser of 80% of the initial PHA's administrative fee or 100% of the receiving PHA's administrative fee, 100% of the housing assistance payment, and any other HUD-approved fees. However, the CoPHD will only honor billings received within 10 working days from the date the HAP contract is executed by the receiving PHA.

## **F. INCOMING PORTABILITY [24 CFR 982.355]**

### **Required Documents**

As receiving PHA, the CoPHD will require the following documents from the Initial PHA:

1. A copy of the family's HCV with issue and expiration dates.

2. The most recent form HUD-50058 (Family Report) and copies of the income supporting the form.
3. Copy of the Enterprise Income Verification System report.
4. Family Portability Information form (form HUD-52665).

### **Incoming Portability Procedures**

The CoPHD will review the in-coming portability packets to determine if all required information is included. Portability packets may be returned to the initial PHA for the following reasons:

- Missing HCV.
- Invalid effective date of HCV.
- Unsigned HCV by the family.
- Expired HCV.
- Missing EIV report for participants.
- Missing information supporting the latest form HUD-50058.
- Missing form HUD-52665.
- Families requesting additions to the household (except for newborns).

The CoPHD will make an attempt to request from the initial PHA the missing information before returning the portability packet.

The CoPHD will accept an incoming family with a valid HCV and will notify the initial PHA of its option to bill or absorb.

If the voucher expires before the portability packet arrives at the CoPHD, the CoPHD will contact the initial PHA to determine if it will extend the voucher. If extension is not granted by the initial PHA, the CoPHD will return the portability packet back to the initial PHA.

The CoPHD will schedule an appointment with the incoming portability family within two weeks of receipt of a complete portability packet. However, the appointment will be delayed if the issuance date of the voucher is at a later date. The family will be instructed to bring the following information to the scheduled appointment:

- Completed Personal Declaration for Rental Assistance Benefits form and the following forms:
  - Authorizations for Release of Information (CoPHD and form HUD-9886) signed by all adult family members.
  - What You Should Know About EIV, Debts Owed to Public Housing Agencies and Terminations, Obligations of the Program Participant Family, Things You Should Know, Federal Privacy Act, Declaration of 214 Status forms signed by all adult family members.
  - Copies of vital statistics documents.
  - Current verifications supporting the family's circumstances.

The CoPHD will conduct a criminal background for all adult family members. Each adult family member will be required to sign and date a Criminal History Background form during the time of the interview.

The CoPHD determines the HCV bedroom size for the family by applying the CoPHD's Subsidy Standards. The CoPHD will issue a HCV reflecting the initial voucher term issued by the initial PHA and will automatically extend the original initial PHA's voucher expiration date by 30 days.

The CoPHD will conduct a briefing session with the family and meet with the family to discuss and review the following materials:

- Rental Assistance Programs (RAP).
- RAP Regulations.
- RAP Administrative Plan.
- Obligations of the Family.
- Term of Voucher/Extension/Suspension.
- CoPHD Available Housing List & Free Property Rental Listing Websites.
- Request for Tenancy Approval.
- Housing Quality Standards.
- Rent Reasonableness.
- Repayment/Recovery of Outstanding Debt.
- Moves with Continued Assistance.
- Portability Procedures / HUD Portability Handout.
- Denial and Termination of Assistance.
- Informal Review and Informal Hearing Procedures.
- Termination of Housing Assistance Payments Contract.

The CoPHD will collect updated information supporting the family's circumstances and conduct Criminal Background checks for all adult family members but it will not delay the family's housing search in issuing the voucher for families already receiving voucher assistance. However, the CoPHD may take subsequent action (i.e. recalculating the HAP based on updated income information, terminating the family's participation in the program due to criminal background or failing to disclose necessary information) against the family based on the results.

The CoPHD may delay approval of a unit or issuance of a voucher if the family refuses to comply with the CoPHD's portability procedures.

The CoPHD may delay issuing a voucher for an applicant family if there has been a change in the family's annual income. For admission to the HCVP, the family must be within the CoPHD's very-low income limits.

### **Extension of Housing Choice Voucher**

Once the CoPHD issues the family a voucher, the CoPHD's policies on extensions of the voucher apply. The CoPHD will notify the initial PHA of any extensions granted to the term of the voucher.

If the family requests to return to the initial PHA or search in another jurisdiction, the family will be informed the voucher of record will be once again the voucher originally issued by the initial PHA; any extensions granted by the CoPHD will become null and void; and the CoPHD will return the portability packet to their initial PHA.

### **Suspension of Housing Choice Voucher**

"Suspension" is defined as stopping the clock on the term of a family's voucher after the family submits a Request for Tenancy Approval, until the time when the PHA approves or denies the RFTA.

The term of the voucher is suspended starting the date the RFTA is received by the CoPHD. The suspension ends when the family and/or owner canceled the RFTA or the CoPHD notifies the family in writing if the RFTA has been denied.

Once the suspension has ended, the family will be credited the number of days from date the RFTA was received through the cancellation date or the expiration date whichever is less.

### **Absorption or Administration**

The CoPHD will provide the initial PHA with form HUD-52665 within 10 days of executing a Housing Assistance Payment Contract. However, the CoPHD will include form HUD-50058 when billing.

Please refer to the "Billing Procedures" section of this chapter for billing procedures.

### **Income and TTP of Incoming Portables**

As receiving PHA, the CoPHD will conduct a re-examination interview to verify the information provided, if any documents are missing, or are over 60 days old, whichever is applicable, or there has been a change in the family's circumstances.

If the family's income exceeds the income limit of the CoPHD, the family will not be denied assistance, unless the family is an applicant and the total annual income for the family exceeds the very-low income limit for the number of persons in the family.

If the family's income is such that a \$0 subsidy amount is determined prior to lease-up in the CoPHD's jurisdiction, the CoPHD will refuse to enter into a contract on behalf of the family at \$0 assistance. The family will be returned to the initial PHA.

### **Request for Tenancy Approval**

When the family submits a Request for Tenancy Approval (RFTA), it will be processed using the CoPHD's policies. If the family does not submit a RFTA during the term of the voucher the CoPHD will inform the initial PHA within 10 working days of the expiration of the HCV.

### **Denial or Termination of Assistance Prior to Lease Up**

If the CoPHD denies or terminates assistance to the family, the family will be offered an informal review or informal hearing.

If the family requests an informal review or hearing, the CoPHD will notify the initial PHA of the pending action. If the CoPHD's decision is upheld, the portability packet will be returned along with completed form HUD-52665.

### **Billing Procedures**

The CoPHD will provide the initial PHA with form HUD-52665 within 10 days of executing a Housing Assistance Payment Contract. However, the CoPHD will include form HUD-50058 when billing. The CoPHD will notify the initial PHA before the billing deadline if the initial billing has been delayed due to suspension and the billing deadline must be extended by 30 days.

As receiving PHA, the CoPHD will bill the Initial PHA every 30 days for housing assistance payments. The billing cycle for other amounts, including administrative fees, will also be monthly unless otherwise requested by the initial PHA.

The CoPHD will bill 100% of the housing assistance payment and any other HUD-approved fees for each portable

HCV leased as of the first day of the month.

The CoPHD will notify the initial PHA within 10 days of changes in subsidy amounts, and will expect the initial PHA to notify the CoPHD of changes in the administrative fee amount to be billed.

#### **Termination of Billing**

The CoPHD will notify the initial PHA in writing within 10 days following the effective date of housing assistance payments.

In cases where the CoPHD is proposing the termination of rental assistance due to program violations, and the family requests or fails to request an informal hearing, the CoPHD will mail form HUD-52665 to the initial PHA

The CoPHD will notify the initial PHA in advance prior to terminating billing due to absorption and provide form HUD-52665.

#### **Mobility**

The CoPHD may enter into an inter-jurisdictional agreement with other PHA's to assist portable families who relocate in other jurisdictions. The CoPHD or the initial PHA determines eligibility and maintains the family's file. The receiving PHA will only conduct the HQS inspections in a timely manner, and bill the CoPHD or the initial PHA for this service only. A copy of the inspection reports will be submitted with the invoice for payments. The fee for inspections will be negotiated by the two PHAs.

At the request of the participating PHA, the mobility agreement may allow for CoPHD families to lease in their jurisdiction while all inspections, eligibility determination, and file maintenance responsibilities remain with the CoPHD.

#### **Special Purpose Vouchers**

The CoPHD is required to administer incoming VASH Program portables in accordance with HUD established policies.

Please refer to Chapter 25 of this Plan, "Special Housing Choice Voucher Allocations", for mobility and portability of HUD – VASH vouchers.

## CHAPTER 14

### CONTRACT TERMINATIONS

#### **INTRODUCTION**

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

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

If the family continues to occupy the unit after the HAP contract is terminated, the family is responsible for the total amount of rent due to the owner. The owner will have no right to claim compensation from the CoPHD.

The term of the lease and contract may be extended, if mutually agreed upon, where the owner and tenant initiated the termination of the lease. A written agreement must be submitted to the CoPHD prior to the original termination date as long as no program violations exist. However, the CoPHD will not extend the HAP contract if the CoPHD determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

The CoPHD will terminate the HAP Contract based on lease termination notice served by owner or family. The family may lease another unit if the family is eligible to move with continued rental assistance. However, the effective date of the new lease and HAP Contract may not commence prior to the previous lease and HAP Contract termination date.

The CoPHD will comply with Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA), which protects family members who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. The family will be required to complete, sign and submit Form HUD-50066 or other acceptable documentation in order to verify the family's claim that the request to move is prompted by incidences of abuse in the unit, within 14 business days of the request. Refer to Chapter 13, "Moves with Continued Assistance" for eligibility restrictions.

#### **A. TERMINATION OF TENANCY BY THE FAMILY: MOVES [24 CFR 982.309.(c)]**

The lease stipulates that the family cannot move from the unit until after the first year of the lease. The written notice must be at least a 60-day written notice to the owner in accordance with terms of the lease.

In cases where the family plans to vacate the assisted unit earlier than the termination of the 60 day notice, the family must obtain a written agreement signed by the owner and family reflecting a revised termination date of the lease. The written agreement must be submitted prior to vacating the assisted unit. Failure to submit the written agreement prior to vacating the assisted unit is considered a program violation and grounds for proposed termination of rental assistance.

If the family requires an extension to the termination date of the lease, the family must obtain a written agreement signed by the owner and family reflecting a revised termination date of the lease. The written agreement must be submitted prior to the termination date of the lease. Failure to submit the written agreement prior to the termination date of the lease may result in denial of the extension of the lease termination and termination of housing assistance payment.

Under special circumstances, the owner and tenant can mutually agree to a lesser notice of lease termination. The mutual agreement must include lease termination date and owner and tenant's signatures. The mutual agreement must be submitted to the CoPHD prior to the family vacating the assisted unit.

**B. TERMINATION OF TENANCY BY THE OWNER: [24 CFR 982.310]**

If the owner wishes to evict the family and terminate the lease, the owner is required to use the procedures in HUD regulations and State or local law. The owner must provide the CoPHD with a copy of the eviction notice. The owner must provide the family with a written notice and should specify the grounds for termination of tenancy, at or before the commencement of the eviction action.

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

During the initial term of the lease, the owner may not terminate the tenancy except on the following grounds:

1. Serious violation (including but not limited to failure to pay rent or other amounts due under the lease) or repeated violation of the terms and conditions of the lease.
2. Violations of Federal, state or local law related to occupancy of the unit.
3. Other good cause, including:
  - a. Criminal activity by the family, any member of the household, a guest or another person under the family's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents or persons residing in the immediate vicinity of the premises;
  - b. Any drug-related criminal activity on or near the premises; or
  - c. Family history of disturbance of neighbors, destruction of property, or of living or housekeeping habits resulting in damage to the unit or premises.
  - d. If the tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees.
  - e. If the tenant has violated a condition of probation or parole imposed under Federal or State law.
4. Other good cause, after the first year of the lease, also includes:
  - a. Failure by the family to accept the offer of a new lease or revision;

- b. The owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or
- c. Business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, the owner's desire to rent the unit for a higher rent).

For families where an incident or incidents of actual threatened domestic violence, dating violence, or stalking occurred, this will not be construed as serious or repeated violations of the lease by the family or other "good cause" for termination of the assistance, tenancy, or occupancy rights of such a victim.

The eviction notice should specify the cause for the eviction. The CoPHD requires that the owner specify the section of the lease that has been violated and cite the ways in which the family has violated that section, as documentation for the CoPHD's proposed termination of rental assistance.

Housing assistance payments terminate when the lease is terminated by the owner in accordance with the lease. However, if the owner has commenced the process to evict the tenant, and if the family continues to reside in the unit, the CoPHD must continue to make housing assistance payments to the owner in accordance with the CoPHD contract until the owner has obtained a court judgment or other process allowing the owner to evict the tenant. The owner will be required to submit copies of the filed court documents within 15 days to the CoPHD. The CoPHD may continue such payments until the family moves from or is evicted from the unit. The owner must submit a copy of the final court judgment within 5 days.

If the owner opts out for business or economic reasons or non-renewal of the lease, the family must be given a 90-day written notice, with a copy to the CoPHD. Such reasons include desire to sell the property, renovation of the unit, or desire to obtain a higher rent than the CoPHD will approve. However, written notice is subject to current State and local law.

The CoPHD must continue making housing assistance payments to the owner in accordance with the HAP contract up to the lease termination notice as long as the family continues to occupy the unit and the HAP contract is not violated. By accepting the monthly payment from the CoPHD, the owner certifies that the family is still in the unit and they are in compliance with the HAP contract. Any payments received by the landlord after the tenant has vacated the assisted unit will be considered an overpayment and the owner will be required to reimburse the CoPHD.

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

**C. TERMINATION OF THE CONTRACT BY CoPHD OR DUE TO BREACH OF CONTRACT [24 CFR 982.404 (a), 982.453, 982.454, 982.455, 982.306]**

The term of the HAP contract terminates when the lease terminates, CoPHD terminates program assistance for the family, and/or the owner has breached the HAP contract.

If the CoPHD terminates the HAP contract due to breach of contract, the CoPHD will provide the owner and family with a written notice of termination of the HAP contract.

Any of the following actions by the owner (including a principal or other interested party) are a breach of the HAP contract by the owner:

- a. If the owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit in accordance with HQS.

- b. If the owner has violated any obligation under any other HAP contract under Section 8 of the 1937 act (42 U.S.C. 1437f).
- c. If the owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- d. For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulations for the applicable mortgage insurance or loan program, with mortgages or mortgage note, or with the regulatory agreement; or if the owner has committed fraud, bribery or any other corrupt or criminal act in connection with the mortgage or loan.
- e. If the owner has engaged in drug-related criminal activity; or
- f. If the owner has committed any violent criminal activity.

The PHA rights and remedies against the owner under the HAP contract include recovery of overpayments, abatement or other reduction of housing assistance payments, termination of housing assistance payments, and termination of the HAP contract.

The CoPHD will terminate the HAP contract on the last day of the month in which the following circumstances occur:

- a. The sole member of the household has passed away.
- b. The entire family vacates without notice serving proper notice. The sole member of the household is absent from the assisted unit for more than 180 days due to medical reasons.
- c. Family and owner failed to disclose familial relationship. See Chapter 17 "Property Owner or family Debts to the CoPHD" for additional information.
- d. Family owns or has any financial interest in the assisted unit.
- e. Property owner resides in the assisted unit.

The CoPHD may terminate the HAP contract if:

- 1. The CoPHD terminates assistance to the family for any grounds authorized by HUD regulations.
- 2. The family is required to move from a unit which is under-occupied or overcrowded.
- 3. If an administrative error occurred.
- 4. A family is no longer eligible for the reasonable accommodation.

The CoPHD will terminate HAP contracts, in accordance with HUD requirements, if the CoPHD determines that funding under the Consolidated ACC is insufficient to support continued assistance for families in the program. CoPHD HAP contracts may be terminated in, but not limited to, the following manner upon CoPHD's review and finding that any member of a family household:

- 1. Failed to reimburse any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

2. Breached an agreement with a PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
3. Owes rent or other amounts to the CoPHD or to another PHA in connection with Section 8 HCVP or public housing assistance under the 1937 Act; and
4. Violated any Family Obligation under the program as listed in 24 CFR 982.551.
5. The HAP contract terminates automatically 180 days after the last housing assistance payment to the owner.

The CoPHD will provide the owner and family with a written notice of termination of the HAP contract. If the CoPHD initiates the HAP contract termination due to a proposed termination of rental assistance and the family requests an informal hearing, the HAP contract termination will be extended through the informal hearing process.

Refer to Chapter 19 of this plan, "Project-Based Voucher-Program", for termination of rental assistance for project-based rental assistance.

**D. AUTOMATIC TERMINATION OF RENTAL ASSISTANCE CONTRACTS**  
**[24 CFR 982.455]**

The HAP Contract terminates automatically 180 calendar days after the last housing assistance payment to the owner. The HAP Contract termination will be rescinded if during the 180 calendar days the housing assistance payment is resumed due to reported family changes in family circumstances or contract rent increase.

**E. TERMINATION DUE TO INELIGIBLE IMMIGRATION STATUS**  
**[24 CFR 5.514 & 5.500 - 5.528]**

The CoPHD will give notice of HAP Contract termination if there is no eligible remaining household member with eligible immigration status.

**F. TERMINATION DUE TO FORECLOSURE**

Foreclosed properties in which Section 8 voucher recipients reside must comply with Sections 702 and 703 of the Protecting Tenant at Foreclosure Act (PTFA) of 2009. If the immediate successor-in-interest will use the unit as a primary residence, the lease can be terminated effective on the date of the sale. In such case tenant is still entitled to a minimum of 90 day notice to vacate.

During the term of the lease, the owner shall not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, for violation of applicable Federal, State, or local law, or for other good cause, and in the case of an owner who is an immediate successor in interest pursuant to foreclosure during the term of the lease vacating the property prior to sale shall not constitute other good cause, except that the owner may terminate the tenancy effective on the date of transfer of the unit to the owner if the owner:

1. Will occupy the unit as a primary residence; and
2. Has provided the tenant a notice to vacate at least 90 days before the effective date of such notice.

**G. TERMINATION OF HAP CONTRACT AND HOUSING CHOICE VOUCHERS: INSUFFICIENT FUNDING**  
**[24 CFR 982.454]**

The CoPHD may terminate the HAP contract if the CoPHD determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued rental assistance for families in all programs.

Prior to the termination of existing HAP contracts for reason of insufficient funding, a formal "Declaration of Insufficient Funding" is required. This declaration shall be made in writing and signed by the Chief Executive Director, Housing Director, and the City's Finance Director will sign concurrence.

The authority to approve the termination of HAP contracts due to insufficient funding is vested in the City Council acting in its capacity as the CoPHD. The approval to terminate HAP contracts shall be granted only through formal resolution of the City Council, after it has duly considered a formal request to terminate HAP contracts due to insufficient funding.

If the CoPHD must terminate HAP contracts due to insufficient funding, the CoPHD will terminate HAP contracts and/or cancel Housing Choice Vouchers (HCV) in the following order:

1. Cancel all outstanding HCV for applicants who have been issued a voucher from the waiting list including applicants who have submitted a Request for Tenancy Approval (RFTA).
2. Participants who voluntarily withdraw their participation from the program.
3. Participants that have seriously and/or repeatedly violated the family obligations.
4. Participants (including out-going portables) who currently hold an active HCV and are no longer in a contracted unit.
5. Participants that are not in a contracted unit and do not hold an active HCV will not be issued a HCV to move with continued rental assistance.
6. Participants that currently have a Repayment Agreement and/or have an overpayment (largest to smallest outstanding balance amount).
7. Participants with household members with disregarded income. Example: a household consists of parents with income and one or two college students who also have income, which is not included in computing the tenant rent. The total income of these households may be enough to afford the rent without rental assistance.
8. Participants currently holding an active HCV and whose contract is due to terminate will have their HCV cancelled and HAP contract will not be reinstated or extended.
9. Participants who are renting property owned by a relative (first in, first out).
10. Participants that are over-housed (largest to smallest).
11. Participants that are single, non-elderly and non-disabled households (first in, first out).

In the event the above selection criteria fails to yield a sufficient number of contract terminations necessary to meet funding levels, additional contracts will be selected through a lottery conducted by the CoPHD. A number will be assigned to all remaining existing contracts. These numbers will be selected at random until a sufficient number of contracts have been identified to achieve the required cost reductions.

Participants whose HCV was cancelled or HAP contract terminated due to insufficient funding will be placed on the CoPHD reissued waiting list and assigned a priority number based on the order of their cancellation. This number identifies the order they

may be reissued a HCV once funding is available and eligibility is redetermined. However, participants that have committed fraud and/or repeatedly violated the family obligations will be proposed for termination of rental assistance in accordance with Chapter 18 of this Plan, "Complaints and Appeals."

Applicants whose vouchers were cancelled due to insufficient funding will be returned to the CoPHD waiting list. These applicants will be issued a HCV upon redetermination of eligibility when funding is available.

#### **Notice of Termination Due to Insufficient Funding**

The CoPHD shall provide the owner and participant with a minimum of 30 days written "Notice of HAP Contract Termination for Reason of Insufficient Funding." The notice of HAP contract termination shall be signed by the Chief Executive Director and sent to the owner and to the participant via first class mail.

This written notice to the owner shall describe the:

1. Reason for contract termination.
2. Regulatory and administrative plan reference authorizing the termination.
3. Effective date of the contract termination.
4. Responsibilities of the owner to offer the family a new lease.
5. CoPHD contact person.
6. Notice of availability of funding and redetermination of eligibility.

Families are required to report to the CoPHD in writing within 15 days when their address (home and/or mailing) has changed by completing and submitting an Update of Family Circumstances form. The CoPHD will follow the procedures outlined in Chapter 3 of this Plan, "Applying for Admission" related to misdirected mail. However, participants will be proposed for termination as outlined in Chapter 15 of this Plan "Denial or Termination of Assistance", and applicants will be disqualified as outlined in Chapter 3 of this Plan "Applying for Admission."

#### **Notice of Termination to Receiving PHA (Outgoing Billable Portables Vouchers)**

In the event the assistance on behalf of an outgoing portable billable participant is selected for termination, the CoPHD shall notify the receiving PHA of its intent to terminate assistance due to insufficient funding. The receiving PHA has the option of absorbing the family. The receiving PHA shall be notified at least 30 days in advance of the effective date of the termination of assistance. The receiving PHA is responsible for all notifications to the owner and participant.

**Placement on the CoPHD Reissue Section HCVP Waiting List**

Placement on the CoPHD Reissue Section 8 HCVP Waiting List will be based on category and assigned number.

The CoPHD will reissue HCVs in the following category once funding is available:

1. Participants.
2. Applicants.

## CHAPTER 15

### DENIAL OR TERMINATION OF ASSISTANCE

#### **INTRODUCTION**

The CoPHD may deny or terminate assistance for a family because of the family's action or failure to act. The CoPHD will provide families with a written description of the Family Obligations under the program, the grounds under which the CoPHD can deny or terminate assistance, and the CoPHD's informal hearing and review procedures. This Chapter describes when the CoPHD is required to deny or terminate assistance, and the CoPHD 's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP Contract.

#### **A. FORMS OF DENIAL/TERMINATION [24 CFR 982.552]**

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

1. Denying listing on the CoPHD waiting list.
2. Denying or withdrawing a HCV.
3. Refusing to enter into a HAP Contract or approve a lease.
4. Refusing to process or provide assistance under portability procedures.

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

1. Refusing to enter into a HAP Contract or approve a lease.
2. Terminating housing assistance payments under an outstanding HAP Contract.
3. Refusing to process or provide assistance under portability procedures.
4. Failure to disclose and/or provide documentation of the Social Security Number for family members.

#### **Requirement to Deny Admission or Terminate Assistance** **[24 CFR 982.552(b)]**

The CoPHD must deny assistance to applicants or terminate assistance for participant families for any of the following grounds:

1. For a family evicted from a housing assisted unit under the program for serious violation of the lease.
2. If any member of the family fails to sign and submit required HUD or CoPHD consent forms for obtaining information.
3. If no member of the family is a U.S. citizen or eligible immigrant.

4. The family fails to submit required evidence of citizenship or eligible immigration status for family members that have declared to be citizens or have eligible immigration status.
5. If an individual fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in 24 CFR 5.612.
6. If the family is under contract and 180 days have elapsed since the CoPHD 's last housing assistance payment was made.
7. For illegal drug use, other criminal activity, and alcohol abuse that would threaten other residents.
8. If a family was evicted from a federally assisted housing program for drug-related criminal activity within 3 years from the eviction. However, CoPHD must consider the circumstances. Refer to "CoPHD Consideration of Circumstances" of this Chapter.
9. If any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

**Mandatory Prohibition of Assistance [24 CFR 982.553 a(2)]**

The CoPHD must deny assistance to an applicant or terminate assistance to a participant if:

1. Any member of the applicant household is subject to a lifetime registration requirement under a State sex offender registration program.
2. Any member of the program participant family is subject to a lifetime registration requirement under a State sex offender registration program after admission.

**Grounds for Denial or Termination of Assistance [24 CFR 982.552(c)(1)]**

The CoPHD may at any time deny assistance for an applicant or terminate program assistance for a participant for any of the following grounds:

1. If the family violates any family obligation under the program as listed in 24 CFR 982.551.
2. If Any member of the family has been evicted from federally assisted housing in the last five years.
3. If the CoPHD has ever terminated assistance under the program for any member of the family within the past 3 years and/or for fraud in the past 5 years.
4. If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program (see 24 CFR 982.553(a) (1)).
5. If the family currently owes rent or other amounts to the CoPHD, or to another PHA, in connection with Section 8 or public housing assistance under the 1937 Act. All outstanding balance(s) must be paid in full prior to the CoPHD's determination of eligibility.
6. If the family has not reimbursed any PHA for amounts paid to an owner under a HAP Contract for rent, damages to the unit, or other amounts owed by the family under the lease.

7. If the family breaches an agreement with CoPHD or another PHA to pay amounts owed to CoPHD or PHA or amounts paid to an owner by a CoPHD or PHA. (The CoPHD or PHA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to CoPHD or PHA or amounts paid to an owner by PHA. The CoPHD or PHA may prescribe the terms of the agreement.)
8. If the family has engaged in or threatened abusive or violent behavior toward CoPHD personnel.  
  
"Abusive or violent behavior towards CoPHD personnel" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.  
  
"Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.  
  
Actual physical abuse or violence will always be cause for termination.
9. If the family has been engaged in criminal activity or alcohol abuse as described in 24 CFR 982.553.
10. If the family provides false information on the application, program forms, during interview, or submits information which contradicts previously submitted information or statements and no change has occurred. Refer to Chapter 23 of this Plan.

**CoPHD Consideration of Circumstances in Determining Denial or Termination of Assistance for Family [24 CFR 982.552]**

In determining whether to deny or terminate assistance because of action or failure to act by members of the family:

1. The CoPHD 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.
2. The CoPHD may impose, as a condition of continued assistance for other family members, a requirement that other family members who participated in or were culpable for the action or failure will not reside in the unit. The CoPHD may permit the other members of a participant family to continue receiving assistance.
3. In determining whether to deny admission or terminate assistance for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the CoPHD consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the CoPHD may require the applicant or tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.
4. If the family includes a person with disabilities, the CoPHD's decision concerning such action is subject to consideration of reasonable accommodation in accordance with Part

8 of Title 24.

5. Nondiscrimination limitation and protection for victims of domestic violence or stalking. The CoPHD 's admission and termination actions must be consistent with fair housing and equal opportunity provisions of Sec. 5.105 of this title, and with the requirements of 24 CFR Part 5, Subpart L, protection for victims of domestic violence, dating violence, and stalking.

The CoPHD must determine that the relevant individual engaged in such activity before the CoPHD can deny admission or terminate assistance. The fact that an individual was arrested is not evidence that he or she has engaged in criminal activity. However, an arrest may trigger an inquiry into whether there is sufficient evidence to determine that a person engaged in a disqualifying criminal activity.

The CoPHD can utilize other evidence, such as police reports detailing the circumstances of the arrest, witness statements, and other relevant documentation to assist the CoPHD in making a determination that disqualifying conduct occurred. The CoPHD may still take adverse action based on the conduct and/or behavior leading to an arrest which is supported by "preponderance of the evidence" that the individual engaged in such activity.

**B. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OBLIGATIONS OF THE RENTAL ASSISTANCE PROGRAM PARTICIPANT FAMILY [24 CFR 982.551]**

1. The family must supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR part 5). "Information" includes any requested certification, release or other documentation.
2. The family must supply any information requested by the PHA or HUD for use in a regularly scheduled re-examination or interim re-examination of family income and composition in accordance with HUD requirements.
3. The family must disclose and verify Social Security numbers (as provided by part 5, subpart B, of 24 CFR), and must sign and submit consent forms for obtaining information in accordance with 24 CFR, Part 5, Subpart B.
4. Any information supplied by the family must be true and complete.
5. The family is responsible for an HQS breach caused by the family as described in 24 CFR 982.404(b).
6. The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.
7. The family may not commit any serious or repeated violation of the lease. Under 24 CFR 5.2005(c)(1), an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated lease violation by the victim or threatened victim of domestic violence, dating violence, or stalking, or as good cause to terminate the tenancy, occupancy rights, or assistance of the victim.
8. The family must notify the PHA and the owner before the family moves out of the unit, or terminates the lease on notice to the owner. See 24 CFR 982.314(d).
9. The family must promptly give the PHA a copy of any owner eviction notice.

10. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
11. The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit. No other person [i.e., nobody but members of the assisted family] may reside in the unit.
12. The family must promptly notify the PHA if any family member no longer resides in the unit.
13. If the PHA has given approval, a foster child or a live-in aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residence by a foster child or a live-in-aide, and defining when PHA consent may be given or denied.
14. Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.
15. The family must not sublease or let the unit.
16. The family must not assign the lease or transfer the unit.
17. The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit.
18. The family must not own or have any interest in the assisted unit.
19. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.
20. The members of the family may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises (see 24 CFR 982.553). Under 24 CFR 5.2005(c)(2), criminal activity directly related to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy, occupancy rights, or assistance of the victim, if the tenant or immediate family member of the tenant is the victim.
21. The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
22. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy for the same unit, or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) Federal, State or local housing assistance program.

**CoPHD Adopted Obligations of the Rental Assistance Program Participant Family**

The family must:

1. Provide and disclose true and complete information.
2. Keep scheduled appointments, and provide requested information by the given deadlines.
3. Report in writing all changes in household income, assets, medical expenses, student status, child care expenses, household composition (i.e. birth, adoption or court awarded custody of a child, marriage, or removal of household member) within 15 days of the date of the change by submitting a completed Update of Family Circumstances form. The family is responsible for submitting documents supporting the reported change within 30 days.
4. The assisted unit must be the participant's only place of residence. The family may not have a secondary residence.
5. Request and obtain in writing CoPHD and property owner approval to add any family member as an occupant to the unit prior to moving the additional family member into the assisted unit.
6. Submit written notification in advance when any family member will be away from the assisted unit for more than 30 days. The notification must include the reason(s) for the extended absence. (i.e. hospitalization, vacation, incarceration, etc.)
7. Disclose if the property owner is the parent, child, grandparent, grandchild, sister, brother, aunt, uncle, cousin, niece, nephew, spouse, domestic partner, related by marriage or adoption to any member of the household.
8. Allow the CoPHD to inspect the unit annually and as needed.
9. Maintain the assisted unit in a safe, sanitary, and decent condition at all times.
10. Pay the monthly tenant rent determined by the CoPHD timely in accordance with the terms of the lease.
11. Pay the utility bills and supply appliance(s) the owner is not required to supply under the lease agreement. Utility services must be in service at all times during the family's tenancy of the assisted unit.
12. Request prior approval from the CoPHD and property owner in writing if the family plans on engaging in any business activities in the assisted unit. The request must include the type of business the family plans to operate. If approval is denied, the family must not engage in any business activities in the assisted unit.
13. Cooperate in moving to another unit when the family has become too large or too small or rent is unaffordable to remain in the assisted unit based on the family reported income and household expenses.
14. Provide the CoPHD with a 90-day written advance request for approval to move. Once the CoPHD has approved the family's request to move, the family must serve the owner a 60-day written notice of lease termination with a copy to the CoPHD. If the family fails to notify the owner and CoPHD at least 60 days before the family moves, the family may not be eligible for a new certificate or voucher.
15. Provide the CoPHD with a copy of any owner served notice within 10 days of the date the notice was received.

16. Repay money owed to the CoPHD. If a family owes an outstanding debt, the CoPHD may arrange a repayment agreement depending on the reason and the amount. The family must abide by the terms of the Repayment Agreement to remain eligible for rental assistance. The family cannot move from one unit to another unit until the debt is paid in full.
17. Obey all Federal, State, and local housing laws and ordinances.
18. Correct or repair tenant related deficiencies (i.e. housekeeping, etc.) within the established deadline.
19. Provide the CoPHD with a written notice of voluntary termination of rental assistance.

The family must **NOT**:

1. Engage in drug-related criminal activity or violent criminal activity. This applies to the entire family and guests.
2. Engage in criminal activity that threatens the health, safety or right of peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises.
3. Allow persons unauthorized by the CoPHD to use the assisted unit address for mailing purposes.
4. Allow persons unauthorized by the CoPHD to use the assisted unit address with the Department of Corrections as their place of residence.
5. Allow a visitor to stay in the assisted unit for more than 15 consecutive days or a total of 60 days in a 12 month period.
6. Pay or give the owner any unauthorized side payments or pay more rent than the CoPHD has authorized. If an owner asks the family to pay extra rent, the family must send a written notice to their CoPHD representative at once. This is an illegal activity and considered fraud under the HCVP.
7. Pay a lesser tenant rent amount to the owner than the CoPHD has authorized.
8. Charge or collect any monies from the Live-in Aide for rent and utilities. The owner must not charge or collect any monies from the Live-In Aide for rent and utilities.
9. Commit any serious or repeated violation of the lease such as non-payment of rent or violent criminal or drug related activity, etc.
10. Damage the unit or surrounding property or allow any guest or visitor to damage the rental property.
11. Rent from relatives. The owner (including a principal or other interested party) is not the parent, child, grandparent, grandchild, sister, brother aunt, uncle, cousin, niece, nephew, related by marriage or adoption of any member of the family, unless the CoPHD has determined (and has notified the owner and the family such determination) that the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.
12. Default on a Repayment Agreement.

13. Vacate the unit prior to the termination date of the lease in accordance with the notice served by the landlord or the family. Family will be required to obtain a written mutual agreement reflecting a revised termination date of the lease signed by the landlord prior to vacating the assisted unit.
14. Engage in any acts of violent behavior or threats of violent behavior against CoPHD personnel.
15. Violate the HCVP and/or CoPHD Family Obligations.

### **HQS Breach**

The CoPHD and/or the owner will determine if an HQS breach, as identified in 24 CFR 982.404(b), is the responsibility of the family. Families may be given extensions to HQS breaches by Housing Specialist or Housing Assistance Officer. See Chapter 10 of this Plan, "Housing Quality Standards and Inspections".

### **Lease Violations**

The following criteria will be used to decide if a serious or repeated violation of the lease will cause a termination of assistance:

If the owner notifies the family of termination of lease for serious or repeated lease violations, family moves from the unit prior to the completion of court action, and the CoPHD determines that the cause is a serious or repeated violation of the lease based on available evidence.

### **Notification of Eviction**

If the family requests assistance to move and they did not notify the CoPHD of an eviction within (5) five days of receiving the court judgment and lock out notice, their move with continued rental assistance may be denied.

### **Additions to Family Composition**

Proposed additions to the household may be denied for the following:

1. Persons who have been evicted from public housing within the last 5 years.
2. Persons who have previously violated a family obligation listed in 24 CFR 982.551 of the HUD regulations within the last 5 years.
3. Persons who for program violations have been part of a family whose assistance has been terminated under the Rental Certificate or HCVP within the last five years.
4. Persons who have engaged in drug-related criminal activity or violent criminal activity within the last five years.
5. Persons who have engaged in fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
6. Persons who owe rent or other amounts to the CoPHD or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act. This includes persons who caused an overpayment of rental assistance due to being an unauthorized household member.

7. Persons who have not reimbursed the CoPHD or any other PHA in full for amounts paid to an owner under a HAP Contract for rent, damages to the unit, or other amounts owed by the family under the lease.
8. Persons who breached an agreement with the CoPHD or any other PHA to pay amounts owed to an owner by a PHA.
9. Persons who have engaged in or threatened abusive or violent behavior toward CoPHD personnel.
10. Persons who have been required to register as lifetime sex offenders.
11. Persons cannot be related to the property owner.
12. Failure to submit proper legal documents to support guardianship/custody of minor.
13. Owner disapproval.
14. The addition would result in the household being underhoused.

#### **Family Member Moved Out of the Assisted Unit**

Families are required to notify the CoPHD within 15 days if any family member leaves the assisted household by completing an Update of Family Circumstances form indicating date family member moved out and submit supporting information regarding the change. The family must also provide the following information within 30 days:

1. The new address, if known, of the family member.
2. Documentation verifying new residence of the family member.

See Chapter 6 of this Plan "Factor Related to Total Tenant Payment Determination", Chapter 7, "Verification Procedures", and Chapter 12 "Reexaminations and Verifications" for verification procedures for permanent absent household member and processing of interim re-examination.

#### **Limitation on Legal Profit-Making Activity in Unit**

The family must obtain prior written approval from the CoPHD and the owner if the family plans on engaging in legal profit making activities in and around the assisted unit. The request must include the type of business the family plans on engaging.

If approval is granted by the CoPHD, the family must disclose the income generated from the business by submitting a notarized business Affidavit anticipating the gross revenue and any business related expenses.

The CoPHD will not approve the family's request if:

- The business results in the family's inability to use any of the living areas in the unit, such as a bedroom utilized for a business which is not available for sleeping.
- Type of business is illegal.
- Use of the unit as a business is not incidental to its use as a dwelling unit.

The family will be in violation of the Family Obligations if the business is conducted out of the assisted unit without prior approval from the CoPHD and property owner. Failure to report the additional income generated from the unauthorized business will result in an overpayment of rental assistance and proposed termination of rental assistance.

#### **Interest in Unit [24 CFR 982.306]**

The owner may not reside in the assisted unit regardless of whether they are a member of the assisted family, unless the family owns the mobile home and rents the space under the HCV Program.

The U.S. Department of Housing and Urban Development established a policy that applies to all new admissions, and active participants who are moving to a new unit after June 16, 1998. Effective June 17, 1998, the CoPHD may not approve a unit for lease if the legal owner (including a principal or other interested party) of the property is the parent, child, grandparent, grandchild, sister or brother of any member of the family, or related by marriage unless the PHA has determined (and has notified the owner and the family of such determination) that approving the leasing of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

If the relationship was not initially disclosed to the CoPHD, the total amount of the HAP paid from the effective date of the HAP contract must be reimbursed to the CoPHD. The family and owner will be held responsible for the full overpayment to the CoPHD. Additionally, the family will be subject to proposed termination of their rental assistance. Reasonable accommodation cannot be requested after the initial contract has been executed.

The property owner must notify the CoPHD of any potential changes in ownership prior to the change to allow the CoPHD to review and determine the eligibility of the potential new owner. If the relationship of the potential new owner is not disclosed, the total amount of the HAP paid from the date of the change must be reimbursed to the CoPHD. The family and owner will be held responsible for the full overpayment to the CoPHD. Additionally, the family will be subject to proposed termination of their rental assistance. Reasonable accommodation cannot be requested after the change of ownership has occurred.

#### **Fraud**

For CoPHD purposes, fraud is defined as a deception deliberately practiced in order to secure unfair or unlawful gain.

#### **Immigration Status [24 CFR 982.552(b)(4)]**

The family must submit required evidence of citizenship or eligible immigration status. See 24 CFR 5 for a statement of circumstances in which the CoPHD must deny admission or terminate program assistance because a family member does not establish citizenship or eligible immigration status and the applicable informal hearing procedures.

#### **HUD-VASH Program Termination [Notice PIH 2011-53, 2010-12, 2011-50, 2010-23, 2008- 37 and Federal Register/Vol. 77, No. 57, 5.2007]**

A HUD-VASH family can be terminated for program violations that occur after the family is admitted to the HUD-VASH program. Prior to any termination action, the CoPHD is strongly encouraged to contact the VA case manager to determine if there are extenuating circumstances that should be considered to avoid the termination.

When a veteran's family member is receiving protection as a victim of domestic violence, dating violence, or stalking, as provided in 24 CFR part 5, subpart L, and the veteran is the perpetrator of such violence,

the victim must continue to be assisted. The perpetrator may be terminated from assistance for committing such acts. If a regular HCV is not available for the victim, the perpetrator must be terminated from assistance, and the victim will continue to utilize the HUD-VASH voucher. The HUD-VASH voucher must be issued to another eligible veteran family upon the voucher's turnover.

The CoPHD cannot refuse to readmit veterans that have been terminated from the HUD-VASH program in accordance with program requirements (any grounds under 24 CFR 982.552 and 982.553):

- due to serious lease violations,
- program fraud,
- engaging in criminal activity or
- drug/alcohol abuse, etc.

The VA case manager can re-refer a veteran that has been previously terminated from the HUD-VASH program for any reason other than being subject to a state lifetime sex offender registration requirement, the CoPHD may not deny HUD-VASH assistance to the referred veteran.

For additional information see Chapter 25 of this Plan, "Special Housing Choice Voucher Allocations."

### **Drug Related and Violent Criminal Activity**

Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance.

Drug-related criminal activity on or off the premises, not just on or near the premises is a violation and grounds for termination.

Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property and any family member is engaging in the activity.

#### **Criminals and Alcohol Abusers [24 CFR 982.553]**

The CoPHD may prohibit admission of a household to the program or termination of rental assistance of a household if the CoPHD determines that any household member is currently engaged in, or has engaged in during a reasonable time before admission:

1. Drug-related criminal activity;
2. Violent criminal activity;
3. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
4. Other criminal activity which may threaten the health safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the CoPHD (including a CoPHD employee or a CoPHD contractor, subcontractor or agent).

The CoPHD may prohibit admission to the program or termination of rental assistance if the CoPHD determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

The CoPHD must prohibit admission to the program of an applicant for five years from the date of eviction if a household member has been evicted from Federally assisted housing for drug-related criminal activity. However, the CoPHD may admit the household if the CoPHD determines:

1. the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program; or
2. the circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).

Applicants will be denied assistance if they have been evicted from a unit due to violent criminal activity or convicted of a drug related crime within the last three years prior to the date of the certification interview.

Participants may be terminated who have been evicted from a unit, arrested and or convicted due to drug-related or violent criminal activity, and whose activities interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

The CoPHD must deny or immediately terminate assistance for a family under the program if the CoPHD determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production methamphetamine on the premises of federally assisted housing.

If the family violates the lease for drug-related or violent criminal activity, the CoPHD may terminate assistance.

The CoPHD will deny or terminate assistance if any member of the household or unauthorized member is subject to a lifetime registration requirement under a State sex offender registration program. The rental assistance will terminate effective the date the unauthorized member moved into the assisted unit. The owner will be given notification of termination of the HAP Contract and the family notified of the termination of rental assistance in accordance with the procedures in this Chapter.

The family will be responsible for all rental assistance paid for the period in which the unauthorized or household member who is a lifetime sex offender registrant resided in the unit.

In appropriate cases, the CoPHD may permit the family to continue receiving assistance provided that family members determined to have engaged in the illegal activities will not reside in the unit. If the violating member is a minor, the CoPHD may consider individual circumstances.

### **Confidentiality of Criminal Records**

The CoPHD will ensure that criminal records received are maintained confidentially, not misused or improperly disseminated.

#### **Evidence of Criminal Activity**

The CoPHD may terminate assistance for criminal activity by a household member as authorized in 24 CFR 982.553 if the CoPHD determines, based on a preponderance of the evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted for such activity.

#### **Use of Criminal Record [24 CFR 982.553(d),(1),(2)]**

If the CoPHD proposes to deny admission for criminal activity as shown by a criminal record, the CoPHD must provide the subject of the record and the applicant with a copy of the criminal record. The CoPHD must give the family an opportunity to dispute the accuracy and relevance of that record, in the informal review process in accordance with 24 CFR 982.554.

If the CoPHD proposes to terminate assistance for criminal activity as shown by a criminal record, the CoPHD must notify the family of the proposed action to be based on the information and must provide the subject of the record and the family with a copy of the criminal record. The CoPHD must give the family an opportunity to dispute the accuracy and relevance of that record in accordance with 24 CFR 982.555.

**Required Evidence [24 CFR 982.553(c)]**

1. Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred.
2. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.
3. Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.
4. The CoPHD will pursue fact-finding efforts as needed to obtain credible evidence.

**Notice of Proposed Termination of Assistance [24 CFR 982.555(c),(2),(i),(ii),(iii)]**

In any cases where the CoPHD decides to propose termination of assistance to the family, the CoPHD will give the family a written notice which contains:

1. A brief statement of reasons for the decision.
2. The effective date of the proposed termination; and
3. Informs the family that if they disagree with the CoPHD's decision, an informal hearing may be requested by the family by the given deadline. See Chapter 18 of this Plan, "Complaints and Appeals" for informal hearing procedures.

The CoPHD will simultaneously provide written notice of the HAP contract termination to the owner so that it will coincide with the termination of rental assistance. The notice to the owner will not include any details regarding the reason for termination of assistance.

**C. PROCEDURES FOR NON-CITIZENS [24 CFR 5.514(b),(1),(i),(ii),(iii),(iv) and 5.516, 5.518]**

**Delay, Denial, Reduction or Termination of Assistance**

Assistance to an applicant or participant family shall not be delayed, denied, reduced, or terminated on the basis of ineligible immigration status of a family member if:

1. The primary and secondary verification of any immigration documents that were timely submitted has not been completed.
2. The family member for whom required evidence has not been submitted has moved from the assisted dwelling unit.

3. The family member who is determined not to be in an eligible immigration status following U.S. Department of Homeland Security verification has moved from the assisted dwelling unit.
4. The U.S. Department of Homeland Security appeals process under 24 CFR 5.514(e) has not been concluded.
5. Assistance is prorated in accordance with 24 CFR 5.520.
6. Assistance for a mixed family is continued in accordance with 24 CFR 5.516 and 5.518; or
7. Deferral of termination of assistance is granted in accordance with 24 CFR 5.516 and 5.518.

Participant families in which all members are neither U.S. citizens nor eligible immigrant must have their assistance terminated. They must be given an opportunity for an informal hearing.

Applicants denied rental assistance will be given an opportunity for an informal review.

#### **Methods of Verification and Time Allowed**

Original acceptable documents as specified by HUD must be submitted and photocopied by the CoPHD at the following times:

- For applicants, at eligibility determination;
- Whenever a family applies for admission to a HUD program, unless the family already has submitted evidence to the CoPHD.
- If the family is continuously assisted, documentation needs to be submitted only one time in the same program unless there has been a change in their status.

Extensions, in writing, for a specific period of time shall be granted if a family member:

- Submits required declaration certifying that any person for whom evidence has not been submitted is a noncitizen with eligible immigration status.
- Certifies that evidence needed is temporarily unavailable and additional time is needed; and
- Certifies that prompt and diligent efforts will be made to obtain evidence

If evidence is not provided within time specified, the CoPHD shall proceed to:

- Deny, prorate or terminate assistance.

#### **Assistance for Mixed Families**

A mixed family may continue to receive full program assistance if:

- The family was receiving assistance under a Section 214 covered program on June 19, 1995.
- The family's head of household or spouse has eligible immigration status as described in Sec 24 CFR 5.506 ; and

- The family does not include any person (who does not have eligible immigration status) other than the head of the household, any spouse of the head of the household, any parents of the head of the household, any parents of the spouse, or any children of the head of household or spouse.

#### **False or Incomplete Information**

An investigation will be conducted when the CoPHD has clear, concrete, or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant family. The family will be given an opportunity to present relevant information.

The CoPHD will deny or terminate assistance based on the submission of false information or misrepresentations.

#### **Procedure for Denial or Termination [24 CFR 5.514,(2),(d),(1),(2),(3),(4),(5),(6)]**

If the family (or any member) claimed eligible immigrant status and the U.S. Department of Homeland Security primary and secondary verifications failed to document the status, the family may make an appeal to the U.S. Department of Homeland Security and request a hearing with the CoPHD, either after the U.S. Department of Homeland Security appeal or in lieu of the U.S. Department of Homeland Security appeal.

After the CoPHD has made a determination of ineligibility, the family will be notified of the determination, the reasons, and informed of the option for prorated assistance, if applicable.

The notice of denial or termination of assistance shall advise the family.

1. That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
2. That the family may be eligible for proration of assistance as provided under 24 CFR 5.520.
3. In the case of a family, the criteria and procedures for obtaining relief under the provisions for preservation of families can be found in 24 CFR 5.514 and 5.518.
4. That the family has a right to request an appeal to the U.S. Department of Homeland Security of the results of secondary verification of immigration status, and to submit additional documentation or a written explanation in support of the appeal in accordance with the procedures in 24 CFR 5.514(e).
5. That the family has a right to request an informal hearing with the responsible entity either upon completion of the U.S. Department of Homeland Security appeal or in lieu of the INS appeal as provided in 24 CFR 5.514(f).
6. For applicants, the notice shall advise that assistance may not be delayed until the conclusion of the U.S. Department of Homeland Security appeal process, but assistance may be delayed during the pendency of the informal hearing process.

#### **D. AUTOMATIC TERMINATION OF HOUSING ASSISTANCE PAYMENTS CONTRACTS** **[24 CFR 982.455]**

The HAP Contract terminates automatically 180 calendar days after the last housing assistance payment

to the owner.

The HAP Contract termination will be rescinded if during the 180 calendar days the housing assistance payment is resumed due to reported family changes in family circumstances or contract rent increase.

The family's participation in the HCVP will end at the end of 180 calendar days if the housing assistance payment remains at \$0 and the family opts to remain in occupancy of the unit.

The family may move with continued rental assistance if determined eligible; a housing assistance payment would be generated; and the family's written request to move is received by the CoPHD 60 days prior to the HAP Contract termination date. The family will be issued 60 day voucher term and no extension of the voucher will be granted.

The HAP Contract will also automatically terminate at the end of the month in which:

1. The sole member of the household has passed away or vacates the unit.
2. The entire family vacates the unit without serving proper notice.
3. Property owner resides in the assisted unit.
4. Property owner and the family failed to disclose that they are related.
5. The entire family is absent from the assisted unit for more than 180 days due to medical reasons.

The CoPHD will notify the family and the property owner in writing of the HAP Contract termination.

#### **E. AUTOMATIC TERMINATION OF PARTICIPATION**

A family's participation in the Housing Choice Voucher Program will automatically terminate when:

1. The sole member of the household has passed away.
2. At the end of 180 calendar days if the housing assistance payment remains at \$0 and the family opts to remain in occupancy of the unit.

The CoPHD will attempt to verify with the family of the participant who passed way to obtain a Death Certificate if EIV has not been updated or contact the property owner for verification.

The CoPHD will notify the family in writing of termination of participation under the Housing Choice Voucher Program.

#### **F. OPTION NOT TO TERMINATE FOR MISREPRESENTATION** **[24 CFR 982.551, 982.552(c),(vii)]**

If the family has misrepresented any facts that caused the CoPHD to overpay rental assistance, the CoPHD, at its discretion, may offer a family the opportunity to enter into a repayment agreement or require the family to pay the debt in full. See Chapter 17 of this Plan, "Property Owner or Family Debts to the CoPHD."

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

If the family willingly and knowingly commits fraud or is involved in any other illegal scheme with the

owner, the CoPHD will deny or terminate assistance. In making this determination, the CoPHD will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

#### **H. MISSED APPOINTMENTS AND DEADLINES [24 CFR 982.551, 982.552(a)]**

It is a family obligation to supply information, documentation, and certification as needed for the CoPHD to fulfill its responsibilities. The CoPHD schedules appointments and sets deadlines in order to obtain the required information. The Family Obligations also require that the family allow the CoPHD to conduct an inspection of the unit and appointments are made for this purpose.

An applicant or participant family who fails to keep the final appointment or to supply information required by a deadline may be sent a notice of denial and/or proposed termination of assistance for failure to provide required information, keep scheduled appointments, and/or failure to allow the CoPHD to inspect the unit.

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

1. Eligibility for Admissions.
2. Verification Procedures.
3. Housing Choice Voucher Issuance and Briefings.
4. Housing Quality Standards Inspections.
5. Annual and Interim Re-examinations.
6. Informal Reviews and Hearings.

Acceptable reasons for missing appointments or failing to provide information by deadlines are:

1. Medical Emergency.
2. Family Emergency.

#### **Procedure when Appointments are Missed or Information not Provided**

The family will be given one opportunity before being issued a notice of proposed termination for breach of a family obligation or denial of rental assistance.

The CoPHD may rescind the proposed termination of rental assistance after the notice has been issued if the family provides verifiable proof that the violation has been corrected within the time allowed to request an informal hearing, as long as a history of non-compliance does not exist.

However, the CoPHD will send a warning letter to the family reminding them that failure to abide by the family obligations will be considered a repeat violation and grounds for termination of rental assistance.

#### **I. VOLUNTARY TERMINATION**

Families must provide the CoPHD with written statement of their intent to voluntarily terminate their assistance under the Housing Choice Voucher Program at least 15 days prior to the termination date.

The CoPHD will counsel the family of the ramifications of voluntarily terminating their assistance to ensure that the family is aware of all the consequences. The CoPHD will also contact the property owner to verify if the family is in good standing (i.e. current with rent, lease violations, etc.).

Families will be required to serve the property owner with a proper notice in accordance with the lease if the family plans to vacate the unit. A copy of this notice must be provided to the CoPHD. Failure to serve a proper notice to the property owner is a violation of the Family Obligations regardless if the family plans to voluntarily terminate their assistance.

In the event the family verbally states their intent to voluntarily terminate their assistance, the CoPHD will request the family to submit a written statement within 15 days. Failure to submit the requested statement will be considered a violation of the Family Obligations.

Notices of voluntary termination of rental assistance will not negate program violations. The CoPHD will notify the family in writing of the acceptance of their notice of voluntary termination but the notice will also address the program violations including advising the family that their name will be added to the Enterprises Income Verification System Debts Owed to PHAs and Terminations Report.

The family may rescind their notice as long as the cancellation notice is received by the CoPHD prior to the effective termination date. Family will be required to submit a written statement from the property owner to continue the lease.

The family will be required to re-apply if they require rental assistance in the future. The family will not be able to return to the HCV Program unless the family goes through the open enrollment process. No exceptions will be made.

#### **J. HOUSING OPPORTUNITY THROUGH MODERNIZATION ACT (HOTMA)**

Revisions in this chapter pertaining to denial and termination of assistance will be revised upon receiving guidance from HUD and updates will be included in Chapter 26, Public Housing and Housing Choice Voucher Programs Temporary Compliance Assistance.

## **CHAPTER 16**

### **OWNER DISAPPROVAL AND RESTRICTION**

#### **INTRODUCTION**

It is the policy of the CoPHD to encourage and recruit owners to participate in the HCVP. The CoPHD provides owners with professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the CoPHD. The regulations define when the CoPHD must disallow an owner's participation in the program, as well as provide the CoPHD discretion to disapprove or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval and the various penalties for owner violations.

#### **A. DISAPPROVAL OF OWNER [24 CFR 982.306, 982.54 (d)(8)]**

Nothing in this rule is intended to give any owner any right to participate in the program. For purposes of this section, "owner" includes a principal or other interested party.

The CoPHD will disapprove an owner for the following reasons:

1. HUD or other agency directly related has informed the CoPHD that the owner has been debarred, suspended, or subject to a limited denial of participation under 24-CFR part 2424.
2. HUD has informed the CoPHD that the Federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other Federal equal opportunity requirements and such action is pending.
3. HUD has informed the CoPHD that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other Federal equal opportunity requirements.
4. The owner has violated obligations under a Housing Assistance Payments (HAP) Contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
5. The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
6. The owner has engaged in any drug-related criminal activity or any violent criminal activity.
7. The owner has a history or practice of non-compliance with HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with Project-Based Section 8 Assistance or leased under any other Federal housing program.
8. The owner has not paid State or local real estate taxes, fines or assessments.
9. Property is in foreclosure.
10. 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 engaged in 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 CoPHD, 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.
11. The CoPHD will not approve a unit if the owner and any family member are related. Family members include but are not limited to; the parent, spouse, child, grandparent, grandchild, sister, brother, son, daughter, uncle, aunt, niece, nephew, cousin, related by adoption, related by marriage and domestic partners. The CoPHD may approve the unit if the family requests reasonable accommodation and the CoPHD determines approving the unit will provide reasonable accommodation for a family member who is a person with disabilities.

If the relationship was not initially disclosed to the CoPHD, the total amount of HAP paid from the effective date of the HAP contract must be reimbursed to the CoPHD. The family and owner will be held responsible for the full overpayment to the CoPHD. Additionally, the family will be subject to proposed termination of rental assistance. See Chapters 15 "Denial Or Termination Of Assistance" and Chapter 17 "Property Owner Or Family Debts To The CoPHD" of this Plan.

## **B. OWNER RESTRICTIONS AND PENALTIES [24 CFR 982.453]**

If an owner commits fraud or abuse, or is guilty of frequent or serious contract violations, the CoPHD will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. The CoPHD may also terminate some or all HAP Contracts with the owner.

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

The CoPHD guidelines for restrictions are contained in the table below. The items below are described in HUD regulations. HUD debarments and fair housing violations require terminations, but the other categories of contract breach are discretionary with regard to possible CoPHD remedies. The CoPHD may utilize items such as written warnings, abatements, reductions and/or terminations. In some cases the CoPHD may terminate only the contract(s) which has been violated.

**DISAPPROVAL OF OWNERS/PARTICIPATION RESTRICTIONS**

<b>BREACH</b>	<b>PENALTY</b>
HUD notification of owner debarment/suspension.	Termination
HUD notification of violation of fair housing/Federal equal opportunity.	Termination
Violation of HAP Contract obligations.	Termination
Owner fraud, bribery or other corrupt act in Federal housing program.	Termination
Owner engaged in drug trafficking.	Termination
History of noncompliance with HQS.	Abatement
History of renting units below code requirements.	Abatement
State/local real estate taxes, fines or assessments.	Abatement
Failure to disclose relationship to the tenant	Termination
Property has been foreclosed	Termination
Owner residing in the subsidized unit	Termination/Debarment

**C. OTHER REMEDIES FOR OWNER VIOLATIONS**

**Overpayments**

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

The CoPHD will make every effort to recover any overpayments made as a result of owner fraud or abuse. Payments otherwise due to the owner may be debited in order to repay the CoPHD or the family as applicable.

## **CHAPTER 17**

### **PROPERTY OWNER OR FAMILY DEBTS TO THE CoPHD**

#### **INTRODUCTION**

This Chapter describes the CoPHD's policies for the recovery of monies which have been overpaid for families and owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the CoPHD's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the CoPHD's claim that the debt is owed. The file must further contain written documentation of the method of calculation in a clear format for review by the owner, the family or other interested parties.

When families or owners owe money to the CoPHD, the CoPHD will make every effort to collect all debt owed from the date the overpayment occurred. The CoPHD will use a variety of collection tools to recover debts, including, but not limited to:

1. Abatement
2. Requests for Lump Sum Payment
3. Repayment Agreement
4. Reduction of Housing Assistance Payments
5. Civil Suit
6. Collection Agency
7. Credit Bureau
8. Income Tax Set-Off Program
9. Lien on personal property

#### **A. REVIEW OF OVERPAYMENT OF RENTAL ASSISTANCE BENEFITS**

Once the CoPHD has determined that an overpayment of rental assistance occurred, the CoPHD will notify the family of any amount due and their obligation to reimburse the CoPHD. The family will be provided an opportunity to review the information used by the CoPHD in determining the overpayment. If the family disputes the information used by the CoPHD, the family will have 15 days to submit evidence to support their dispute.

The CoPHD will review the information submitted by the family. The CoPHD will re-evaluate the overpayment calculation and determine whether or not the overpayment amount should be adjusted.

If the family fails to submit their supporting documentation by the established deadline, the original amount of the overpayment will remain the same.

If the family agrees with the original amount, the CoPHD will follow the procedures listed in this Chapter.

#### **B. REPAYMENT AGREEMENT FOR FAMILIES [24 CFR 982.552 (c) v, vi, vii]**

A Repayment Agreement is a document entered into between the CoPHD and a family who owes a debt to the CoPHD. It contains details regarding the nature of the debt, the terms of repayment, any special

provisions of the agreement, and the remedies available to the CoPHD upon default of the agreement.

The City of Pasadena Finance Department will be responsible for collecting amounts owed by the family, for claims paid and for monitoring the repayment.

The minimum amount for which the CoPHD will enter into a Repayment Agreement with a family is \$500. Any amount exceeding \$5,000 shall be paid in full within 90 days of notification. Upon request, the family may be granted up to an additional 90 days extension to pay the amount owed in full. The CoPHD will allow no more than a maximum of 180 days.

The minimum initial payment for any Repayment Agreement is 20% of the beginning balance of the repayment amount.

Families will be provided no more than 30 days from the date of the CoPHD repayment notice to enter into the Repayment Agreement and provide the required initial payment. If the family fails to provide the required initial down payment or refuses to enter into a Repayment Agreement, the family will be proposed for termination of rental assistance.

### **Late Payments**

A payment will be considered to be in arrears if the City of Pasadena Finance Department has not received the payment by the close of the business day on which the payment is due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If a family's Repayment Agreement is in arrears for two months, the Repayment Agreement is in default and the City of Pasadena Finance Department will forward the Repayment Agreement and a monthly written report on all delinquent accounts to the CoPHD.

If the family defaults on the Repayment Agreement, the CoPHD will notify the family in writing of the total amount due. The family will be given a deadline to pay the balance in full. If the total payment is not received, housing assistance on behalf of the family will be proposed for termination.

Families who are no longer on the rental assistance program and are now requesting to make payment on an account that is in default or collection, will be referred to the City's Finance Department to make a payment and/or enter into payment arrangements. Families will not be eligible for program participation until the amount owed is paid in full.

### **Repayment Schedule for Monies Owed to the CoPHD**

<u>Initial Payment Due</u>	<u>Amount Owed</u>	<u>Maximum Term</u>
20% of Total Amount	\$500 - \$2,500	12 months
20% of Total Amount	\$2,501 - \$3,500	24 months
20% of Total Amount	\$3,501 - \$5,000	36 months

The actual terms of the Repayment Agreement (i.e., initial payment, monthly payment and length of repayment term, etc.) will be determined based on CoPHD's repayment policies and procedures.

The CoPHD will not enter into a Repayment Agreement if:

1. The family already has a Repayment Agreement in place.
2. The CoPHD determines that the family committed program fraud other than untimely reporting of increases in income.
3. The family has already paid off a previous repayment agreement.

The family will be required to pay the total overpayment amount in full within 90 days. Failure to pay in full will result in the proposed termination of rental assistance. When the termination of rental assistance becomes final, the case will be referred to the City of Pasadena Finance Department for collection of the total overpayment owed to the CoPHD and the amount will be documented in EIV system.

#### **Guidelines for Repayment Agreements**

The Repayment Agreement will be executed between the CoPHD, head of household and all other adult family members.

Monthly payments may be decreased in cases of an extreme hardship. If the family is not in default of the Repayment Agreement, the family may request a decrease in monthly payments due to extreme hardship with supporting documentation. If the request is approved, the CoPHD may amend the terms of the Repayment Agreement by extending the terms of the Repayment Agreement not to exceed 12 months. If the hardship no longer exists, the original terms of the Repayment Agreement will be re-instated. At the end of the term of the Repayment Agreement the remaining balance of the overpayment must be paid in full.

At any time the family may pay a greater monthly amount than what is stated on the Repayment Agreement. The family may also pay off the entire debt owed at any time during the term of the Repayment Agreement.

#### **Default of Repayment Agreement**

The Repayment Agreement will be in default when:

1. Any installment is not paid in full when due.
2. Two installments are delinquent
3. A repeat violation results in an additional overpayment
4. Failure to abide by the terms of the Repayment Agreement
5. Violation of the Family Obligations

If the CoPHD determines that a Repayment Agreement is in default, the CoPHD will notify family that the outstanding balance is due and payable in full within the established deadline.

The City of Pasadena Finance Department will notify the CoPHD when a Repayment Agreement is in default and provide the CoPHD with the original Repayment Agreement along with the unpaid invoices. If the family is a current participant, the CoPHD will contact the family regarding the delinquent payments. If the CoPHD determines the Repayment Agreement is in default, the CoPHD will notify the family in writing requesting payment in full within the established deadline. The CoPHD may extend the deadline if the family has made a partial payment towards the outstanding balance or made a payment arrangement approved by the CoPHD. The family is required to pay the minimum monthly amount stated in the Repayment Agreement. If the family fails to pay the minimum monthly payment, a missed payment will appear on the account.

The CoPHD will propose the termination of the family's participation if the outstanding balance is not paid in full by the established deadline. The Repayment Agreement will be referred to the City of Pasadena

Collection Department if the family's participation is terminated. The overpayment amount will also be documented in EIV.

Repayment Agreements will automatically be referred to the City of Pasadena Collection Department for a family that is no longer a program participant and who has defaulted on their Repayment Agreement.

### **Additional Monies Owed**

If the family has a Repayment Agreement in place and incurs an additional debt to the CoPHD, the CoPHD will not enter into an additional or amended Repayment Agreement. The current Repayment Agreement will be considered in default and the family will be required to pay all debts in full within 30 days of the date of notification to the family. The family will also be subject to termination of their housing assistance for repeated violation of the Obligations of the Family.

## **C. DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION**

The CoPHD will not offer a Repayment Agreement to a family who is in violation of a Family Obligation if it is determined the family committed fraud.

HUD's definition of program fraud and abuse is a single act or pattern of actions that constitutes false statement(s), omission, or concealment of fact(s), made with the intent to deceive or mislead, in order to obtain rental assistance through fraudulent means.

### **Family Error/Late Reporting**

Families who owe money to the CoPHD due to the family's failure to report increases in income will be required to pay the overpaid rental assistance in accordance with the guidelines in the repayment section of this Chapter.

For cases where a terminated family owes money to the CoPHD and the amount cannot be determined due to the family's failure to submit the requested information or documentation to support the change, the CoPHD will use the HAP paid on their behalf from the date the overpayment occurred. The HAP amount will be documented in EIV for the overpayment. A final EIV update will be done when or if the requested information is received and the overpayment is calculated. If the requested information is not received the overpayment will remain the same in EIV.

### **Program Fraud**

Families that owe money to the CoPHD due to program fraud will be required to pay the total balance due in full within 30 days of notification from the CoPHD. Housing assistance will be proposed for termination for a family who owes money to the CoPHD due to program fraud. The CoPHD will attempt to collect the overpaid rental assistance from the family. If the family fails to pay, the debt will be referred to the City of Pasadena Finance Department and the family will be required to repay the amount in accordance with the appropriate civil collection procedures. If a family owes an amount which equals or exceeds \$5,000 as a result of program fraud, the case may be referred to the Office of the Inspector General for investigation and possible criminal prosecution.

## **D. OWNER DEBTS TO THE CoPHD**

If the CoPHD determines that an owner has retained housing assistance payments the owner is not entitled to, the CoPHD may reclaim the amounts from future housing assistance payments owed the owner for any units under a HAP Contract. If future housing assistance payments are insufficient to reclaim the amounts owed, the CoPHD:

1. Will require the owner to pay the amount in full within 30 days.
2. Will pursue collections through the City of Pasadena Finance Department.
3. Will restrict the owner from future participation.
4. May attach a lien on property through the Office of the City Attorney/City Prosecutor
5. May refer case to the Office of Inspector General for investigation in case of fraud.

**E. PAYMENT COLLECTED**

All payments received must be in the form of a money-order or cashier's check payable to the CoPHD. The process listed below will be followed by staff upon receipt of payment.

- CoPHD staff will prepare a memorandum (memo) to the Finance Department with information and instructions to credit the appropriate account(s).
- CoPHD staff will complete the Cashier's Deposit Log.
- CoPHD staff will scan and email the memo, cashier's check, money-order and Repayment Agreement (if applicable) to the Finance Department/Accounts Receivable.
- CoPHD staff will place original cashier's check, money-order, memo and Repayment Agreement (if applicable) in the money bag which will be stored in a secured location.
- CoPHD staff will hand deliver the money bag to the City of Pasadena Municipal Service's cashier.

**F. WRITING OFF DEBTS**

Debts will be written off if:

1. The debtor was the sole participant and is deceased.

## **CHAPTER 18**

### **COMPLAINTS AND APPEALS**

#### **INTRODUCTION**

The informal review and informal hearing requirements defined in HUD regulations are applicable to applicants and participating families who disagree with an action, decision, or inaction of the CoPHD. Families can exercise their right to an informal hearing, informal review, and/or local preference denial meetings when the family disputes the CoPHD's decision. This Chapter describes the policies, procedures and standards to be used when families disagree with the CoPHD's decision. It is the policy of the CoPHD to ensure that all families have the benefit of all protections due to them under the law, HUD regulations and CoPHD policies.

The CoPHD informal review and informal hearing procedures will be provided to families in their briefing packet. Additional copies of these procedures are available to the families upon request.

#### **A. COMPLAINTS TO THE CoPHD**

The CoPHD will respond to complaints from families, owners, City of Pasadena employees, and members of the general public. All complaints will be documented and referred to the appropriate CoPHD staff. The CoPHD will require that complaints, other than HQS violations, be put in writing. HQS complaints may be reported by telephone.

The CoPHD may refer cases to the HUD Office of Inspector General for further investigation, enforcement of collection of overpaid rental assistance and/or prosecution.

#### **Categories of Complaints**

1. Complaints from families: If a family disagrees with an action or inaction of the CoPHD or owner.
2. Complaints from owners: If an owner disagrees with an action or inaction of the CoPHD or family. All matters between the CoPHD and property owner are stipulated in Housing Assistance Payments (HAP) Contract.
3. Complaints from City of Pasadena staff: If a staff person reports an owner or family either violating or not complying with program rules.
4. Complaints from the general public: Complaints or referrals from persons in the community in regards to the CoPHD, a family or an owner.

The CoPHD will respond to reports of unauthorized persons, violations of the Family Obligations, or any other violations of program rules excluding criminal related activity, and conduct an investigation of the alleged violations. Complaints regarding criminal activity will be referred to the appropriate law enforcement agency. The steps taken will depend upon the nature of the allegations and may include the items listed below.

The following are examples of complaints received and steps that will be taken by the CoPHD to investigate.

### **Unauthorized Persons**

1. Discuss the nature of the complaint with the housing inspector for feedback.
2. Conduct compliance inspection to verify household composition, make inquiry with person(s) present at the assisted unit at the time of the inspection, and take pictures of any applicable evidence.
3. Staff will prepare a report with the results of the compliance inspection.
4. Communicate with the owner, manager and neighbors to gather information about the alleged violation. See Chapter 23 of this Plan, "Steps the CoPHD Will Take to Detect Program Abuse and Fraud".
5. Schedule an appointment with the family to discuss findings of the compliance inspection.
6. Request documentation from the family if they confirm that the unauthorized person(s) resides in the unit.
7. Request documentation from the family pertaining to the unauthorized person(s) place of residence if the family denies that unauthorized person(s) resides in the assisted unit. See Chapter 7 of this Plan, "Verification Procedures" for documentation to be submitted by the family.
8. Utilize all available resources (i.e., internet, law enforcement agencies, etc.) as part of the investigation process.
9. Review and evaluate all information gathered during the course of the investigation.
10. Make a decision and prepare letter to the family regarding the results of the investigation or action to be taken.

### **Unreported Income from Business Conducted in the Assisted Unit**

1. Discuss the nature of the complaint with the housing inspector for feedback.
2. Conduct compliance inspection to verify if business is being conducted in the assisted unit, make inquiry with person(s) present at the assisted unit at the time of the inspection, and take pictures of applicable evidence.
3. Staff will prepare report with the results of the compliance inspection.
4. Communicate with the owner, manager and neighbors to gather information about the alleged violation. See Chapter 23 of this Plan, "Steps the CoPHD Will Take to Detect Program Abuse and Fraud".
5. Contact the City of Pasadena Business License Division to see if a Business License exists.
6. Schedule an appointment with the family to discuss the findings of the compliance inspection.
7. Request documentation from the family if the CoPHD confirms the family is conducting business in the assisted unit.
8. Utilize all available resources (i.e., internet, State Board of Equalization, IRS, etc.) as part of the investigation process.

9. Review and evaluate all information gathered during the course of the investigation.
10. Make a decision and prepare letter to the family regarding the results of the investigation or action to be taken-

#### **Unreported Income**

1. Review complaint and determine if further action is required.
2. If no action required, file will be documented.

If further action is required, the following steps will be taken:

1. View EIV report.
2. Schedule an appointment with the family to discuss the complaint.
3. Request documentation from the family regarding the unreported income if the family confirms the unreported income.
4. Request third party verifications.
5. Review and evaluate all information gathered during the course of the investigation.
6. Make a decision and prepare letter to the family regarding the results of the investigation or action to be taken.

#### **Complaints of Drug and Criminal Activity**

1. Contact the City of Pasadena Police Department for possible criminal/drug activity taking place in the assisted unit.
  - Request a Criminal Background Screening for household members involved in investigation from the Pasadena Police Department.
2. Access the Los Angeles County Sheriff's Department (LACSD), the California Department of Corrections and Rehabilitation (CDCR), and the Federal Bureau of Prisons websites for possible arrests.
3. Schedule an appointment with the family to discuss the complaint.
4. Request documentation from the family (i.e. police reports, court documents, etc.).
5. Review and evaluate all information gathered during the course of the investigation.
6. Prepare a letter to the family regarding the results of the investigation or action to be taken.

#### **Delinquency of Tenant Rent to Owner: Notice to Pay Rent or Quit**

1. Request for the family to submit written statement from the property owner confirming delinquent rent has been paid.-
2. The family will be advised of possible termination of rental assistance if evicted for non-payment of rent.

### **Special Inspection Due to HQS Violations**

A special inspection will be conducted, see Chapter 10 of this Plan, "Special Inspections". In addition, investigation of participating families will be initiated under specific circumstances, see Chapter 23 of this Plan, "Criteria for Investigation of Suspected Abuse and Fraud".

The following steps will be taken for tenant related deficiencies:

1. Prepare and mail notification to the family and owner regarding the results of special inspection.
2. Schedule an appointment with the family for counseling.

The following steps will be taken for owner related deficiencies:

1. Prepare and mail notification to the family and owner regarding the results of special inspection.

### **B. INFORMAL REVIEW FOR APPLICANT [24 CFR 982.54(d)(12), 24 CFR 982.554, 982.555]**

Informal reviews are provided for applicants who are denied admission to the program. When the CoPHD determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

1. A brief statement of reasons for the CoPHD decision;
2. The procedure for requesting an informal review if the applicant does not agree with the CoPHD decision; and
3. The deadline to request an informal review.

The CoPHD must give applicants an opportunity for an informal review of the CoPHD decision denying assistance to the applicant.

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

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

Decisions related to restrictions on assistance to non-citizens always requires an informal hearing, regardless of whether the family is an applicant or a participant. The informal hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24 CFR Part 5.

When a request for an informal review is not received by the deadline, the CoPHD will not provide an applicant an informal review.

### **C. CoPHD INFORMAL REVIEW FOR APPLICANT PROCEDURES**

A request for an informal review must be received by the CoPHD, in writing, no later than 15 days from the date of the CoPHD's notification of denial of assistance. The informal review will be scheduled within 30 days from the date the request is received.

The informal review may be conducted by any person or persons designated by the CoPHD, other than a person who made or approved the decision under review or subordinate of this person.

The applicant will be given the opportunity to present oral or written objections to the CoPHD's decision.

The CoPHD may verify the evidence submitted at the informal review by the applicant specifically related to the CoPHD's reason(s) for denial before a decision of the informal review is made.

The CoPHD will inform the applicant, in writing, of the final decision within 30 days after the informal review, including a brief statement of the reasons for the final decision.

### **D. CoPHD LOCAL PREFERENCE DENIALS**

When the CoPHD denies a local preference, the applicant family will be notified in writing of the specific reason for the denial, and offered the opportunity for an informal review with CoPHD staff to discuss the reason(s) for the denial and to dispute the CoPHD's decision.

Changes reported in family circumstances which affect the preferences after the CoPHD has made its determination will not have any bearing on the CoPHD's original decision for denial of preference. However, the applicant record will be updated to reflect the updated preference(s).

The CoPHD will inform the applicant family, in writing, of the final decision within 30 days after the informal review, including a brief statement of the reasons for the final decision.

### **E. INFORMAL HEARING FOR PARTICIPANT [24 CFR 982.555, 982.54(d)(13)]**

The CoPHD must give a participant family an opportunity for an informal hearing to consider whether the following CoPHD decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and CoPHD 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) used for tenant-paid utilities from the CoPHD utility allowance schedule.
3. A determination of the family unit size under CoPHD subsidy standards.
4. A determination to terminate assistance for a participant family because of the family's action or failure to act (see 24 CFR 982.552).
5. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under CoPHD policy and HUD rules.

The CoPHD must give the family an opportunity for an informal hearing before the CoPHD terminates

housing assistance payments for the family under an outstanding HAP Contract.

When the CoPHD makes a decision regarding eligibility and/or the amount of assistance, the participant family must be notified in writing. The CoPHD will give the participant family prompt notice of such determinations, which may include:

1. The proposed action or decision of the CoPHD;
2. The date the proposed action or decision will take place;
3. The family's right to an explanation of the basis for the CoPHD's decision;
4. The procedures for requesting an informal hearing if the family disputes the action or decision;
5. The deadline for the family to request an informal hearing;
6. The name of the person to whom the informal hearing request should be addressed to; and

The CoPHD 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 CoPHD.
2. General policy issues or class grievances.
3. Establishment of the CoPHD schedule of utility allowances for families on the program.
4. A CoPHD determination not to approve an extension or suspension of a voucher term.
5. A CoPHD determination not to approve a unit or tenancy.
6. A CoPHD determination that an assisted unit is not in compliance with HQS. However, the CoPHD must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of HQS caused by the family as described in 24 CFR 982.551(C).
7. A CoPHD determination that the unit is not in accordance with HQS because of the family size.
8. A determination by the CoPHD to exercise or not exercise any right or remedy against the owner under a HAP Contract.

Property owners are not entitled to an informal hearing. All matters between the CoPHD and the property owner are stipulated in the Housing Assistance Payments Contract (CoPHD), see Housing Assistance Payments Contract Part B, Body of Contract.

### **Notification of Hearing**

Upon receipt of the request for an informal hearing, the CoPHD will notify the participant family within 15 days, in writing, of the scheduled informal hearing. The notice will include:

1. The date and time of the informal hearing.
2. The location where the informal hearing will be held.
3. The family's right to present evidence, witnesses, legal or other representation at the family's expense. The family must notify in writing the CoPHD within 15 days from the date of the

notification of their decision to have legal representation.

4. The family's right to examine before the CoPHD hearing any CoPHD documents that are directly relevant to the hearing. The family is allowed to copy any such document at the family's expense. If the CoPHD does not make the document available for examination on the request of the family, the CoPHD may not rely on the document at the hearing. Such documents or evidence must be available to or received by the family no later than 10 days before the informal hearing date.
5. The right by the CoPHD to examine at the CoPHD's office, before the informal hearing, any family documents that are directly relevant to the hearing. The CoPHD must be allowed to copy any such document at the CoPHD's expense. If the family does not make the document available for examination on request of the CoPHD, the family may not rely on the document at the informal hearing. Such documents or evidence must be received by the CoPHD no later than 10 days before the informal hearing date.
6. Limited English proficient (LEP) and hearing impaired families may request the CoPHD's assistance in obtaining an interpreter. However, the family must submit this request to the CoPHD at the time the informal hearing is requested.

### **CoPHD Informal Hearing Procedures**

A request for an informal hearing must be received by the CoPHD, in writing, no later than 15 days from the date of the CoPHD's notification of termination of assistance. The CoPHD will notify the family within 15 days from the date the request was received of the scheduled informal hearing.

When the request for an informal hearing is not received by the deadline, the CoPHD will not provide a participant family an informal hearing and the CoPHD decision becomes final.

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

The informal hearing will be canceled by the CoPHD if the family is not present 15 minutes after the informal hearing scheduled time. The CoPHD may schedule a final hearing only if the family can provide documentation supporting "good cause" for not attending the informal hearing within 48 hours, excluding weekends and holidays. If a participant family does not appear at a scheduled informal hearing and has not rescheduled the hearing in advance. No other hearing will be scheduled and the CoPHD's decision to terminate will stand.

If a second informal hearing is scheduled based on good cause, the family will be notified in writing with the same conditions indicated on the first notification. However, if the participant is not present 15 minutes after the informal hearing scheduled time, the CoPHD will proceed with the informal hearing.

Families have the right to:

1. Present written or oral objections to the CoPHD's determination.
2. Examine the documents in the file which are directly relevant to the basis for the CoPHD's action, and all documents submitted to the hearing officer.
3. Copy any relevant documents at their expense.

4. Present any information or witnesses pertinent to the issue of the informal hearing.
5. Request that CoPHD staff be available or present at the informal hearing to answer questions pertinent to the case; and
6. Be represented by legal counsel, advocate, or other designated representative at their own expense. The family must inform the CoPHD in writing of who will be representing them at the informal hearing.

If the family requests copies of documents relevant to the hearing, the CoPHD will make the copies for the family and assess a charge of \$.15 per copy, or the City's current copy rate. In no case will the family or their representative be allowed to remove the file from the CoPHD office or allowed access to the file without CoPHD personnel being present.

In addition to other rights contained in this Chapter, the CoPHD has a right to:

1. Present evidence and any information pertinent to the issue of the informal hearing.
2. Be notified if the family intends to be represented by legal counsel, advocate, or another party.
3. Examine and copy any documents to be used by the family prior to the hearing.
4. Have its attorney present.
5. Have staff persons and other witnesses familiar with the case present.
6. Has the right to record Informal Hearings.

The informal hearing may be conducted by any person or persons designated by the CoPHD, other than a person who made or approved the decision under review or a subordinate of this person. The CoPHD appoints hearing officers who are knowledgeable of the Rental Assistance Programs and experienced in dispute resolution, mediation and arbitration.

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

No documents may be presented which have not been provided to the other party before the hearing, if requested by the other party. "Documents" includes records and regulations.

The hearing officer may ask the family for additional information and/or adjourn the hearing in order to reconvene at a later date before reaching a decision. The submission of additional information may not exceed 15 days from the date of the informal hearing.

If the family misses an appointment or deadline established by the hearing officer, the decision of the CoPHD shall become final and another informal hearing will not be granted.

The hearing officer will determine whether the action, inaction, or decision of the CoPHD is in accordance with HUD regulations and this Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the informal hearing.

A notice of the decision made by the hearing officer will be provided, in writing, to the CoPHD within 30 days of the informal hearing and shall include:

1. A clear summary of the decision and reason(s) for the decision; and
2. If the decision involves money owed.

The CoPHD is not bound by the hearing officer's decision which:

1. Concern matters in which the CoPHD is not required to provide an opportunity for an informal hearing, or that otherwise exceeds the authority of the person conducting the hearing under the CoPHD hearing procedures.
2. Conflict with or contradict HUD regulations or requirements, or otherwise contradict Federal, State, or local law.

The CoPHD will notify the family, in writing, within 15 working days of receipt of the hearing officer's decision. A copy of the hearing officer's decision will be provided to the family. If the CoPHD determines that it is not bound by the hearing officer's decision, the CoPHD will notify the family of the determination and of the reasons for the determination.

**F. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS" [24 CFR, Part 5, Subpart E]**

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the U.S. Department of Homeland Security appeal.

Assistance to a family may not be terminated or denied while the CoPHD informal hearing is pending, but assistance to an applicant may be delayed pending the CoPHD review.

**U.S. Department of Homeland Security Determination of Ineligibility**

If a family member claims to be an eligible immigrant, and the U.S. Department of Homeland Security Systematic Alien Verification for Entitlements (SAVE) system and manual search do not verify the claim, the CoPHD notifies the applicant or participant, within 10 days in writing, of their right to appeal to the U.S. Department of Homeland Security within 30 days or to request an informal hearing with the CoPHD, either in lieu of or subsequent to the U.S. Department of Homeland Security appeal.

If the family appeals to the U.S. Department of Homeland Security, they must give the CoPHD a copy of the appeal and proof of mailing or the CoPHD may proceed to deny or terminate. The time period to request an appeal may be extended by the CoPHD for "good cause."

The request for a CoPHD informal hearing must be made within 15 days of receipt of the notice offering the informal hearing or, if an appeal was made to the U.S. Department of Homeland Security, within 15 days of receipt of that notice.

After receipt of a request for an informal hearing, the informal hearing is conducted as described in Section E of this Chapter, "Informal Hearing Procedures" for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members, the CoPHD will:

1. Deny the applicant family.
2. Defer termination if the family is a participant and qualifies for deferral.
3. Terminate the participant if the family does not qualify for deferral.

If there are eligible members in the family, the CoPHD will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizenship/immigration status:

1. If any family member fails to provide documentation or certification as required by the regulations, that member is treated as ineligible. If all family members fail to provide documentation or certification, the family will be denied or terminated for failure to provide documentation or certification.
2. Participants whose termination is carried out after temporary deferral may not request an informal hearing since they had an opportunity for a hearing prior to the termination.
3. Participants whose assistance is pro-rated (either based on their statement that some members are ineligible, or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to an informal hearing based on the right to a hearing regarding determinations of tenant rent and total tenant payment.
4. Families denied or terminated for fraud in connection with the non-citizens rule are entitled to an informal review or informal hearing in the same way as terminations for any other type of fraud.

**G. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES**

When applicants are denied placement on the waiting list or the CoPHD is terminating assistance for a participant family, the CoPHD 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.

## CHAPTER 19

### PROJECT-BASED VOUCHER PROGRAM

#### **INTRODUCTION**

The CoPHD elected to provide rental assistance under the Project Based Voucher Program (PBVP) to encourage property owners of existing housing, newly constructed housing or rehabilitated housing to make these properties available to low-income families at rents within the HCVP Payments Standards as of November 1, 2003. This will ensure that the City maintains an affordable rental housing stock that is at risk of becoming unaffordable for low-income families. The PBVP provided by the CoPHD may be used only for units within the City of Pasadena.

The provision of assistance that is attached to units as project-based assistance is different in its application than that of tenant-based assistance typically provided by the HCVP. Under project-based assistance, the CoPHD enters into a HAP Contract with the owner to make housing assistance payments during the contract term for a specific unit(s) that is leased and occupied by an eligible family.

The CoPHD PBV program is funded with a portion of appropriated funding (budget authority) available under the CoPHD's voucher annual contributions contract (ACC). The CoPHD may provide up to 20% ACC and an additional 10% for homeless families, families with veterans, supportive housing for persons with disabilities or elderly persons, or in areas where vouchers are difficult to use. However, only 25% of the units in a project or 25 units in a project, whichever is greater, may be project based with the exception of single-family dwellings and "excepted units or housing exemption" in a multifamily building.

"Excepted Units or Housing Exemption" means units in a multifamily building that are specifically made available for qualifying families who are elderly, disabled, or a family receiving supportive services. There is no special or additional funding for project based vouchers and HUD does not reserve additional units for project based vouchers. The CoPHD has the discretion whether to operate a project-based voucher program.

#### **HOUSING OPPORTUNITY THROUGH MODERNIZATION ACT (HOTMA)**

The CoPHD will make a decision regarding implementation of HOTMA provisions for this chapter upon HUD's issuance of Notice or Regulation as referenced in Chapter 26.

#### **A. HUD SUBMISSION**

The CoPHD may attach voucher assistance to PBV units in accordance with 24 CFR 983 if:

1. The number of units to be project-based does not exceed the applicable percent limit or number.
2. The number of units to become project-based is not under a tenant-based or project-based HAP Contract or otherwise committed (e.g., vouchers issued to families searching for housing or units under an Agreement).

Before implementing PBVP, the CoPHD must submit the following information to the HUD field office for review:

1. The total number of units for which the CoPHD is requesting approval to attach assistance.
2. The number of budgeted voucher units.

3. The number of voucher units available to be project-based; e.g., the number of budgeted voucher units that are not under a tenant-based or project-based HAP Contract or otherwise committed (e.g., vouchers issued to families searching for housing or units under an Agreement).

The CoPHD must ensure that the amount of assistance that is attached to units is within the amounts available under the ACC.

**B. OWNER APPLICATION SUBMISSION [24 CFR 983.51]**

1. The CoPHD has adopted a written policy establishing competitive procedures for owners' submission of applications. This written policy identifies and specifies the weight to be given to the factors that will be used to rank and select applications. These factors are as follows:

Experience/Administrative Capacity:	20 Points
Need:	20 Points
Mixed Income:	20 Points
Financial/Marketability:	20 Points
Community Impact:	15 Points
Equal Opportunity Employment Practices:	5 Points

2. The CoPHD will select units to which assistance is to be attached. These units must be selected in accordance with the CoPHD's selection policy and 24 CFR 983.51.
3. The CoPHD will advertise in a newspaper of general circulation that the CoPHD will accept applications for assistance under the PBVP for specific projects. The advertisement must be approved by the HUD field office and may not be published until after HUD's authorization to implement a PBVP or ACC execution.

The advertisement must: be published once a week for two to three consecutive weeks; specify an application deadline of at least 30 days after the date the advertisement is last published; specify the number of units the CoPHD estimates it will be able to assist under the funding the CoPHD is making available for this purpose; and state that only applications submitted in response to the advertisement will be considered.

4. The owner's application submittal must contain the following:
  - a. A description of the housing to be constructed or rehabilitated, including the number of units by size (square footage), bedroom count, bathroom count, sketches of the proposed new construction or rehabilitation, unit plans, listing of amenities and services, and estimated date of completion. For rehabilitation, the description must describe the property as is and must also describe the proposed rehabilitation.
  - b. Evidence of site control, and for new construction identification and description of the proposed site, site plan and neighborhood.
  - c. Evidence that the proposed new construction or rehabilitation is permitted by current zoning ordinances or regulations, if applicable.
  - d. Evidence to indicate that the needed re-zoning is likely and will not delay the project, if applicable.
  - e. The proposed contract rent per unit, including an indication of which utilities, services, and

equipment are included in the rent. For those utilities that are not included in the rent, an estimate of the average monthly cost for each unit type for the first year of occupancy.

f. A statement identifying:

1. The number of persons (families, individuals, businesses and nonprofit organizations) occupying the property on the date of submission of the application.
2. The number of persons to be displaced, temporarily relocated or moved permanently within the building or complex.
3. The estimated cost of relocation payments and services, and the sources of funding.
4. The organization(s) that will carry out the relocation activities.
5. The identity of the owner, project principals, names of officers, principal members, shareholders, investors and other parties having substantial interest. Certification showing that the above-mentioned parties are not on the U.S. General Services Administration list of parties excluded from Federal procurement and nonprocurement programs; a disclosure of any possible conflict of interest by any of these parties that would be a violation of the Agreement or the HAP Contract; and information on the qualifications and experience of the principal participants. Information concerning any participant who is not known at the time of the owner's submission must be provided to the CoPHD as soon as the participant is known.
6. The owner's plan for managing and maintaining the units.
7. Evidence of financing or lender interest and the proposed terms of financing.
8. The proposed term of the HAP Contract; and
9. Any other information the CoPHD believes necessary.

The CoPHD has five PBVP HAP Contracts with the following locations:

1. Centennial Place Apartments - 142 units.
2. Orange Grove Gardens Apartments - 9 units.
3. Hudson Oaks Apartments - 44 units.
4. Marv's Place – 19 units.
5. Heritage Square Apartments – 69 units.

**C. ELIGIBLE AND INELIGIBLE PROPERTIES [24 CFR 983.9 & 983.53]**

Newly constructed and existing structures of various types may be appropriate for attaching assistance to the units under 24 CFR 983, including single-family housing and multi-family housing. Eligible housing under 24 CFR 982.352 does not apply.

The CoPHD may not attach or pay PBVP assistance in the following types of housing:

1. Housing for which the construction is started before Agreement execution.
2. Housing for which the rehabilitation is started before Agreement execution.

3. Shared housing, nursing homes, and facilities providing continual psychiatric, medical, nursing services, board and care or intermediate care.
4. Units within the grounds of penal, reformatory, medical, mental, or similar public or private institutions.
5. Housing located in an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards.
6. College or other school dormitories.
7. Units owned or controlled by an educational institution or its affiliate and are designated for occupancy by students of the institution.
8. Manufactured homes.
9. Cooperative housing.
10. Transitional housing.
11. Units occupied by the owner.

The CoPHD may not attach or pay PBVP assistance to any of the following types of subsidized housing:

1. Public housing dwelling unit;
2. A unit subsidized by any other form of Section 8 assistance (tenant-based or project based);
3. A unit subsidized with any governmental rent subsidy (a subsidy that pays all or any part of the rent);
4. A unit subsidized with any government subsidy that covers all or any part of the operating costs of the housing;
5. A section 236 project (insured or noninsured) or a unit subsidized with Section 236 rental assistance payments;
6. A unit subsidized with rental assistance payments under Section 521 of the Housing Act of 1949 (a Rural Housing Services Program);
7. A Section 202 project for non-elderly persons with disabilities (assistance under Section 162 of the Housing and Community Development Act of 1987);
8. Section 202 supportive housing for the elderly;
9. Section 811 supportive housing for persons with disabilities;
10. A Section 101 rent supplement project;
11. A unit subsidized with tenant-based assistance (as defined at 24 CFR 982.1(b)(2)) (e.g. Home Program); or
12. Any unit with any other duplicative Federal, State, or local housing subsidy as determined by HUD. For this purpose, "housing subsidy" does not include the housing component of a welfare payment, a Social Security payment received by the family, or a rent reduction because

**D. SPECIAL HOUSING TYPES [24 CFR 983.9]**

In the PBVP, the CoPHD will not provide assistance for shared housing, cooperative housing, manufactured homes space rental, or the homeownership option.

A group home may include one or more group home units. A separate lease is executed for each elderly person or person with disabilities who resides in a group home.

Four of the PBVP HAP Contracts have "Excepted Units or Housing Exemption":

1. Centennial Place Apartments - 142 units (Homeless persons with available supportive services)
2. Hudson Oaks Apartments - 44 units (Intended for and solely occupied by persons 62 years of age or older)
3. Mar Vista Union – 19 units (Homeless families with available supportive services)
4. Heritage Square Apartments – 69 units (Intended and operated for occupancy by persons 55 years of age or older)

**E. DECONCENTRATION OF POVERTY AND EXPANSION OF HOUSING AND ECONOMIC OPPORTUNITIES**

In accordance with HUD requirements, all PBVP HAP Contracts or assistance agreements must be for units located in census tracts with poverty rates of less than 20%, unless HUD specifically approves an exception.

Activities under the PBVP are subject to HUD environmental regulations in 24 CFR 50 and 58.

**F. AGREEMENT & SECTION 8 PROJECT BASED VOUCHER HOUSING ASSISTANCE PAYMENTS CONTRACT [24 CFR 983.202, 983.203, 983.204, & 983.205]**

The CoPHD must enter into an Agreement with the owner. The owner agrees to develop the contract units to comply with the HQS, and the CoPHD agrees that upon timely completion of such development in accordance with the terms of the Agreement, the CoPHD will enter into a HAP Contract with the owner for the approved number of units.

The Agreement will be canceled if the HAP Contract is not executed within 120 days of notification of completion.

The CoPHD must enter into a HAP Contract with the owner stating the terms and conditions of the PBVP project. The initial HAP Contract term for existing housing may not be less than one year nor more than ten years. The initial HAP Contract term for new construction or rehabilitated housing may not be less than one year nor more than 20 years. The CoPHD has sole discretion to determine the initial term of the HAP Contract with these limits.

Within one year before expiration of the HAP Contract, the CoPHD may agree to extend the term of the HAP Contract for existing housing for an additional term up to 20 years for new construction or rehabilitated housing if the CoPHD determines an extension is appropriate to continue to provide affordable housing for low-income families. HAP Contracts maybe renewed for terms for an aggregate total of 40 years, subject to the availability of appropriated funds.

At the sole option of the CoPHD, the CoPHD may renew expiring HAP Contracts for such period or periods as the HUD field office determines appropriate to achieve long term affordability of assisted housing. The CoPHD must identify the funding source for renewals; different funding sources may be used for the initial term and review terms of the HAP Contract.

The HAP Contract must provide that the term of the CoPHD contractual commitment is subject to the

availability of sufficient appropriated funding (budget authority) as determined by HUD or by the CoPHD in accordance with HUD instructions. If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP contract, the CoPHD has the right to terminate the HAP contract by notice to the owner for all or any of the contract units.

Once the CoPHD has received owner notification that the construction or rehabilitation has been completed, the owner must submit at minimum the following evidence of completion to the Housing Department:

1. Owner certification that the work has been completed in accordance with the HQS and all requirements of the Agreement; and
2. Owner certification that the owner has complied with labor standards and equal opportunity requirements in the development of the housing.

At the CoPHD discretion, the Agreement may specify additional documentation that must be submitted by the owner as evidence of housing completion.

1. Certificate of Occupancy; and
2. An architect's certification that the housing complies with HQS, State, local and/or other building codes

After the Housing Department has receive owner notice, the CoPHD must inspect the building to determine if the housing has been completed in accordance with the Agreement, including compliance with the HQS and any additional requirements imposed by the CoPHD under the Agreement. If the work has not been completed in accordance with the Agreement, the CoPHD must not enter into the HAP Contract.

The CoPHD must execute the HAP Contract if the CoPHD accepts the unit(s). The effective date of the HAP Contract may not be earlier than the date of the CoPHD inspection and acceptance of the unit(s).

After commencement of the HAP Contract term, the CoPHD must make monthly housing assistance payments for each unit occupied under lease by an eligible family.

At the discretion of the CoPHD and subject to all PBVP requirements, the HAP contract may be amended to substitute a different unit with the same number of bedrooms in the same building for previously covered contract unit. Prior to such substitution, the CoPHD must inspect the proposed substitute unit and must determine the reasonable rent.

The Quality Housing and Work Responsibility Act of 1998 (QHWRA) requires owners to provide not less than one-year written notice to tenants and HUD of expiration or termination of the Contract.

#### **G. REDUCTION OF UNITS**

Owners must lease all assisted units under a HAP Contract to eligible families. Leasing of vacant, assisted units to ineligible tenants is a violation of the HAP Contract and grounds for all available legal remedies, including suspension or debarment from the HUD program and reduction of the number of units under the HAP Contract. Once the CoPHD determines that a violation exists, the CoPHD must notify the HUD field office of its determination and the suggested remedies. At the direction of the HUD field office, the CoPHD must take the appropriate action.

If at any time beginning 180 calendar days after the effective date of the HAP Contract, the owner fails to have the assisted units leased to families receiving housing assistance or to families who were eligible when they initially leased the unit, but are no longer receiving housing assistance, the CoPHD may, on at least a 30 calendar days notice, reduce the number of units covered by the HAP Contract. The CoPHD

may reduce the number of units actually leased or available for leasing by eligible families, plus 10

percent (round up).

If the owner has only one unit under a HAP Contract, and if one year has elapsed since the date of the last housing assistance payment, the HAP Contract may be terminated with the consent of the owner.

The CoPHD will agree to an amendment of the HAP Contract to provide for subsequent restoration of any reduction made pursuant to the above mentioned paragraph of this section, if:

1. The CoPHD determines that the restoration is justified by demand.
2. The owner otherwise has a record of compliance with obligations under the HAP Contract; and
3. Contract authority is available.

#### **H. RESPONSIBILITIES OF THE CoPHD [24 CFR 983.201]**

The CoPHD must:

1. Inspect the project before, during, and upon completion of new construction or rehabilitation; and
2. Ensure that the amount of assistance that is attached to units is within the amounts available under the ACC.

#### **I. RESPONSIBILITIES OF THE OWNER [24 CFR 983.208 & 24 CFR 982.452]**

The owner is responsible for performing all of the owner responsibilities under the Agreement and the HAP Contract, providing the CoPHD with a copy of any termination of tenancy notification, and offering vacant, accessible units to a family with one or more members with a disability requiring accessibility features of the vacant unit and occupying an assisted unit not having such features.

#### **J. FAMILY PARTICIPATION [24 CFR 983.251]**

The CoPHD may select families who are participants in the CoPHD's tenant-based voucher program. The CoPHD will use the tenant-based assistance waiting list for its

PBVP, pursuant to 24 CFR 982.201, 982.202 except paragraph (b)(c), 982.203, 982.204 except paragraph (a)(b), 982.205 except paragraph (a), 982.206 and 982.207. When the owner notifies the CoPHD of vacancies in the PBVP units, the CoPHD will refer one or more families of the appropriate size from its waiting list. A family that refuses an offer of a PBVP unit will keep its place on the tenant-based waiting list. The owner must rent all vacant PBVP units to eligible families referred by the CoPHD. The CoPHD will determine eligibility of any family referred for a PBVP unit.

Before the CoPHD selects a specific unit to which assistance is to be attached, the CoPHD must determine whether the unit is occupied, and if so, whether the occupants are eligible for assistance. If the unit is occupied by an eligible family (including a single person) and the CoPHD selects the unit, the family must be given the opportunity to

lease that unit or another appropriately sized, project-based unit in the project without requiring that the family be placed on the waiting list. The CoPHD may not enter into an agreement to provide project-based assistance to a unit whose occupants are not eligible to participate in the program.

If the CoPHD does not refer a sufficient number of interested families on the CoPHD's waiting list to the owner within 30 days of the owner's notification to the CoPHD of a vacancy, the owner may advertise for or solicit applications from eligible, very low-income families. The owner must refer these families to the

CoPHD to determine eligibility. The CoPHD and/or owner may also partner with other agencies for referrals for project based units.

The owner is responsible for screening and selection of tenants. The owner must adopt written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income households and with a family's ability to perform the lease obligations. The owner must promptly notify any rejected family in writing of the grounds for that rejection.

In order for a family to be eligible for participation under the PBVP, the family must meet the eligibility criteria outlined in Chapter 2 of this Plan, "Eligibility for Admission" and the family's annual income may not exceed the applicable income limit as set by HUD.

A family becomes a participant when the family and owner execute a lease for a unit with project-based assistance.

If the HAP Contract for the unit expires or if the CoPHD terminates the HAP Contract for the unit:

1. The CoPHD must issue the assisted family in occupancy of a unit a HCV for assistance under the CoPHD's voucher program, unless the CoPHD has determined that it does not have sufficient funds for continued assistance for the family, or unless the CoPHD denies issuance of a HCV in accordance with 24 CFR 982.552.
2. If the unit is not occupied by an assisted family, then the available funds under the ACC that were previously committed for support of this project-based assistance for the unit must be used for the CoPHD's tenant-based voucher program.

#### **K. BRIEFING SESSIONS FOR PBVP PARTICIPANTS [24 CFR 983.252]**

Briefing sessions will be held for families who have been selected to occupy a project-based unit. The briefing session will provide the family with the following:

1. Information regarding the tenant rent and any applicable utility allowance.
2. A copy of the Lead-Based Paint information pamphlet.
3. Family and owner responsibilities under the lease and HAP Contract.
4. Information on Federal, State, and local equal opportunity laws.
5. The fact that the subsidy is tied to the unit, that the family must occupy a unit under the program, that a family that moves from the unit does not have any right to continued assistance.
6. The likelihood of the family receiving a HCV after the HAP Contract expires.
7. The family's options under the program if the family is required to move because of a change in family size or composition; and
8. Information on the CoPHD's procedures for conducting informal hearings for participants, including a description of the circumstances in which the CoPHD is required to provide the opportunity for an informal hearing, in accordance with 24 CFR 982.555, and the procedures for requesting a hearing (see Chapter 18 of this Plan).

#### **L. PHYSICAL CONDITION STANDARDS & PHYSICAL INSPECTION REQUIREMENTS**

Housing used in the PBVP must be maintained and inspected in accordance with the requirements in 24

CFR 5, subpart G prior to the HAP Contract execution. In addition to the standards in 24 CFR 5, subpart G, the dwelling unit must have a living room, a kitchen area, and a bathroom. The dwelling unit must have at least one bedroom or living/sleeping room for each two persons.

The Lead-Based Paint Poisoning Prevention Act and implementing regulations at 24 CFR 35, subparts A, B, H, and R of this title apply to units assisted under this part.

The dwelling unit must be inspected and must pass HQS prior to the execution of the Lease.

**M. MAINTENANCE, OPERATION AND INSPECTION [24 CFR 983.207]**

The following sections do not apply to the PBVP:

1. 24 CFR 982.404 Maintenance: Owner and family responsibility; PHA remedies.
2. 24 CFR 982.405: PHA periodic unit inspections and enforcement of HQS.

The owner must provide all the services, maintenance and utilities as agreed under the HAP Contract, subject to abatement of housing assistance payments or other applicable remedies if the owner fails to meet these obligations.

In addition to the inspections required prior to execution of the HAP Contract, the CoPHD must inspect or cause to be inspected each dwelling unit under a HAP Contract at least annually, and at such other times as may be necessary to ensure that the owner is meeting the obligations to maintain the unit in decent, safe, and sanitary conditions and to provide the agreed upon utilities and other services. The CoPHD must take into account complaints and any other information coming to its attention in scheduling inspections.

If the CoPHD notifies the owner that the units under HAP Contracts are not being maintained in decent, safe, and sanitary conditions and the owner fails to take corrective action within the time prescribed in the notice, the CoPHD may exercise any of its rights or remedies under the HAP Contract, including abatement of housing assistance payments, even if the family continues in occupancy, or the termination of the HAP Contract and termination of assistance to the family, in accordance with 24 CFR 982.552.

**N. OVERCROWDED, UNDEROCCUPIED, AND ACCESSIBLE UNITS [24 CFR 983.259]**

If the CoPHD determines that a family is occupying the wrong sized unit or the unit with accessibility features that the family does not require, and the unit is needed by a family that requires the accessibility features, the CoPHD must promptly notify the family and the owner of this determination, and of the CoPHD offer of continued assistance in another unit. If the CoPHD's subsidy standards changed after the family moved into the unit and the family has had not a change in family composition, the family will not be considered in the wrong sized unit.

The owner must offer the family a suitable alternative unit if one is available and the family shall be required to move. If the owner does not have a suitable unit available within the family's ability to pay the rent, the CoPHD (if it has sufficient funding) may offer tenant-based assistance to the family or otherwise assist the family in locating other standard housing in the CoPHD's jurisdiction within the family's ability to pay, and require the family to move to such a unit.

If the CoPHD offers the family the opportunity to receive tenant-based rental assistance under the voucher program, the CoPHD must terminate the housing assistance payments for a wrong-sized or accessible unit at expiration of the term of the family's voucher (including any extension granted by the PHA).

If the CoPHD offers the family the opportunity for another form of continued housing assistance in

accordance with 983.259(b)(2) (not in the tenant-based voucher program), the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by the CoPHD, or both, the CoPHD must terminate the housing assistance payments for the wrong-sized or accessible unit, at the expiration of the reasonable period that was determined by the CoPHD

**O. ASSISTED TENANCY AND TERMINATION OF TENANCY [24 CFR 983.206]**

The term of a lease, including a new lease or a lease amendment, executed by the owner and the family must be for at least one year, or the remaining term of the HAP Contract if the remaining term of the HAP Contract is less than one year. The family must notify the CoPHD and the owner before the family moves out of the unit. Term of assisted tenancy, 24 CFR 982.309, and owner termination of tenancy, 24 CFR 982.310(d)(1)(iii)(iv), do not apply to the PBVP.

The family is required to terminate the lease with a 60-day advance written notice to the owner and a copy of the notice to the CoPHD. The owner may offer the family a new lease for execution by the family for a term beginning at any time after the first year of the term of the lease. The owner must give the family written notice of the offer at least 60 days before the proposed commencement date of the new lease term. The offer may specify a reasonable time for acceptance by the family. Failure by the family to accept the offer of a new lease in accordance with this paragraph shall be "other good cause" for termination of tenancy.

**P. RENT AND HOUSING ASSISTANCE PAYMENT [24 CFR 983.302]**

In 24 CFR 982 subpart K, rent and housing assistance payment for tenant-based program, the following are the only sections that apply to the PBVP under 24 CFR 982.516 (regular and interim re-examination of the family income and composition) and 24 CFR 982.517 (utility allowance schedule).

**Q. LIMITS ON INITIAL RENT TO OWNER [24 CFR 983.301]**

The initial rent to owner for a unit may not exceed the reasonable rent as determined by the CoPHD, in accordance with 24 CFR 983.302.

The tenant rent under the PBVP is limited to 30% of the participant's adjusted monthly income minus tenant paid utilities.

The initial gross rent for a unit (rent to owner plus utility allowance) may not exceed the payment standard rent limit as determined by the CoPHD, in accordance with 24 CFR 982.503. However, at the time of initial occupancy by the eligible family, the family gross rent must not exceed 40% of the family adjusted monthly income.

The PBVP HAP Contract shall establish gross rents that do not exceed 110% of the established Fair Market Rent (FMR) or any HUD-approved "exception payment standard" for the City of Pasadena. The HAP Contract will also allow for an annual rent adjustment. The initial and adjusted rents to the owner must also be reasonable in relation to rents charged in the private market for comparable unassisted units.

**R. ANNUAL ADJUSTMENT OF RENT TO OWNER [24 CFR 983.302]**

At each annual anniversary date of the HAP Contract, the CoPHD may re-determine the rent to owner in accordance with the following requirements:

1. The owner must request a rent increase (including a comparability study to determine the amount of such increase) by written notice to the CoPHD, at least 120 days before the HAP Contract anniversary. The request must be submitted in the form and manner required by the CoPHD.

2. The CoPHD may not increase the rent at the annual anniversary unless:
  - a. The owner requested the increase by the 120-day deadline; and
  - b. During the year before the HAP Contract anniversary, the owner complied with all requirements of the HAP Contract, including compliance with HQS for all contract units.
3. Rent increases will be implemented at the time of the tenant's annual re-examination.

The adjusted rent to owner equals the lesser of:

1. The re-adjustment rent to owner multiplied by the applicable Section 8 Annual Adjustment Factor published by HUD.
2. The reasonable rent as determined by the CoPHD, in accordance with 24 CFR 983.256; or
3. The rent requested by owner.

The applicable factor is the published annual adjustment factor in effect 60 days before the HAP Contract anniversary. In making the annual adjustment, the pre-adjustment rent to owner does not include any previously approved special adjustments. The rent to owner may be adjusted up or down, in accordance with 24 CFR 983.301.

**S. SPECIAL ADJUSTMENT OF THE RENT TO OWNER [24 CFR 983.301]**

At HUD's sole discretion, HUD may approve a special adjustment of the rent to owner. The CoPHD may only make a special adjustment of the rent to owner if the adjustment has been approved by HUD.

A special adjustment may only be approved to reflect increases in the actual and necessary costs of owning and maintaining the contracted units because of substantial and general increases in:

1. Property taxes.
2. Special governmental assessments.
3. Utility rates; or
4. Cost of utilities not covered by the regulated rates.

A special adjustment may only be approved if and to the extent that the owner demonstrates that cost increases are not adequately compensated by application of the published annual adjustment factor at the HAP Contract anniversary. The owner must demonstrate that the rent to owner is not sufficient for proper operation of the housing.

The adjusted rent may not exceed the reasonable rent as determined by a comparability study, in accordance with 24 CFR 983.301.

The owner must submit financial information, as requested by the CoPHD, that supports the grant or continuance of a special adjustment. For HAP Contracts of more than 20 units, such financial information must be audited.

The CoPHD may withdraw or limit the term of any special adjustment. If a special adjustment is approved to cover temporary or one-time costs, the special adjustment is only a temporary or one-time increase of the rent to owner.

**T. REASONABLE RENT [24 CFR 983.303]**

The CoPHD may not enter an agreement to enter into a HAP Contract until the CoPHD determines that the initial rent to owner under the HAP Contract is reasonable. During the term of a HAP Contract, the rent to owner may not exceed the reasonable rent as determined by the CoPHD.

At least annually during the HAP Contract term, the CoPHD must re-determine that the current rent to owner does not exceed a reasonable rent. The CoPHD must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the CoPHD must consider:

1. The location, quality, size, unit type, and age of the contract unit; and
2. Any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.

**U. VACANT UNITS [24 CFR 983.352]**

Vacancy payments will not be paid for vacant units.

**V. CONVERSION OF SECTION 8 PROJECT-BASED ASSISTANCE TO TENANT-BASED ASSISTANCE [PIH NOTICE 99-40, SEPTEMBER 1, 1999]**

HUD currently provides additional funding to public housing agencies to assist eligible residents who are affected by "housing conversions." Housing conversions occur when a Section 8 Project-Based Contract is near expiration, has expired, or the owner chooses to "opt-out" of the Contract ("Contract termination"). In those instances where expiring Project-Based Rental Assistance is being replaced by Tenant-Based Rental Assistance (TBRA) Vouchers, HUD shall determine the appropriate actions and provide guidance and instruction to the CoPHD.

The conversion process typically begins with HUD's receipt of the notice from the owner stating the intent to terminate the existing Contract. This notice must be in writing and provided to both the tenants and HUD, not less than one year from the Contract termination date. It is the responsibility of HUD to enforce the notification requirements of the owner. Based on the appropriate notification and at least 120 days prior to the termination date of the Contract, HUD shall determine the number of occupants in place, the composition of each family, and extend an invitation to the CoPHD offering the CoPHD the opportunity to administer TBRA to the eligible families. Once the CoPHD has agreed to administer TBRA and issue HCVs, the existing ACC between the CoPHD and HUD will require modification.

HUD shall transmit all pertinent family composition data to the CoPHD. The CoPHD shall utilize this information to begin the review of each family's eligibility for admission

to the TBRA Program. As part of the determination of eligibility, the CoPHD may require families to complete the following:

1. Submit a completed program application and any other required program form(s).
2. Submit any records pertinent to the determination of eligibility, i.e., identification cards, Birth Certificates, Social Security cards, proof of citizenship, proof of income, proof of assets, certification forms, affidavits, etc.
3. Attend an interview with CoPHD staff; and

4. Attend mandatory briefing session conducted by CoPHD staff (rental vouchers issued to eligible families).

Due to the severe time constraints often associated with these conversion actions, the CoPHD may use the owner's most recent family income re-examinations, if:

1. The owner's certification for the family is no more than six months old; and
2. The CoPHD determines that the owner's certifications are acceptable after reviewing a small sample for accuracy.

The CoPHD is not required to use the owner's certifications and may opt to conduct its own income determination and verification.

The CoPHD will make every effort to have the determination of eligibility completed and the rental vouchers issued to eligible families no later than 60 days before the termination date of the contract. Once these requirements are completed, the CoPHD must:

1. Ensure the units selected by the families are eligible (see Chapter 2 of this Plan).
2. Conduct HQS inspections for units selected by families, see Chapter 10 of this Plan, "Housing Quality Standards and Inspections".
3. Ensure the rent is reasonable, see Chapter 11 of this Plan, "Owner Rents, Rent Reasonableness, and Payment Standard"; and
4. Execute a HAP Contract with the owner.

HUD encourages housing agencies to begin tasks such as certifying families and approving units before receiving the ACC funding exhibit to avoid the potential adverse impact on the families. However, the CoPHD may not under any circumstances execute a HAP Contract prior to receiving the notification letter and the effective date of the funding contained on the ACC funding exhibit.

Housing conversions represent a very unique opportunity for the CoPHD to be pro-active in safeguarding the welfare of families residing in affordable housing developments that are faced with rental increases or possible displacement. Although some actions may not be taken by the CoPHD without seeking prior approval from HUD, the CoPHD shall continue to be committed to providing supportive services and guidance to families that are affected by these circumstances.

## **W. MOVES WITH CONTINUED RENTAL ASSISTANCE**

The HCV will be cancelled if the family elects to move into a project-based assisted unit. If the family decides to relocate after 12 months, the family may be eligible for other forms of rental assistance, if funding is available. Family may only move in accordance with Chapter 13 of this Plan, "Moves with Continued Assistance/Portability".

Rental assistance under the PBVP will terminate for families that vacate the assisted unit during the initial term of the lease.

## **X. FAMILY RIGHT TO MOVE [24 CFR 983.260]**

The family may terminate the assisted lease at any time after the first year of occupancy in accordance with Chapter 13 of this Plan, "Moves with Continued Assistance/Portability". The family must give the owner advance written notice of intent to vacate (with a copy to the CoPHD) in accordance with the lease.

If the family has elected to terminate the lease in this manner, the CoPHD must offer the family the

opportunity for continued TBRA, in the form of either assistance under the HCV or other comparable TBRA.

Before providing notice to terminate, the family must contact the CoPHD, in writing, to request comparable TBRA if the family wishes to move with continued assistance. If a HCV or other comparable TBRA is not immediately available upon termination of the family's lease of a PBVP unit, the CoPHD must give the family priority to receive the next available opportunity for continued TBRA. The family will receive the next available opportunity based on the date and time when their written requested was received.

The family will not be able to use a HCV in a project based unit. If a HCV has been issued and the family decides to remain in a project based unit, the owner must agree to continue the family's tenancy. At which time, the HCV will be cancelled. The family will be required to continue their search for a unit if the owner does not agree to continue the family's tenancy. Therefore, the HCV will expire if the family does not locate a suitable unit by the expiration date and the family's participation in the PBVP will end.

The family will not be eligible for a HCV or other comparable TBRA if the family fails to submit written request to the CoPHD prior to serving a 60 Day Notice to terminate to the owner and/or the family is not in good standing with the terms of the lease and Family Obligations. Families may not be eligible for any other form of rental assistance if the property owner has served notice to vacate. Moves with continued assistance are allowed in accordance with Chapter 13 of this Plan, "Moves with Continued Assistance/Portability".

If the family terminates the assisted lease before the end of one year, or if the family has violated program rules and regulations, the family relinquishes the opportunity for continued TBRA.

The CoPHD will ensure the family is in compliance with the rules and regulations. The CoPHD will follow the policies and procedures outlined in Chapter 13 of this Plan, "Moves with Continued Assistance" for the HCV.

If the family is in compliance with the program rules and regulations, the family may move utilizing portability. The CoPHD will follow the policies and procedures outlined in Chapter 13 of this Plan, "Moves with Continued Assistance" for the HCV.

## **Y. PHA-OWNED UNITS**

PHA-owned units for the purpose the PBV program, means that the PHA or its officers, employees, or agents hold a direct or indirect interest in the building in which the units are located.

If a PHA, its officers, employees or agents possess any interest in the building or land, the project or building is considered PHA-owned and must comply with all statutory, regulatory, and any other HUD requirements governing PHA owner units.

The Act requires that the unit of general local government or a HUD-approved independent entity perform certain functions for the PHA-owned units. Those functions include performance of housing quality standards (HQS) inspections and determining rent reasonableness for PHA-owned unit. Section 8(o)(13)(F) of the Act (42 U. S. Code 1437f(f)) the PHA and the unit of general local government or HUD-approved independent entity agree to the term of any HAP Contract.

If the PHA itself is the unit of general local government or agency of such government, the independent entity must be a HUD-approved public or private entity. The entity and PHA must possess an autonomous relationship. Therefore, the parties must not be connected legally, financially (except with regard to compensation for services performed for PHA-owned units), or in any other manner that could cause either party to be improperly influenced by the other. The PHA must submit to the HUD field office documentation that demonstrates or supports the independent nature of the parties' relationship.

## **CHAPTER 20**

### **SUPPORTIVE HOUSING SERVICES**

#### **Introduction**

The City of Pasadena periodically has the opportunity to apply for targeted rental assistance funding for special populations. These programs are administered by the City of Pasadena Housing Department (CoPHD) and have the same policies and procedures as the Housing Choice Voucher program except as otherwise noted. If there is a conflict between program regulations and the Administrative Plan, the program regulations have precedence.

Currently, the CoPHD administers the following target programs:

- Shelter Plus Care / Continuum of Care Program (S+C/CoC)
- Housing Opportunities for People with Aids Program (HOPWA) program

Discontinued past programs include the:

- Family Self Sufficiency Program (FSS)
- HOME Program
- Emergency Rental Assistance Deposit Program (ERAD)

This chapter provides details on all of the above listed special programs.

#### **A. S+C / CoC (24 CFR 582 & 24 CFR 578)**

The Shelter Plus Care / Continuum of Care Rental Assistance Programs (S+C/CoC) are Tenant-Based Rental Assistance (TBRA) programs designed to link rental assistance with supportive services for homeless individuals and families with disabilities. These programs were impacted by the 2009 Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act) which consolidated three formerly separate McKinney-Vento homeless assistance programs, including the Supportive Housing Program, Shelter Plus Care Program, and Section 8 Moderate Rehabilitation SRO Program into a single grant program known as the Continuum of Care (CoC) Program. The S+C Program is in the process of transitioning to the CoC Program; as S+C projects renew they become CoC projects.

The S+C/CoC program is operated by the CoPHD in conjunction with one or more Sponsor Agencies. Sponsor Agencies are required to provide or coordinate supportive services to program participants. These services may be provided by the Sponsor Agency, funded by the Sponsor Agency but provided by a third party, or both funded and provided by a third party.

#### **Supportive Service Provider/Sponsor Agency**

The CoPHD will select and enter into a Memorandum of Understanding or Sub-recipient Agreement with a local supportive service provider (Sponsor Agency) that has shown evidence of expertise and commitment to serving S+C/CoC program participants. The solicitation of Sponsor Agencies shall be through a competitive selection process, which may include a formal Request For Proposal (RFP). The selected agencies, as mandated by HUD, will be required to provide a documented match for HUD funds provided for Supportive Services, Operations, and Acquisition, New Construction or Rehabilitation. Effective for grants renewed as part of 2012 Continuum of Care application, the match requirement will also include Administration, but can be met by in-kind as well as cash matching.

Sponsor Agencies will be monitored annually to verify program compliance and fiscal management

practices. Additionally, the required match as well as program participant services will be monitored on a monthly and annual basis.

### **Coordinated Entry System**

The Shelter Plus Care / Continuum of Care (S+C/CoC) program utilizes the region's Coordinated Entry System (CES) to fill vacancies. This system utilizes a universal assessment to prioritize assistance based on vulnerability and severity of service needs, ensuring that those most in need of assistance receive it in a timely manner. Pasadena's CES system is region-wide and operates in consultation with CoC and Emergency Solutions Grants (ESG) programs, adopting the provisions and requirements set out by HUD in Title 24 of the Code of Federal Regulations (24 CFR) governing the Continuum of Care Program (24 CFR 578), the Emergency Solutions Grants Program (24 CFR 576) and HUD Notice CPD-14-012 (dated July 28, 2014). For a complete set of CES written standards, please refer to the Pasadena CoC [PSH Written Standards](#).

### **Eligibility Determinations**

Applicants to the Shelter Plus Care / Continuum of Care (S+C/CoC) program are screened for initial eligibility by the CES. This eligibility screening encompasses verification of homelessness, disability, income and assets, and family status. The application packet is then transmitted to the CoPHD by a Sponsor Agency which has committed to providing ongoing services to the participant.

The CoPHD performs a criminal background check as detailed in Chapter 2 of this Plan, "Eligibility for Admission". The application packet is reviewed and third-party verification is requested to ensure that the applicant meets the eligibility criterion for S+C/CoC.

An applicant who meets the eligibility criterion and passes the criminal background screening is issued a Certificate in a briefing session conducted by CoPHD staff. The Certificate holder, with the assistance of the Sponsor Agency, must then locate a rental unit within the City of Pasadena or in an area included as part of the CoC Mobility Policy.

S+C/CoC applicants may be denied admission if the applicant currently owes rent or other amounts to the CoPHD or to any other Public Housing Agency (PHA) in connection with Section 8 or public housing assistance and refuses to enter into a repayment agreement for amounts owed; or the applicant breached a previous repayment agreement and refuses CoPHD's offer to enter into a new agreement to pay amounts owed to a PHA or amounts paid to an owner by a PHA.

### **Portability & Mobility**

The Shelter Plus Care / Continuum of Care (S+C/CoC) program does not offer portability. However, program participants receiving tenant-based rental assistance (TBRA) through CoC program funds may choose housing outside of the City of Pasadena if the recipient or sub-recipient is able to meet all of the CoC Program Requirements in the geographic area where the program participant chooses housing. This applies only to CoC Rental Assistance, not to legacy S+C grants. The decision of a program participant to choose housing or move outside of the CoC's geographic area should be one that is made in consultation between the program participant and the recipient or sub-recipient.

The only reason a CoC recipient or sub-recipient may decline a program participant's request to choose housing or move outside of the CoC's geographic area is that the provider cannot reasonably meet all of the CoC Program Requirements. Thus, the City of Pasadena (recipient) has determined that the following cities / communities are eligible areas for TBRA mobility:

- Alhambra
- Altadena
- Arcadia
- Azusa
- Baldwin Park
- Burbank
- Bradbury
- Covina
- Duarte
- El Monte
- Glendale
- Irwindale
- La Cañada Flintridge
- La Crescenta
- La Puente
- Monrovia
  
- Monterey Park
- Montebello
- Montrose
- North El Monte
- Rosemead
- San Gabriel
- San Marino
- Sierra Madre
- South El Monte
- South Pasadena
- South San Gabriel
- Sunland
- Temple City
- Tujunga
- West Covina
  
- Los Angeles
- Neighborhoods:
  - El Sereno
  - Highland Park
  - Eagle Rock
  - Glassell Park
  - Cypress Park
  - Lincoln Heights
  - Boyle Heights
  - East LA
  - Downtown LA
  - Westlake
  - Pico-Union
  - Elysian Valley

### **HQS and Acceptable Housing Configurations (24 CFR 582.305)**

As with the HCVP, Shelter Plus Care / Continuum of Care (S+C/CoC) units must pass HQS inspection before the unit can begin to be subsidized and the applicant become a participant in the program. The CoPHD must also inspect all units at least annually during the grant period to ensure that the units continue to meet the HQS.

S+C/CoC Program participants will be allowed to live in group home and shared housing environments. The S+C/CoC participant must have access to bathroom and kitchen facilities. These facilities may be shared. There must also be access to living room space.

### **Transfers to HCVP (Section 8)**

In cases where a Shelter Plus Care / Continuum of Care (S+C/CoC) program participant's name is reached on the HCVP waiting list, the S+C/CoC Program participant will be given the opportunity to select between the two programs. If the S+C/CoC Program participant selects to remain on the S+C/CoC Program and declines the HCV, their application will be withdrawn from the HCVP waiting list.

S+C/CoC participants who have twelve months continual compliance with their lease agreement, have shown the ability to live independently with minimal need for supportive services, who are in compliance with the Obligations of the Family, and who have a recommendation from the Sponsor Agency may request a transfer to the HCVP. Transfers to HCVP under these circumstances can only be initiated during the Annual Reexamination process. Transfers to HCVP will only be approved in cases where the previously noted conditions have been met and an HCV is available.

### **Supportive Services Match**

For Shelter Plus Care grants, HUD requires that the aggregate amount of supportive services provided to participants at least equal in value the aggregate amount of rental assistance paid on behalf of those participants under the grant agreement for the term of the grant agreement. The Sponsor Agency must document a match of supportive services equal to the total amount provided in rental assistance over the life of the grant. (Note: for grants renewed as part of the 2012 CoC Competition or later, this match requirement is reduced to 25%.)

The CoPHD requires that participating Sponsor Agencies submit periodic reports to the CoPHD regarding the dollar value of supportive services provided to program participants. The CoPHD may require other information deemed necessary to the operation of the program. Failure of the Sponsor Agency to submit reports or to provide the matching services required by program regulations will be a breach of the Sponsor's contract provisions.

### **Surviving or Remaining Members of a Family (CoC Program Only)**

If the qualifying (i.e., disabled) member of the household dies, or the member is incarcerated or institutionalized for more than 90 days, the other household members have right to remain in the unit until the expiration of the lease in effect at the time. If the remaining family chooses to exercise this right, HAP payments must continue until the current lease term expires. Upon the expiration of the current lease term, the family is no longer eligible to receive assistance and must be terminated from the program.

### **Family Absence from Unit (24 CFR 578.51 (i))**

Rental assistance payments may only be paid to the owner during the lease term and while the family is residing in the unit. The family may, however, be absent from the unit for brief periods.

A participant in the Shelter Plus Care / Continuum of Care (S+C/CoC) program may be absent from a unit for any reason for up to 30 consecutive days. Periods of absence between 31 and 90 consecutive days are termed "extended absence." The participant is required to report to the CoPHD any extended absence or anticipated extended absence of the S+C/CoC participant from the unit and the reason for the absence. If the participant is unable to report the absence themselves, the Sponsor Agency may do so on their behalf. If the Sponsor Agency reports an absence for a participant, it should be accompanied by a written statement from the participant or a written statement from the Sponsor Agency if that is not possible. Extended absence may be approved by the CoPHD for reasons of health, rehabilitation, convalescence, incarceration, or the personal needs of the family.

Any absence (including an anticipated absence) beyond 90 days, whether the absence is determined prior to or after its start, will result in termination of the rental assistance subsidy for the assisted unit. The CoPHD may inspect the unit to determine whether a participant is absent.

### **Family Obligations and Statement of Family Responsibility**

The Shelter Plus Care / Continuum of Care (S+C/CoC) participant family shall be required to sign and be responsible for the Obligations of the Rental Assistance Program Participant Family. In addition, the participant and the Sponsor Agency's representative are required to sign a "Statement of Family Responsibility," informing the participant of the availability of supportive services provided by the Sponsor Agency. The participant will not be required to take part in supportive services as a condition of continued participation in the S+C/CoC program, but will be required to maintain the terms of the lease agreement and the Family Obligations.

### **Terminating Participants**

The CoPHD and/or Sponsor Agency may terminate assistance to a program participant who violates program requirements or conditions of occupancy. The Shelter Plus Care / Continuum of Care (S+C/CoC) program is providing PSH for hard-to-house populations of homeless persons. Thus, the CoPHD works in conjunction with Sponsor Agencies to exercise judgment and examine all extenuating circumstances in determining when violations are serious enough to warrant termination. Assistance should only be terminated the most severe cases. Termination does not bar the CoPHD from providing further assistance at a later date to the same individual or family, though all circumstances will be considered before providing assistance again. In cases where there is indication that the conditions that resulted in the prior termination have not been addressed, rental assistance will not be offered to the participant.

In terminating assistance to a program participant, the grantee must provide a formal process that recognizes the rights of the individual receiving assistance under the due process of law. This process, at a minimum, must consist of:

1. Providing the participant with a written copy of the program rules and the termination process before the participant begins to receive assistance;
2. Written notice to the program participant containing a clear statement of the reasons for termination

3. A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
4. Prompt written notice of the final decision to the program participant.

### **Conflict Between HCVP and S+C Regulations**

The CoPHD follows the regulations established by HUD for the S+C/CoC program and the policies incorporated into this Administrative Plan except as noted. Where there is a conflict between HCVP and CoC/S+C regulations, the applicable CoC/S+C regulations apply.

### **Certification**

The certification process for the Shelter Plus Care / Continuum of Care (S+C/CoC) program is consistent with the HCVP except that initial eligibility information is secured by the CES. This information is forwarded to the CoPHD for review and eligibility determination. If an applicant is determined eligible, they will be given a program briefing by the CoPHD consistent with the HCVP, and including information specific to the requirements of the program in which they will be participating.

### **Annual Reexamination**

The annual reexamination process for Shelter Plus Care / Continuum of Care (S+C/CoC) participants is also consistent with the HCVP, except that S+C/CoC participants are asked to disclose progress pertaining to their case management and if they are securing all the services they need to remain permanently housed.

### **Rental Negotiation**

The Shelter Plus Care/Continuum of Care program rent is contracted based on the rent reasonableness standards and tenant rental portions are limited to 30% of the participant's adjusted monthly income.

### **Inspection**

The inspection process for the Shelter Plus Care/Continuum of Care program is similar to that of HCVP. Inspections will be conducted on Group Home facilities and shared housing, as well as regular bedroom sizes. As with HCVP, in addition to meeting the required HQS, a Certificate of Inspection and Code Compliance will also be required.

### **Vacancy Loss/Damage Claim (24 CFR 582.105)**

Vacancy loss and damage claim will be permitted under the Shelter Plus Care/Continuum of Care program due to issues surrounding the special nature of the target population. As determined by HUD, vacancy payments will be permitted for a maximum of 30 days from the end of the month in which the unit is vacated if the unit is vacated before the expiration of the lease agreement.

With regard to damage claims, up to one month's contract rent will be used to pay for any damage to housing unit due to the action of an S+C/CoC Program participant.

If a property owner wishes to make a vacancy loss or damage claim, that claim must be made with 15 days of the program participant vacating the unit. Any such claim must be accompanied by supporting documentation, including copies of receipts for repairs made and verification of unit

vacancy.

## **B. Housing Opportunities for Persons with AIDS Program (24 CFR 574.300)**

The Housing Opportunities for Persons with AIDS (HOPWA) Program provides tenant-based rental assistance to low-income households consisting of individuals and families living with HIV/AIDS. The HOPWA tenant-based rental assistance program operates much the same as the HCVP but also provides case management and supportive services to HOPWA Program participants.

The CoPHD administers the HOPWA program for the cities of Pasadena and Glendale. The initial 12 months of rental assistance will be funded under the HOPWA Program. Upon the expiration of the 12 month period for each HOPWA Program participant, the CoPHD will “absorb” or provide continued rental assistance to the program participants under its regular HCVP, but only for households residing within CoPHD’s jurisdiction and as long as the household continues to meet the eligibility requirements for ongoing rental assistance.

Before the CoPHD agrees to fund the initial 12 months of rental assistance for eligible households residing in its sub-recipient’s jurisdiction, the Public Housing Agency (PHA) overseeing the administration of the HCVP in the applicable jurisdiction must enter into a Memorandum of Understanding (MOU) with the HOPWA formula grant recipient for the Eligible Metropolitan Statistical Area (EMSA), whereby the PHA agrees to provide continued rental assistance under its HCVP to the HOPWA program participants residing in their jurisdiction or their surviving member of the household. The CoPHD has such an MOU in place with the City of Los Angeles Housing Department, which is the EMSA for HOPWA funds in this area.

### **Eligibility Determinations**

Applicants to the HOPWA Program are screened for initial eligibility by the referring agency. This initial eligibility screening encompasses verification of HIV/AIDS status, income and assets, and family status. The application packet is then transmitted to the CoPHD. The CoPHD performs a criminal background check, requests third party verification, and reviews the application packet to ensure that the applicant meets the eligibility criterion for the HOPWA Program, as detailed in Chapter 2 of this Plan, “Eligibility for Admission”.

An applicant who meets the eligibility criterion and passes the criminal background screening is issued a Certificate in a briefing session conducted by the CoPHD staff. The Certificate holder, with the help of the Sponsor Agency, must then locate a rental unit within the Cities of Pasadena or Glendale. As with the HCVP, the unit must pass HQS inspection before the unit can begin to be subsidized and the applicant become a participant in the HOPWA Program.

The CoPHD will work with the Glendale Housing Authority (GHA) to conduct the lease up and absorption process for HOPWA certificate holders who locate a unit in Glendale. GHA inspection staff will conduct the Housing Quality Standards inspection and forward that information to CoPHD staff. CoPHD staff will contact the GHA at annual review time to begin converting the rental assistance from HOPWA to HCVP. This conversion process will include ensuring that there is an HCV available. If GHA does not have an available HCV, the client household will be informed they will be issued an HCV from CoPHD’s allocation, and will be required to locate a unit within the jurisdiction of the CoPHD.

### **Certification**

The certification process for HOPWA is consistent with the HCVP except that initial eligibility information may be secured by the Sponsor Agency. This information is forwarded to the CoPHD for review and eligibility determination. If an applicant is determined eligible, they will be given a program briefing by the CoPHD consistent with the HCVP, and including information specific to the requirements of the program in which they will be participating.

### **Annual Reexamination & Conversion to HCVP**

The annual reexamination process for TBRA participants is also consistent with the HCVP. Additionally, at the time of the annual reexamination, HOPWA Program participants are converted to the HCVP. Under no circumstances may a contract be funded with HOPWA monies beyond the initial 12 month period. The CoPHD will use the low-income limit for HOPWA participants who are otherwise eligible for conversion to HCVP. For those participants living outside of the CoPHD jurisdiction, eligible HOPWA Program participants will have their case files ported to their respective jurisdiction for continued rental assistance.

### **Rental Negotiation (24 CFR 574.320)**

The HOPWA program rent is contracted based on the Fair Market Rents published by HUD and tenant rental portions are limited to 30% of the participant's adjusted monthly income. If the gross rent proposed exceeds HUD-issued Fair Market Rent, the CoPHD may suggest that the owner reduce the contract rent or include some or all utilities in the contract rent. If the owner accepts the offer of a revised rent, the CoPHD will continue by processing a Request for Tenancy Approval (RFTA). If the property owner is not willing to reduce or adjust the rent and the CoPHD is satisfied that the requested rent meets the test of rent reasonableness, the CoPHD may approve an exception rent up to 10% higher than the FMR, for no more than 20% of the contracted units within a program year. If the owner does not agree on the contract rent after the CoPHD has tried and failed to negotiate a revised rent, the CoPHD will inform the family and owner that the RFTA and proposed lease are disapproved.

### **Inspection**

The inspection process for the HOPWA program is similar to that of HCVP. As with HCVP, in addition to meeting the required HQS, a Certificate of Inspection and Code Compliance will also be required.

### **Termination**

The CoPHD may terminate assistance to a program participant who violates program requirements or conditions of occupancy.

In terminating assistance to a program participant, the grantee must provide a formal process that recognizes the rights of the individual receiving assistance under the due process of law. This process, at a minimum, must consist of:

1. Providing the participant with a written copy of the program rules and the termination process before the participant begins to receive assistance;
2. Written notice to the program participant containing a clear statement of the reasons for termination
3. A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and

4. Prompt written notice of the final decision to the program participant

**C. Family Self Sufficiency (FSS) Program (24 CFR 984.101-984.401)**

Currently, the CoPHD does not receive funding to operate an FSS program. If program funding is identified in the future, the FSS program will again open for applications from HCVP participants who are in good standing and do not owe money to the CoPHD.

**D. HOME Tenant-Based Rental Assistance Program (24 CFR 92.209)**

The HOME Tenant-Based Rental Assistance (TBRA) has been discontinued due to federal funding reductions. IF HOME TBRA is reinstated in a future program years, the program will be operating in accordance with HUD guidelines.

**E. Emergency Rental Assistance Deposit Program (ERAD)**

The Emergency Rental Assistance Deposit Program (ERAD) has been discontinued due to federal reductions. ERAD provided funds for security deposit to allow participants to move in to privately-owned rental units and was funded with HOME Program entitlement funds administered by the City of Pasadena. While the program has been discontinued, several past participants still have outstanding debts that are being repaid.

## CHAPTER 21

# CONSOLIDATED ANNUAL CONTRIBUTION CONTRACT

### **INTRODUCTION**

HUD annually allocates budget authority for tenant-based rental assistance to HUD field offices based on U.S. Congressional authorization and appropriations. Section 213(d) of the HCDA of 1974 establishes the requirements for the allocation of funding to assisted public housing agencies. Budget authority subject to allocation under Section 213(d) is allocated in accordance with 24 CFR 791, Subpart D. The CoPHD receives and must comply under the aforementioned provisions for the funding of its Federal Rental Assistance Programs (RAP). This Chapter outlines the requirements, procedures, and process the CoPHD shall utilize to retain its RAP funding.

### **A. ANNUAL CONTRIBUTION CONTRACT [24 CFR 982.151]**

The Annual Contribution Contract (ACC) is a written contract between HUD and the CoPHD. Under the ACC, HUD agrees to make payments to the CoPHD, over a specified term, for housing assistance payments to owners and for the CoPHD's administrative fees. The ACC specifies the maximum payment over the ACC term. The CoPHD agrees to administer the program in accordance with HUD regulations and requirements.

HUD's commitment to make payments for each funding increment in the CoPHD program constitutes a separate ACC. However, commitments for all the funding increments in the CoPHD program are listed in one consolidated contractual document called the Consolidated Annual Contributions Contract (Consolidated ACC). The single Consolidated ACC covers funding for the CoPHD program.

### **B. BUDGET AUTHORITY AND CONTRACT AUTHORITY [24 CFR 982.151(b)]**

Budget authority is the maximum amount that may be paid by HUD to the CoPHD over the ACC term of a funding increment. Contract authority is the maximum annual payment for the funding increment. Budget authority for a funding increment is equal to contract authority times the number of years in the increment term.

For each funding increment, the ACC specifies the term over which HUD will make payments for the CoPHD program, and the amount of available budget authority for the funding increment. For a given CoPHD fiscal year, the amount of HUD's maximum annual payment for the CoPHD program equals the sum of the contract authority for all of the funding increments under the Consolidated ACC. However, this maximum amount does not include contract authority for an expired funding increment. If the term of a funding increment expires during the CoPHD's fiscal year, this maximum amount only includes the pro-rata portion of contract authority for that portion of the CoPHD's fiscal year prior to expiration. However, the amount to be paid must be approved by HUD and may be less than the maximum payment.

Additional budget authority is also distributed by a competitive process. HUD solicits applications from public housing agencies by publishing one or more notices of funding availability (NOFA) in the Federal Register. The NOFA explains how to apply for assistance and specifies the criteria for awarding the assistance. The NOFA may identify any special program requirements for use

of the funding. For competitive funding under a NOFA, the applications must be submitted by CoPHD in accordance with the requirements of the NOFA and/or other HUD instructions.

### **C. BUDGET AND EXPENDITURES [24 CFR 982.157]**

Each fiscal year the CoPHD must submit its proposed budget for RAP to HUD for approval at such time and in such form as required by HUD. HUD payments under an ACC or Consolidated ACC, and any other amounts received by the CoPHD in connection with the program, must be used in accordance with the CoPHD HUD-approved budget. Such HUD payments and other receipts may only be used for:

1. Housing Assistance Payments; and
2. CoPHD Administrative Fees.

The CoPHD must maintain a system to ensure that the CoPHD will be able to make housing assistance payments for all participants within the amounts contracted under the Consolidated ACC.

### **D. HOUSING ASSISTANCE PAYMENTS [24 CFR 982.311, 982.454]**

Housing assistance payments are paid to the owner in accordance with the terms of the HAP Contract for units under lease with an eligible family. Housing assistance payments may only be paid to the owner during the lease term and while the family is residing in the unit.

The CoPHD will determine the amount of the housing assistance payment for each family participating in the program and make timely housing assistance payments to the owner in accordance with the HAP Contract.

The CoPHD will administer and enforce the HAP Contract with the owner. If the owner is in violation of the HAP Contract, the CoPHD will take appropriate action in accordance with this Plan.

The CoPHD may terminate the HAP contract if the CoPHD determines that funding under the consolidated ACC is insufficient to support continued assistance for families in the program. Please refer to Chapter 14 of this Plan, "Contract Terminations."

### **E. ADMINISTRATIVE FEES [24 CFR 982.152]**

HUD may approve administrative fees to the CoPHD for any of the following purposes:

1. Ongoing administrative fee: The CoPHD's ongoing administrative fee is paid for each unit month for which a dwelling unit is under HAP Contract on the first day of the month. The amount of the ongoing fee is established by HUD.

HUD may reduce or offset any administrative fee to the CoPHD, in the amount determined by HUD, if the CoPHD fails to perform CoPHD's administrative responsibilities correctly or adequately under the program.

The CoPHD's administrative fees may only be used to cover costs incurred to perform the CoPHD administrative responsibilities for the program in accordance with HUD regulations and requirements.

2. Preliminary fee: The preliminary fee is paid by HUD for each new unit added to the CoPHD program. The preliminary fee is a one time fee for each new unit supported by a new funding increment. HUD establishes the maximum preliminary fee.

The preliminary fee is used to cover expenses that the CoPHD documents it has incurred to help families who inquire about or apply for the program, and to lease up new units.

3. Cost to help families who experience difficulty finding or renting appropriate housing.
4. Cost to cover necessary additional expenses incurred by the CoPHD to provide reasonable accommodation for persons with disabilities.
5. Cost of audit by an independent public accountant; and
6. Other extraordinary costs determined necessary by HUD Headquarters.

#### **F. ANNUAL CONTRIBUTION CONTRACT RESERVE ACCOUNT [24 CFR 982.154]**

HUD establishes and maintains an unfunded reserve account called the ACC Reserve Account (formerly “project reserve”) for the CoPHD program from available budget authority under the Consolidated ACC. The amount in the ACC Reserve Account is determined by HUD.

The amount in the ACC Reserve Account is determined by HUD. HUD may approve payments for the CoPHD, in accordance with the public housing agencies HUD-approved budget, from available amount in the ACC Reserve Account.

#### **G. ADMINISTRATIVE FEE RESERVE [24 CFR 982.155]**

The CoPHD must maintain an administrative fee reserve (formerly “operating reserve”) for the program. There are separate administrative fee reserve accounts for the CoPHD RAP. The CoPHD must credit to the administrative fee reserve the total of the amount by which program administrative fees paid by HUD for the CoPHD fiscal year exceed the CoPHD program administrative expenses for the fiscal year, plus interest earned on the administrative fee reserve.

The CoPHD must use funds in the administrative fee reserve to pay program administrative expenses in excess of administrative fees paid by HUD for a CoPHD fiscal year. If funds in the administrative fee reserve are not needed to cover CoPHD administrative expenses, the CoPHD may use these funds for other housing purposes permitted by State and local law. However, HUD may prohibit use of the funds for certain purposes.

If the CoPHD has not adequately administered any RAP, HUD may prohibit use of funds in the administrative fee reserve, and may direct the CoPHD to use funds in the reserve to improve administration of the program or to reimburse ineligible expenses.

#### **H. PROGRAM FUNDS DEPOSITARY [24 CFR 982.156]**

Unless otherwise required or permitted by HUD, all program receipts must be promptly deposited with Bank of America, the financial institution selected as depository by the CoPHD in accordance with HUD requirements. The CoPHD has entered into the appropriate agreement with Bank of

America in the form required by HUD.

The CoPHD may only withdraw deposited program receipts for use in connection with the program in accordance with HUD requirements.

If required under a written freeze notice from HUD to the depositary:

1. The depositary may not permit any withdrawal by the CoPHD of funds held under the depositary agreement unless expressly authorized by written notice from HUD to depositary; and
2. The depositary must permit withdrawals of such funds by HUD.

HUD must send the CoPHD a copy of the freeze notice from HUD to the depositary.

#### **I. PROGRAM ACCOUNTS AND RECORDS [24 CFR 982.158]**

The CoPHD must maintain complete and accurate accounts, and other records for the program in accordance with HUD requirements, in a manner that permits a speedy and effective audit. The records must be in the form required by HUD, including requirements governing computerized or electronic forms of record keeping.

The CoPHD must furnish to HUD accounts and other records, reports, documents and information, as required by HUD. The provisions for electronic transmission of required family data shall be in accordance with 24 CFR 908.

HUD and the Comptroller General of the United States shall have full and free access to all CoPHD offices and facilities, and to all accounts and other records of the CoPHD, including the right to examine or audit the records, and to make copies. The CoPHD must grant such access to computerized or other electronic records, and to any computers, equipment or facilities containing such records, and shall provide any information or assistance needed to access the records.

#### **J. AUDIT REQUIREMENTS [24 CFR 982.159]**

The CoPHD must engage and pay an independent certified public accountant to conduct audits in accordance with HUD requirements. The CoPHD is subject to the audit requirements in 24 CFR 44.

## **CHAPTER 22**

### **RECORDS MANAGEMENT**

#### **INTRODUCTION**

The CoPHD must maintain complete and accurate accounts and records for the Rental Assistance Programs (RAP) in accordance with HUD requirements and in a manner that permits a speedy and effective audit. The records must be in the form required by HUD, including requirements governing computerized or electronic forms of record keeping. The CoPHD must comply with the uniform financial reporting standards in 24 CFR 5, Subpart H. HUD and the Comptroller General of the United States shall have full access to all CoPHD offices and facilities, and to all accounts and other records of the CoPHD that are pertinent to administration of the programs, including the right to examine or audit the records and to make copies. The CoPHD shall grant such access to computerize or other electronic records, and to any computers, equipment or facilities containing such records, and shall provide any information or assistance needed to access the records. This Chapter explains the records that are required to be maintained and the systems that have been instituted to do so.

#### **A. PROGRAM RECORDS [24 CFR 982.158(c)(e)(f)]**

The CoPHD shall maintain program records in accordance with Federal, State and local laws, as well as HUD and CoPHD policies, regulations, and requirements. Family and applicant records will be retained for five years from the date of termination or disqualification.

During the term of each assisted lease, and for at least three years thereafter, the CoPHD must retain:

1. A copy of the executed lease.
2. The HAP Contract.
3. The application from the family.

The CoPHD must keep the following records for at least three years in the active case file:

1. Records that provide income, assets, expenses, program forms and disability data on program applicants and families.
2. An application from each ineligible applicant and notice that the applicant is not eligible.
3. HUD-required reports.
4. Unit inspection reports.
5. Lead-based paint records as required by 24 CFR 35 Subpart B.
6. Accounts and other records supporting the CoPHD's budget and financial statements for the RAP.

7. Records to document the basis for PHA determination that rent to owner is a reasonable rent (initially and during the term of a HAP Contract); and
8. Other records specified by HUD.

The CoPHD must maintain and update the following information that permits the CoPHD to select applicants from its waiting list in accordance with the CoPHD admission policies. The waiting list shall contain the following information for each applicant listed:

1. Applicant's name.
2. Family unit size.
3. Date and time of application.
4. Qualification for any local preference; and
5. Racial or ethnic designation of the head of household.

The CoPHD shall also retain the following information:

1. Copies of all public notices.
2. Briefing information packets.
3. Information on Federal, State, and local equal opportunity laws, including copies of housing discrimination complaint form.
4. CoPHD notifications, letters and correspondence with applicants, participant families and owners.
5. CoPHD required information including requested certifications, releases, consent forms or other documentation.

Please refer to Section D of this chapter for a list of documents that must be maintain in the file for the duration of the family's participation.

## **B. EMPHASYS COMPUTER SOLUTIONS (Emphasys Elite) [24 CFR 908.104]**

The CoPHD utilizes Emphasys Elite software. Emphasys Elite is an automated software package which allows the CoPHD to transmit Forms HUD 50058 and HUD 50058 Family Self Sufficiency (FSS) Addendum information to HUD's data processing center via electronic transmission. Electronic transmission of data consists of the submission of all required data fields from Forms HUD-50058 and HUD-50058 FSS Addendum in accordance with HUD instructions.

Emphasys Elite also serves as the CoPHD's comprehensive database for the processing, retention, retrieval and transmission of HUD required information for administration of the RAP. Information is stored in Emphasys Elite by applicant, participant family and owner. More specifically, Emphasys Elite is used to maintain case files, family data, owner data, certifications and re-examinations, inspections, fiscal management, and the waiting list. Emphasys Elite is an

integrated software package containing numerous menus and modules which allows for the cross-referencing of files and the generation of program reports by selected data fields. In addition, the software vendor, Emphasys Elite Computer Solutions, periodically updates the Emphasys Elite program to incorporate changes or revisions in legislation, regulations, handbooks, notices, or HUD electronic transmission data format requirements. The CoPHD will test all "Service Packs" and "Hot Patches" before integrating all upgrades to the live production.

### **C. CASE FILES**

The RAP information shall also be maintained in individual applicant and participant family case files. Each case file is labeled using the name of the head of household of the applicant or participant family. The case files are stored in alphabetical order in the master file room ("master files") located in the CoPHD office. Please see Section D in this Chapter, "File Purging".

All case files are denoted by a color-coded alpha label, which corresponds to the first letter of the last name of the head of household of the participant family. A different color has been used for each letter of the alphabet.

Each case file, with the exception of the waiting list applicant file, contains six sections wherein documents are secured and retained according to subject matter. Examples of the types of forms, documents, correspondence, etc., to be maintained in each case file are identified below and in the following order from bottom to top:

#### **1. INSPECTIONS**

- Proposed Lease Agreement
- Certificate of Inspection and Code Compliance
- Recorded Grant Deed
- Electronic Property Profile
- Current Property Tax Bill
- Statement of Property Ownership:
  - Part A - Declaration of Property Ownership
  - Part B - Housing Assistance Payments Information
  - Part C - Notarized Agent Authorization
  - Part D - Section 8 Landlord Certification
- Taxpayer Identification Number and Certification (W-9)
- Property Management Agreement, if applicable
- Partnership Agreement & Resolution for Signatory, if applicable
- Corporate Bylaws & Resolution for Signatory, if applicable
- Executed Lease Agreement
- Tenancy Addendum - Form HUD-52641-A
- Housing Assistance Payments Contract - Form HUD-52641
- Notice of Annual Re-examination/Rent Change

#### **2. INSPECTIONS CORRESPONDENCE**

- Request for Tenancy Approval (RFTA):
  - RFTA
  - Renting to Relatives Disclosure Notice
  - Checklist
  - Disclosure of Information on Lead-Based Paint
- Request for Missing Information, if applicable
- Rent Reasonableness Checklist and Certification:
  - Rent Increase Request
- Inspection Letters:

- Unit Approval
- Annual
- Reschedule
- Special
- Deficiency
- Rent Adjustment
- Abatement
- Denial to Owner with Attachments
- Inspection Report – Form HUD-52580-A
- Notification of HAP Termination
- Housing Assistance Payments (HAP) Contract Letters:
  - Termination of HAP Contract
  - Extension of HAP Contract Termination
  - Re-instatement of HAP Contract
  - Rescission of HAP Contract Termination

### **3. ADMISSIONS/ISSUANCE**

- Rental Assistance Program Application:
  - Housing Choice Voucher Program
  - HOPWA Program
  - Continuum of Care Rental Assistance Program
- Agency Referral Letter:
  - Continuum of Care Rental Assistance Program
  - HOPWA Program
- Individual Applicant Information Form
- EIV Existing and Former Tenant Reports
- Waiting List Update of Family Circumstances Form
- Housing Choice Voucher/Certificate/Coupon
- Extension Letters:
  - New
  - Move
  - Portability
- Things You Should Know - Form HUD-1140-OIG
- Lead-Based Paint Notification
- Notice of Federal Privacy Act
- Obligation of the Family
- Family Portability Information - Form HUD-52665
- Current Extension Letters - Form HUD 52675
- What You Should Know About EIV
- Debts Owed to Public Housing Agencies and Terminations
- Current Housing Choice Voucher/Certificate/Coupon

### **4. VITAL STATISTICS**

- Driver License/Identification Card
  - Individual copies will be maintained for each current family member
- Social Security Card
  - Individual copies will be maintained for each current family member
- Birth Certificate/Passport:
  - Translations
- Immigration Status:
  - Permanent Resident Card
  - Certificate of Naturalization Form
  - SAVE System Information

- Department of Housing Security Information
- Declaration of Section 214 Status
- Marriage Certificate/Divorce Documents
- Death Certificate
- Guardianship/Child Custody:
  - Court Documents
  - Foster Care Information
- Client Screening/Criminal History Background/Police Report
- Current Repayment Agreement
- Re-payment Agreement Check List
  - Calculations & Worksheet
  - Copies of Money Orders
  - Memos to Finance
- U.S. Military Discharge (DD-214)
- Certification of Disability Form
- Medical Letters
- Request for Reasonable Accommodation form (RRA)
- Form completed by the CoPHD Request for Reasonable Accommodation Review Committee form
- Request for Reasonable Accommodation Committee Decision Letter
- Purge Check List

**5. OCCUPANCY CORRESPONDENCE**

- Waiting List Letters:
  - Outreach
  - Preliminary Eligibility
  - Ineligibility/Disqualification
  - Interview Appointment
  - Preference Denial
  - Informal Review Decision
  - Request for Additional Information Letter
- Briefing Letters:
  - New Housing Choice Voucher/Certificate/Coupon
  - Move
- Participant Correspondence:
  - Re-examination
  - Termination of Assistance
  - Informal Review
  - Informal Hearing
  - Request for Additional Information Letter
- History Sheets
- Year Dividers
- Third-Party Verification Letters (Staff will remove verifications from this section once the third-party verifications have been received or placed copies in the Occupancy section when the verifications are not returned.)

**6. OCCUPANCY**

- Update of Family Circumstances/Personal Declaration for Rental Assistance Benefits
- HUD Authorization for the Release of Information/Privacy Act

Notice - Form HUD-9886

- CoPHD Authorization for Release of Information
- Legal Documents
- Allowable Deductions:
- Medical (doctor visits, pharmacy, etc.)
  - School/College Enrollment Forms
  - Child Care
- Assets Related to Income:
  - Stocks
  - Financial Institution Statements
  - Real Estate
- Tenant Declaration
- Affidavit
- Income Documentation:
  - Employment
  - SS/SSI
  - TANF/General Relief/CAP
  - Self-Employment
  - Pension
  - Annuity
  - Child Support
  - Unemployment
  - Other Income
- Third-Party Verifications
- EIV Report (sealed envelope)
- Utility Schedule
- Payment Standard
- Worksheet
- Family Report (Form HUD-50058)
- Case File Review Checklist

## **D. FILE PURGING**

HUD requires the CoPHD to conduct a re-examination of the eligibility for each family at least annually. This includes an evaluation of the current unit condition and other factors related to the families continued participation. These requirements mean that the CoPHD will collect updated information and documentation on the family's income, assets, allowances, composition and conduct a unit inspection. The information collected will be placed in the family's case file each year or as changes in family circumstances occur. The purging system assists the CoPHD staff in maintaining the most critical, current information in the active case file, while still allowing access to documents which may be outdated or have a very low future retrieval value.

Unless otherwise required, each active case file will be purged according to the parameters outlined in this Chapter. Each case file shall be purged on or about the annual re-examination date of the family. In some cases there may be a need to purge a particular case file more/less frequently considering the following factors:

1. The actual size of the case file (exceedingly large, bulky, or small).
2. The filing capacity of the Master File Room.
3. Determinations by HUD, Housing Assistance Officer or designee.

For the purposes of this Chapter, the following file sections of the case file are exempt from

purging:

1. Admissions/Issuance Section
2. Vital Statistics.

No documents are to be removed from these sections at any time, unless there are duplicate copies of Birth Certificates, Social Security Cards and Declaration of Section 214 Status.

All purged information shall be placed into a file folder that has been labeled with the first and last name of the family. A purge checklist will be placed in the purged file indicating the date purged, section purged and the initials of the staff member that purged the file. A copy of the purge checklist will be placed in the active file's vital statistics section and the file folder will indicate the years included. Once prepared for storage and boxed, these files shall be stored in the CoPHD's secured storage Center for an indefinite period of time. A master list of all purged files, indexed by the last name of the family, box number and the status and location of the records, shall be maintained within the CoPHD office by the Administrative Section. Similarly, when an active file has been terminated, the purged information shall be pulled from the secured storage combined with the terminated file, and placed into "terminated" status.

The following lists detail each file section and the documents to be retained and/or purged from the case files.

### **Inspections**

This section contains information related to the ownership of the current property and HAP Contract documents. If the family has moved in the last three years, the current and last unit information will be retained in the file. If a change of ownership has occurred, documentation on the last two changes of ownership will be retained if it is more than three years. The following documents shall be retained in the active case file:

- Certificate of Inspection and Code Compliance for the Current Unit
- Recorded Grant Deed for the Current Unit
- Electronic Profile / RealQuest
- Property Tax Bill for the Current Unit
- Statement of Property Ownership for the Current Owner, which includes:
  - *Part A - Declaration of Property Ownership*
  - *Part B - Housing Assistance Payments Information*
  - *Part C - Notarized Agent Authorization*
  - *Part D - Section 8 Landlord Certification*
- Taxpayer Identification Number and Certification (W-9) for Current Owner
- Vendor List Questionnaire (Form AA-1)
- Property Management Agreement, if applicable
- Partnership Agreement & Resolution for Signatory, if applicable
- Corporate Bylaws & Resolution for Signatory, if applicable
- Proposed Lease
- Executed Lease Agreement
- Tenancy Addendum
- Housing Assistance Payments Contract
- Mutual Agreement to Terminate Lease Agreement
- Notice of Annual Re-examination/Rent Change

The above-referenced documents are to be maintained in the active case file regardless of the

date of the document.

### **Inspection Correspondence**

This section contains documents related to property inspections conducted and correspondence to and from the current owner(s) and families. If the family has moved within the last three years, then the current and last unit information will be retained in the file. The following documents shall be retained in the active case file:

- Request for Tenancy Approval
  - RFTA
  - Renting to Relatives Disclosure Notice
  - Inspection Checklist
  - Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint
  - Hazards
- Request for Tenancy Approval Letter
  - Property Ownership Information
  - Rescission of Request for Tenancy Approval
- Rent Reasonableness Certification
- Inspection Letter
  - Approval Letter
  - Annual Inspection
  - Passed
  - Failed
  - Special
  - Deficiency
  - Rent Adjustment
  - Abatement
  - Denial to Owner with Attachments
- Inspection Report for the Current Unit (up to a maximum of three years if available)
- Notification of HAP Termination
- Termination of HAP/Hold Form
- HAP Contract Letters
  - Termination of HAP Contract
  - Extension of HAP Contract Termination
  - Rescission of HAP Contract Termination

The above-referenced documents are to be maintained in the active case file based on the type and date of each document. Any document(s) that does not meet the above criteria should be removed and placed into the purged file.

**Admissions/Issuance** - Do not purge information from this section of the case file.

**Vital Statistics** - Do not purge information from this section of the case file unless there are numerous copies of Birth Certificates, Social Security Cards and Declaration of Section 214 Status. Former family members will also be retained in this section under a separate tab.

### **Occupancy Correspondence**

This section contains correspondence to and from the family, as well as requests for third-party income verifications. The purging of these documents is based on the re-examination year of the family. The following documents shall be retained in the active case file:

- History Sheets (all sheets, regardless of the date)

- Participant Correspondence for the last three re-examination years:
  - Re-examination Letter(s)
  - Termination of Assistance Notice(s)
  - Informal Review Request(s)
  - Informal Hearing Request(s)
  - Third-Party Verification Request(s) (Staff will remove verifications from this section once the third-party verifications have been received or place copies in the Occupancy section when the verifications are not returned.)
  - Request for Additional Information Letter(s)

The above-referenced documents are to be maintained in the active case file based on the type and date of each document. Any document(s) that does not meet the above criteria should be removed and placed into the purged file.

### **Occupancy**

This section contains information related to the family's eligibility income, including completed third-party verifications and income and rent calculations. Manila dividers, labeled with the re-examination year, will be placed in this section to separate each year's annual re-examination. The purging of these documents is based on the recertification year of the family. The following documents shall be retained for the current and last two annual re-examination cycles in the active case file:

- Family Report (Form HUD 50058)
- Routing Slip
- Case File Review Checklist
- Worksheets
- Legal Documents
- Update of Family Circumstances / Personal Declaration of Rental Assistance Benefits Forms
- HUD Authorization for the Release of Information for the current and last two annual re-examinations cycles
- CoPHD Authorization for Release of Information for the current and last two annual re-examinations cycles
- Third-Party Verifications for the current and last two annual re-examinations cycles
- EIV Reports in sealed and stamped envelopes
- EIV Certification form
- Allowable Deductions:
  - Receipts
  - Bank Statements
  - Bills (medical, utility, etc.)
  - School/College Enrollment Forms
- Self-Certified Statement
- CoPHD Authorization
- Affidavit
- Utility Schedule
- Payment Standard

EIV data in the confidential sealed and stamped envelopes that needs to be purged will be placed in the locked EIV cabinets until it is disposed/destroyed by the EIV Security Officer.

Purged records shall be maintained in accordance with HUD and CoPHD requirements. For all active cases, any purged information shall be documented and stored on site in the Housing

Department's secured storage room.

Tenant and applicant case files will be retained for 5 years from the date of termination and disqualification. All files will be transferred for storage to:

City of Pasadena, City Clerk, Record Management Section  
100 N Garfield Ave., Room N030 Pasadena, CA 91109  
(626) 744-4142

All retained files will be eligible for destruction after 5 years from the termination or disqualification date. The City Clerk Record Management Section will submit a Request for Destruction form to the Housing Department for the Director's approval. After all signatures have been obtained, files will be destroyed. The CoPHD along with City Clerk will maintain a record of all destroyed files.

## **E. FILE ORDER**

The information that is located in each section will be placed in the following order by section:

### **1. INSPECTIONS**

Current Property Tax Bill

1. Recorded Grant Deed
2. Electronic Property Profile / RealQuest
3. Certificate of Inspection and Code Compliance
4. Property Management Agreement, if applicable
5. Partnership Agreement & Resolution for Signatory, if applicable
6. Corporate Bylaws & Resolution for Signatory, if applicable
7. Operating Agreement for Limited Liability Co., if applicable
8. IRS Taxpayer Identification Number and Certification (W-9)
9. Vendor List Questionnaire (Form AA-1)
10. Statement of Property Ownership:
  - Part A - Declaration of Property Ownership
  - Part B - Housing Assistance Payments Information
  - Part C - Notarized Agent Authorization
  - Part D - Section 8 Landlord Certification
11. Proposed Lease Agreement
12. Tenancy Addendum - Form HUD-52641-A
13. Executed Lease Agreement
14. Housing Assistance Payments Contract - Form HUD-52641
15. Amendment to Lease
16. Notice of Annual Re-examination/Rent Change

### **2. INSPECTIONS CORRESPONDENCE**

#### **New Contract**

1. Request for Tenancy Approval Checklist
2. Renting to Relatives Disclosure Notice
3. Request for Missing Information Letter, if applicable
4. Rent Reasonableness Checklist and Certification
5. Disclosure of Information on Lead-Based Paint
6. Inspection Checklist
7. Request for Tenancy Approval - Form HUD-52517
8. Rescission of Request for Tenancy Approval Letter
9. Inspection Report - Form HUD-52580

## 10. Unit Approval Notice

### Annual/Special

The following documents will be filed in chronological order:

1. Inspection Letters:
  - Annual
  - Special
  - Deficiency
  - Rent Adjustment
  - Abatement
  - Denial to Owner with Attachments
  - Notification of HAP Termination
2. HAP Contract Letters:
  - Termination of HAP Contract
  - Extension of HAP Contract Termination
  - Reinstatement of HAP Contract Termination
3. Inspection Report - Form HUD-52580-A
4. Request for Rent Increase
5. Rent Reasonableness Checklist and Certification

### 3. **ADMISSIONS/ISSUANCE**

1. Rental Assistance Program Application
2. Pre-Application Data Card
3. Continuum of Care Rental Assistance Program (CoC) - Agency Referral Letter
4. HOPWA - Agency Referral Letter
5. Individual Applicant Information Form
6. Family Portability Information - Form HUD-52665
7. Lead-Based Paint Notification
8. Notice of Federal Privacy Act
9. Things You Should Know - Form HUD-1140-OIG
10. Obligation of the Family
11. Debts Owed to Public Housing Agencies and Terminations
12. What You Should Know About EIV
13. Extension Letters:
  - New
  - Move
  - Portability
14. Housing Choice Voucher/Certificate/Coupon (current copy always remains on the top of this section)

### 4. **VITAL STATISTICS**

1. Repayment Agreement
2. U.S. Military Discharge (DD-214)
3. Notarized Documents/Child Custody (Court Documents)
4. Marriage Certificate/Divorce Documents
5. Foster Care (Court Documents)
6. INS Information
7. SAVE System Information

8. Death Certificate
9. Certificate of Naturalization
10. Permanent Resident Card
11. Birth Certificate/U.S. Passport
12. Social Security Card
13. Driver License/Identification Card
14. Declaration of Section 214 Status
15. Client Screening/Criminal History Background/Police Report
16. Certificate of Disability Form
17. Request for Reasonable Accommodation/supporting documentation

## **5. OCCUPANCY CORRESPONDENCE**

All letters will be filed in chronological order, with the history sheets next and copies of third-party verification letters placed on top of the history sheets.

1. Applicants/Participant Correspondence:
  - Re-examination
  - Termination of Assistance
  - Informal Review
  - Informal Hearing
  - Request for Additional Information Letter

### Briefing Letters:

- New Housing Choice Voucher/Certificate//Coupon
- Move
- Portability

### Waiting List Letters:

- Outreach
- Preliminary Eligibility
- Ineligibility
- Disqualification
- Interview Appointment
- Preference Denial
- Informal Review Decision

2. History Sheets

3. Third-Party Verification Letters (Staff will remove verifications from this section once the third-party verifications have been received or place copies in the Occupancy section when the verifications are not returned.)

## **6. OCCUPANCY**

1. Update of Circumstances / Personal Declaration for Rental Assistance Benefits Forms.
2. HUD Authorization for the Release of Information/Privacy Act Notice – Form HUD-9886.
3. CoPHD Authorization for Release of Information
4. Legal Documents
5. Allowable Deductions:

- Medical (doctor visits, pharmacy, etc.)
- School/College Enrollment Forms
- Child Care
- 6. Assets Related to Income:
  - Stocks
  - Financial Institution Statements
  - Real Estate
- 7. Tenant Declaration/Affidavit
- 8. Income Documentation:
  - Employment
  - SS/SSI
  - CalWorks/General Relief/CAP
  - Self-Employment
  - Pension
  - Annuity
  - Child Support
  - Unemployment
  - Other income
- 9. Third-Party Verifications / EIV
- 10. Utility Schedule
- 11. Payment Standard
- 12. Worksheet
- 13. Family Report (Form HUD-50058)
- 14. Case File Review Checklist
- 15. Routing Slip
- 16. Divider (Year)

A divider will be placed in the Inspection section to separate information when there is a change of ownership. A divider will be placed in the Occupancy section to separate each re-examination that has been processed.

### **ELECTRONIC FILES**

The CoPHD shall maintain electronic records in accordance with Federal, State and local laws, as well as HUD and CoPHD policies, regulations, and requirements. Family and applicant records will be retained for five years from the date of termination or disqualification.

The following types of records will be printed and stored in applicant and participant files:

- Emails
- Pictures

Informal Hearing recordings stored on cassette will be destroyed in accordance with the City of Pasadena Record Retention procedures.

## CHAPTER 23

### PROGRAM INTEGRITY ADDENDUM

#### **INTRODUCTION**

The U.S. Department of Housing & Urban Development (HUD) and CoPHD are committed to prevent fraud and to assure that the proper level of benefits is paid to all eligible families, and that housing resources reach only income-eligible families so that program integrity can be maintained.

The CoPHD will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This Chapter outlines the CoPHD's policies for the prevention, detection and investigation of program abuse and fraud.

#### **A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD**

The CoPHD's expectation is that families will comply with HUD requirements, provisions of the HCVP, and other program rules. The CoPHD staff will make every effort to orient and educate all families in order to avoid unintentional program violations. However, the CoPHD has a responsibility to HUD, to the community, and to eligible families in need of housing assistance, to monitor families and owners for compliance, and when indicators of possible abuse come to the CoPHD's attention, to investigate such claims. Under no circumstances will the CoPHD undertake an inquiry or an audit of a family arbitrarily.

The CoPHD may initiate an investigation of a family under the following circumstances:

1. **Referrals, Complaints, or Tips.** The CoPHD will follow up on referrals from other agencies, companies or persons which are received by mail, telephone, e-mail, or in person, which allege that a family is in non-compliance with or otherwise violating the family obligations or any other program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the family's file.
2. **Internal File Review.** A review of the file will be conducted if CoPHD staff discovers information or facts which conflict with previous reported information by the family.
3. **Verification of Documentation.** A review will be made if the CoPHD receives independent verification or documentation which conflicts with representations in the family's file such as public record information, Credit Bureau reports, EIV reports, or information from other agencies.
4. **Unauthorized Family Members.** The CoPHD will conduct a program compliance inspection of the assisted unit when reports are received that unauthorized persons are residing in the assisted unit.

## **B. STEPS THE CoPHD WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD**

The CoPHD will utilize various methods and practices to prevent program abuse, non-compliance, and willful violations of program rules by applicants and participating families. This policy objective is to establish confidence and trust in the CoPHD by emphasizing education as the primary means to obtain compliance by families. The following are some of the methods and practices that will be used by the CoPHD:

1. **Things You Should Know.** This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all families to promote understanding of program rules, and to clarify the CoPHD's expectations for cooperation and compliance. This form will be provided to applicants and all adult household members and when household members turn 18.
2. **Family Obligations.** This program form informs the participant family of the responsibilities they must abide by to continue receiving rental assistance. The head of household and adult family members will be required to review, sign and date this form at admission, intervals and as part of the family's annual re-examination process.
3. **Program Briefing Session.** Mandatory Program Briefing Sessions will be conducted by the CoPHD for all prospective program participants, either prior to or upon issuance of a HCV.
4. **Resident Counseling.** The CoPHD will provide family counseling in order to clarify any confusion pertaining to program rules and requirements.
5. **Review and Explanation of Forms.** The CoPHD will explain all required forms and review the contents of all re-examination documents.
6. **Use of Instructive Signs and Warnings.** Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse.
7. **Personal Declaration for Rental Assistance Benefits Form.** The head of household will be required to complete, sign and date this form, and obtain the signature of all adult family members. Additionally, if anyone outside of the family's household helped the head of household to complete the form, they will be required to disclose their name, relationship to the family, telephone number and sign the Certification under Section VIII of this form. This form must be completed during the family's annual re-examination process and for moves with continued assistance. This form may also be required to process interims.
8. **What You Should Know About EIV and Debts Owed to Public Housing Agencies & Terminations program forms.** The head of household and adult family members will be required to complete, sign, and date these forms acknowledging their understanding, this includes new additions to the household and household members who have recently turned 18.
9. **CoPHD Newsletter.** The newsletter informs program participants and property owners about changes in the rules and regulations of the Rental Assistance Programs and CoPHD's Administrative Plan. Additionally, it reiterates the importance of complying with the HCVP and adopted CoPHD's Family Obligations in order to remain eligible for rental assistance.
10. **Other:** Information, forms and certifications may be utilized by the CoPHD as needed.

### **C. STEPS THE CoPHD WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD**

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

1. **Quality Control File Reviews.** Prior to initial admission and at the completion of all subsequent re-examinations, each family's file may be reviewed. Such reviews shall include, but are not limited to:
  - a. Assurance that verification of all income and deductions is present.
  - b. Changes in reported Social Security numbers or dates of birth.
  - c. Authenticity of file documents.
  - d. Ratio between reported income and expenditures.
  - e. Changes in reported Social Security numbers or dates of birth.
  - f. Authenticity of file documents.
  - g. Changes in reported Social Security numbers or dates of birth.
  - h. Authenticity of file documents.
  - i. Ratio between reported income and expenditures.
  - j. Review of signatures for consistency with previously signed file documents.
  - k. All forms are correctly and completely filled out, dated and signed.
  - l. Review and print EIV report for all annual re-examinations and cases where discrepancy in tenant reported information and EIV report exists.
2. **Observation.** The CoPHD will maintain a high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income. The family's case file will be documented by the staff member assigned to the case and also by the inspector who conducted the inspection of the assisted unit.
3. **Public Record Information.** The CoPHD may use this source to obtain information via internet searches for addresses, phone numbers and property records listings and to access the Los Angeles County Sheriffs Department, California Department of Rehabilitations and Corrections and the Federal Bureau of Prisons for arrest and inmate information.
4. **National Crime Information Center (NCIC).** The CoPHD may utilize the information contained in the NCIC records database, which is maintained by the Federal Bureau of Investigations, to verify whether or not members of the family have a criminal record.
5. **State Wage Data Record Keepers.** Inquiries to State wage and employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits.

6. **Enterprise Income Verification System (EIV).** The CoPHD will pull reports from the EIV system to verify the accuracy of the income source(s) information reported by families for additional information regarding the EIV system, please refer to Chapter 24, "Enterprise Income Verification Security Policy and Procedures", of this Plan.
7. **Credit Bureau Inquiries.** Credit Bureau inquiries may be made (with proper authorization by the family) in the following circumstances:
  - a. At the time of final eligibility determination.
  - b. When an allegation is received by the CoPHD wherein unreported income sources are disclosed.
  - c. When a family's expenditures exceed his/her reported income and no plausible explanation is given.
8. **Third Party Verifications.** Mail third party verifications to various agencies for families with adult household members claiming zero income or for unauthorized household members to verify no income being received from contacted sources or to obtain unreported income information.

#### **D. THE CoPHD'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD**

The CoPHD will encourage all participating families to report suspected abuse to their assigned Housing Assistant. All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the family's file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. The CoPHD will not follow up on allegations which are vague or otherwise non-specific. The CoPHD will only review allegations which contain one or more independently verifiable facts.

1. **File Review.** An internal file review will be conducted to determine:  
If the subject of the allegation is a client of the CoPHD and, if so, to determine whether or not the information reported has been previously disclosed by the family.  
It will then be determined if the CoPHD is the most appropriate authority to do a follow-up.  
Any file documentation of past behavior, as well as corroborating complaints, will be evaluated.
2. **Conclusion of Preliminary Review.** If at the conclusion of the preliminary file review, there are facts contained in the allegation which conflict with file data and the facts are independently verifiable, the Housing Assistant assigned to the family's case will initiate an investigation to determine if the allegation is true or false.

#### **E. HOW THE CoPHD WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD**

If the CoPHD determines that an allegation or referral warrants follow-up, the staff person who is responsible for the file will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below.

In all cases, the CoPHD will secure written authorization from the family for the release of information.

1. **Credit Bureau Inquiries.** In cases involving previously unreported income sources, a Credit Bureau inquiry may be made to determine if there is financial activity that conflicts with the reported income of the family.
2. **Verification of Credit.** In cases where the financial activity conflicts with file data, a *Verification of Credit* form may be mailed to the creditor in order to determine the unreported income source.
3. **Employers and Ex-Employers.** Employers or ex-employers may be contacted to verify wages which may have been previously undisclosed or misreported.
4. **Neighbors/Witnesses.** Owner/owner's agent, neighbors and/or other witnesses who are believed to have direct or indirect knowledge of facts pertaining to the CoPHD's review may be interviewed.
5. **Other Agencies.** Investigators, caseworkers or representatives of other benefit agencies may be contacted.
6. **Public Records.** If relevant, the CoPHD will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, State wage records, utility records and postal records.
7. **Interviews with Head of Household or Family Members.** The CoPHD will discuss the allegation (or details thereof) with the head of household or family member by scheduling an appointment at the appropriate CoPHD office. A high standard of courtesy and professionalism will be maintained by the CoPHD staff person who conducts such interviews. Under no circumstances will inflammatory language, accusations, or any unprofessional conduct or language be tolerated by the CoPHD. If possible, an additional staff person will attend such interviews.
8. **Inspection of the assisted unit.** A special inspection of the assisted unit may be conducted in cases where allegations are reported that the family is in non-compliance with or otherwise violating the family obligations or any other program rules. In cases where the CoPHD is investigating fraud, families will not be given advanced notification of the special inspection. However, the CoPHD must obtain the family's permission to enter the unit by signing a special inspection consent form allowing the CoPHD to enter the unit and to take photographs.
9. **Drug related and criminal activity.** In cases when drug related and/or criminal activity has been reported, the CoPHD may refer the matter to the Pasadena Police Department and other relevant City Departments. Evidence may be obtained from police and/or court records pertaining to the alleged activity.
10. **Internet and Social Networking sites.** The CoPHD may use these sources to obtain information via internet searches for addresses, phone numbers and property records listings as well as to identify familial relationships pertinent to an investigation.
11. **Other.** Information, inquiries and data gathering as may be required by the CoPHD.

## **F. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE CoPHD**

Documents and other evidence obtained by the CoPHD during the course of an investigation will be kept in the family's file. Such cases under investigation may not be discussed among CoPHD staff, unless they are involved in the process or have information which may assist in the investigation.

## **G. CONCLUSION OF THE CoPHD'S INVESTIGATIVE REVIEW**

At the conclusion of the investigative review, the reviewer will report the findings to the Housing Assistance Officer or designee. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

## **H. EVALUATION OF THE FINDINGS**

If it is determined that a program violation has occurred, the CoPHD will review the facts to determine:

1. The type of violation (procedural, non-compliance, fraud).
2. Whether the violation was intentional or unintentional.
3. What amount of money (if any) is owed by the family.
4. If the family is eligible for continued assistance.

## **I. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED**

Once a program violation has been documented, the CoPHD will propose the most appropriate remedy based upon the type and severity of the violation.

1. **Procedural Non-compliance.** This category applies when the family "fails to" observe a procedure or requirement of the CoPHD, but does not misrepresent a material fact, and there is no retroactive assistance payments owed by the family.

### **Examples of Non-Compliance Violations Are:**

- Failure to appear at a scheduled appointment.
  - Failure to submit requested information in time period specified by the CoPHD.
- (a) **Warning Notice to the Family.** In such cases a notice will be sent to the family which contains the following:
1. A description of the non-compliance and the procedure, policy or obligation which was violated.
  2. The date by which the violation must be corrected or the procedure complied with.

3. The action which will be taken by the CoPHD if the procedure or obligation is not complied with by the date specified by the CoPHD.
  4. The consequences of repeated violations.
2. **Procedural Non-Compliance - Overpaid Assistance.** When the family owes money to the CoPHD for failure to report changes in income or assets, the CoPHD will issue a Notification of Overpayment of Assistance. This notice will contain the following:
- A description of the violations and the dates.
  - Amounts owed to the CoPHD.
  - Appointment date and time to discuss the overpayment calculations with the head of household and other adult(s) responsible for the overpaid rental assistance.
  - The right for the family to disagree with the overpaid rental assistance amount and for the family to submit, within 30 days of the date of the scheduled appointment, information supporting their statement.
  - An option of entering into a repayment agreement if assistance is not being proposed for termination. Also, informing the family of the terms of the agreement.
- (a) **Participant Fails to Comply with CoPHD's Notice.** If the family fails to comply with the CoPHD's notice, and a family obligation has been violated, the CoPHD will initiate a proposed termination of assistance.
- (b) **Participant Complies with CoPHD's Notice.** When a family complies with the CoPHD's notice, the staff person responsible will meet with him/her to discuss and explain the family obligation or program rule which was violated.
3. **Intentional Misrepresentations.** When a family falsifies, misstates, omits or otherwise misrepresents material facts the CoPHD will determine whether or not:
- An overpayment of rental assistance has occurred.
  - The family had knowledge that his/her actions were wrong; and
  - The family willfully violated the family obligations or the law and/or any program rules and regulations.
- Knowledge that the Action or Inaction Was Wrong.** This will be evaluated by determining if the family was made aware of program requirements and prohibitions. The family's signature on various CoPHD certification forms (i.e., briefing certification, Obligations of the Family and Things you Should Know) are adequate to establish knowledge of wrong-doing.
- The Participant Willfully Violated the Law.** Any of the following circumstances will be considered adequate to demonstrate willful intent:
- (a) An admission by the family of the misrepresentation.

- (b) That the act was done repeatedly.
  - (c) If a false name or Social Security number was used.
  - (d) If there were admissions to others of the illegal action or omission.
  - (e) That the family omitted material facts which were known to him/her (i.e., employment of self or other household members).
  - (f) That the family falsified, forged or altered documents.
  - (g) That the family uttered and certified to statements at any re-examination which were later independently verified to be false.
4. **Dispositions of Cases Involving Misrepresentations.** In all cases of misrepresentations involving efforts to recover monies owed, the CoPHD may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:
- (a) **Criminal Prosecution:** If the CoPHD has established criminal intent and the case meets the criteria for prosecution, the CoPHD will:
    - Refer the case to the local State or District Attorney, notify HUD's Regional Office of Inspector General (ROIG), and terminate rental assistance.
  - (b) **Administrative Remedies:**
    - Terminate assistance and demand payment of restitution in full.
    - Terminate assistance and execute an administrative repayment agreement in accordance with the CoPHD's repayment policy.
    - Terminate assistance and pursue restitution through civil litigation.
    - Continue assistance at the correct level upon repayment or restitution in full within 30 days.
    - Permit continued assistance at the correct level and execute an administrative repayment agreement in accordance with the CoPHD's repayment policy.
5. **Case Conference for Serious Violations and Misrepresentations.** When the CoPHD has established that material misrepresentations and serious violations have occurred, a case conference will be scheduled with the family and the CoPHD staff person who is most knowledgeable about the circumstances of the case. This conference will take place prior to any proposed action by the CoPHD. The purpose of such conference is to review the information and evidence obtained by the CoPHD with the family, and to provide the family an opportunity to explain any document findings which conflict with representations in the family's file. Any documents or mitigating circumstances presented by the family will be taken into consideration by the CoPHD. The family will be given 15 days to furnish any mitigating evidence.

Prior to the final determination of the proposed action, the CoPHD will consider:

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

**6. Notification to Participant of Proposed Action.** The CoPHD will notify the family by certified mail and regular U.S. mail of the proposed action by mailing notifications to the family's current or last known address, in a reasonable time after the case conference.

## **CHAPTER 24**

### **ENTERPRISE INCOME VERIFICATION (EIV) SECURITY POLICY AND PROCEDURES**

#### **INTRODUCTION**

The EIV system is intended to provide a single source of income-related data to PHAs for use in verifying the income reported by participants in the various assisted housing programs. The EIV system is administered and maintained by the Office of Public and Indian Housing (PIH). The entire EIV system became mandatory, effective January 31, 2010.

The purpose of EIV is to identify and prevent fraud within HUD rental assistance programs, so that limited taxpayer's dollars can assist as many eligible families as possible. EIV will help to improve the integrity of HUD rental assistance programs. This Chapter is to establish the CoPHD's policies and procedures to assure that the practices, controls and safeguards used by CoPHD are in compliance with the Federal laws regarding the protection of this information.

#### **A. ENTERPRISE INCOME VERIFICATION SYSTEM**

The CoPHD is required to use the EIV system in its entirety as a third party source to verify tenant employment and income information during mandatory reexaminations of family composition and income; and reduce administrative and subsidy payment errors in accordance with 24 CFR §5.236 and §5.233 and administrative guidance issued by HUD. The CoPHD will monitor all the reports in EIV monthly. The CoPHD will continue to update their EIV policies and procedures in accordance with current Notice PIH and reference material issued by HUD.

The participants' consent is required in order for HUD or the PHA to obtain their information. By law, they are required to sign one or more consent forms. When they sign the form HUD-9886 (Federal Privacy Act Notice and Authorization for Release of Information) or a PHA consent form (which meets HUD standards), they are giving HUD and the PHA their consent to obtain their information for the purpose of determining eligibility and amount of rental assistance. The information collected will be used only to determine eligibility for the program, unless they consent in writing to authorize additional uses of the information by the PHA. Adult household members that refuse to sign a consent form; their request for initial or continued rental assistance may be denied and may also be terminated from the HUD rental assistance program.

As participants of a HUD rental assistance program, each adult household member must disclose complete and accurate information to the PHA, including full name, SSN, and DOB; income information; and certify that the reported household composition (household members), income, and expense information is true to the best of their knowledge.

#### **B. BENEFITS OF THE SYSTEM and TYPES OF UP FRONT VERIFICATION**

1. Increases the efficiency and accuracy of income and rent determinations.
2. Reduces incidents of underreported and unreported household income.
3. Removes the barriers to verifying tenant-reported income.

4. Addresses material weaknesses in a PHA's reexamination process and program operations.
5. Assures that more eligible families are able to participate in the program.
6. Reduces improper payments and ensures the right people receive the right amount of assistance at the right time.
7. Provides new hire, wage, unemployment compensation, and Social Security benefit information through a data matching process for households covered by a HUD-Form 50058 and individuals who have disclosed a valid Social Security Number (SSN).
8. Allows PHAs to view monthly new hire information, quarterly wage, employer information, quarterly unemployment benefit payments, monthly Social Security (SS) and Supplemental Security Income (SSI) benefits, and Medicare deductions and/or buy-ins for tenants within the PHA's jurisdiction.
9. Provides income discrepancy reports to identify families who may have substantially underreported household income.
10. Identifies individuals who are required to disclose a valid SSN to the PHA.
11. Identifies individuals who may have disclosed an invalid SSN to the PHA.
12. Identifies individuals who may be receiving duplicate rental assistance.
13. Identifies individuals who voluntarily or involuntarily ended participation (EOP) in a PIH rental assistance program with an adverse status and/or outstanding debt owed to a PHA as of the EOP date.

EIV information is used by CoPHD for the following purposes to:

1. Confirm participant's name, date of birth (DOB), and Social Security Number (SSN) with SSA.
2. Verify reported income sources and amounts.
3. Confirm participation in only one HUD rental assistance program.
4. Confirm any outstanding debt to any PHA.
5. Confirm any negative status in the past under the Public Housing or Section 8 program.
6. Identifying tenants who are deceased and possibly continuing to receive rental assistance. Follow up with adult household members, or listed emergency contact regarding deceased household members.

The EIV system compares the participant income data obtained from various sources including:

- Participant-supplied income data captured on Form HUD-50058 and maintained in the PIC databases;

- Social Security Administration (SSA) and the U.S. Department of Health and Human Services (HHS), National Directory of New Hires (NDNH) for all program participants with valid personal identifying information (name, date of birth (DOB), State Workforce Agency (SWA) and social security number (SSN) reported on the form HUD-50058.
- User profile information from the PIC database.

### **C. WHAT EIV PARTICIPANT DATA IS USED FOR**

EIV data is the first level in the hierarchy of income verification. The EIV data must be used in the following way:

- To verify a participant's eligibility for participation in a HUD rental assistance program and to determine the level of assistance the participant is entitled to receive.

The CoPHD must not adversely take action against a participant until the PHA has independently verified the EIV, and the participant has been granted an opportunity to contest any adverse findings through the established grievance hearing or other legal procedures, see Chapter 7 of this Plan "Verification Procedures".

### **D. EIV DEBTS OWED/TERMINATION REPORT**

CoPHD is required to use the EIV system in accordance with HUD regulations at 24CFR 5.233. The report became available to PHAs on September 25, 2009. The report contains a National repository of families that:

- Owed a debt to any PHA nationwide; and/or
- Left a PIH program under negative circumstances
- PHAs are required to:
  - Use Form HUD 52675 – Debts Owed to Public Housing Agencies and Terminations (approved by OMB under Control Number 2577-0266) for collecting the information.
  - Provide the notice to all applicants and program participants and require all applicants and program participants to acknowledge receipt of the notice by signing page 2. Applicants and tenants age 18+ are required to sign the form – one time only.
  - Identify or designate which staff will be authorized to enter, update, and delete debt owed and termination information. PHA Executive Director or designee will authorize the staff.
  - Enter Debt and Termination information into EIV not later than 60 days from the End of Participation (EOP) date.

### **E. REQUIREMENTS FOR USING EIV DATA**

#### **Tenant Selection and New Admissions**

The form HUD-9887, Notice and Consent for the Release of Information, signed by the applicant and each applicant family member 18 years of age and older does not need to be on file in order

to use the Existing Tenant Search in EIV at the time of application processing and tenant screening. CoPHD will verify all new family members to ensure they are not included in existing households currently on the program.

As a applicant of a HUD rental assistance program, each adult household member must disclose complete and accurate information to the PHA, including full name, SSN, and DOB; income information; and certify that reported household composition (household members), income, and expense information is true to the best of their knowledge.

For all new admissions, the CoPHD must:

Review the Income Report within 90 days after transmission of the move-in certification to Tenant Rental Assistance Certification System (TRACS) to confirm/validate the income reported by the household.

Resolve any income discrepancies with the household within 30 days of the Income Report date.

Print and retain the Income Report in the tenant file along with any documentation received to resolve income discrepancies.

### **Unreported or Underreported Income**

If the CoPHD determines the family unreported or underreported his/her income, the CoPHD must go back to the time the unreported or underreporting of income started, no limitation that the family was receiving assistance described on forms HUD-9887 and HUD-9887-A, and calculate the difference between the amount of rent the family should have paid and the amount of rent the family was charged. The CoPHD must notify the family of any amount due and their obligation to reimburse the CoPHD. A record of this calculation must be provided to the family and also retained in the family's file. The CoPHD will propose termination of assistance for families that had unreported or underreported income from admission and all monies paid on the family's behalf will be considered an overpayment of rental assistance. If the amount of the overpayment is \$10,000.00 or more, the case will be reported to OIG.

## **F. FEDERAL PRIVACY ACT**

The data provided via the EIV system will be protected to ensure that it is only used for official purposes and not disclosed in any way that would violate the privacy of the individuals represented in the system data. Privacy of data and data security for computer systems are covered by a variety of Federal laws and regulations. The Federal Privacy Act of 1974 as amended, 5 U.S.C. 552 (a), is one such regulation. The full text of the Federal Privacy Act can be accessed at <http://www.opm.gov/feddata/usc552a.txt>

### **Examples of Federal Privacy Act Violations**

Public Housing will not rely entirely upon staff to read and understand the Federal Privacy Act. To ensure that staff has a complete understanding of the Federal Privacy Act and how seemingly harmless actions may be violations, examples of Federal Privacy Act violations will be provided during security awareness training. The following example of a security violation was explained during the HUD Satellite Broadcast introducing the EIV system:

EIV data can only be viewed by authorized PHA staff and the individual adult who the information pertains to. This means that EIV data for an adult household member in a participant family cannot be shared with another adult household member of the participant family (even the head of household) unless that family member is present or signs a waiver authorizing the other family

member to view their EIV information. The Federal Privacy Act protects the privacy of each adult family member from any unauthorized person viewing their EIV data, even another family member. However, EIV data for minor children may be viewed by the head of household. The PHA is not prohibited from discussing with the head of household (HOH) and showing the HOH how the household's income and rent were determined based on the total family income reported and verified.

## **G. SECURITY**

A Public Housing EIV Security Officer(s) is responsible for ensuring that proper technical, physical, and administrative safeguards are in place and enforced. The duties of the Public Housing EIV Security Officer(s) are as follows:

- Conducts quarterly reviews of all User IDs issued to determine if the users still have a valid need to access the EIV data and modifies or revokes access rights as appropriate.
- At the request of the Director, updates the EIV Security Policy and Procedures.
- Assures that a copy of Form HUD-9886 has been signed by each member of the household, age 18 years or older, and is in the household file.
- Ensures compliance with the PHA security policies and procedures outlined in this document;
- Communicates security information and requirements to appropriate personnel, including coordinating and conducting security awareness training sessions;
- Ensures that any infractions of security procedures are promptly reported to Department Director for investigation and enforcement; and
- Ensures that all EIV records and forms (i.e. signed user agreements) are kept and updated as needed.

### **Security Awareness Training**

Security awareness training is a crucial aspect of ensuring the security of the EIV system and data. Users and potential users will be made aware of the importance of respecting the privacy of data, following established procedures to maintain privacy and security, and notifying management in the event of a security or privacy violation.

In addition to security awareness training, the Public Housing EIV Security Officer(s) will communicate security information and requirements to appropriate personnel. Security awareness training will be provided to each employee upon granting access to the EIV system. Thereafter, annual security awareness refresher training will be provided to each employee with EIV access by the HUD Public Housing EIV Security Officer(s). The EIV Security Officer will determine the manner of the security awareness training which will be provided.

### **Safeguards**

The purpose of these technical safeguards is as follows:

- To reduce the risk of a security violation related to the EIV system's software, network, or applications.

- To identify and authenticate all users seeking access to the EIV system.
- To deter and detect attempts to access the system without authorization.
- To monitor the user activity of the EIV system.
- Each user is required to have their own User ID and Password.
- The User ID identifies the PHA's and tenant information that the user is authorized to access.
- Passwords are encrypted and the password file is protected from unauthorized access.
- The system forces all user to change their password and limit the reuse of previous passwords.
- After three unsuccessful attempts to log in, the User ID is locked and the user must contact the HUD System Administrator to have the password reset; and
- Online warning messages that inform the user of the civil and criminal penalties associated with unauthorized use of the EIV system will be displayed.

In addition, the authorized CoPHD personnel will follow the following technical security requirement:

- Will not save EIV data to a computer hard drive or any other automated information system (i.e. network drive, disk or CD).
- Will not leave their computer unattended with EIV data displayed on the screen.
- Will attend the required security awareness training.
- Will not log in on another user's ID.
- Will print EIV report to their individual printer.

### **Administrative Safeguards**

The Public Housing EIV Security Officer(s) will maintain security-related records and monitor programmatic security issues. They will also adhere to the following administrative safeguards:

- Ensure that all users who have access to EIV data have an Access Authorization Form signed by the Director of Housing on file.
- Ensure that all users who access the EIV system have a current signed Rules of Behavior and User Agreement on file.
- Conduct quarterly reviews of all User IDs to determine if the user still has a valid need to access the EIV data; and
- Ensure the access rights are modified or revoked as appropriate.

The Public Housing EIV Security Officer(s) will maintain the following EIV security records and forms:

- EIV Rules of Behavior and User Agreement Forms.
- EIV Access Authorization Forms.
- EIV Disposal Records List.
- EIV security violation information.
- Key control logs for secure areas or filing cabinets.
- EIV Security Awareness Training Records.
- Records of internal audits to ensure that Form HUD-9886 has been signed by each adult member of the household and is kept in the Confidential Resident File; and
- A record of all users who have approved access to EIV data, including the date access was granted and the date access was terminated.

### **Physical Safeguards**

The purpose of physical safeguards is to provide barriers between unauthorized persons and documents containing private data.

### **Confidential Participant Files/Envelopes**

All EIV data printed will be saved in the gray “Confidential” participant file and/or “Confidential” participant envelope. Each participant file/envelope will be clearly labeled on the front cover as “Confidential”. This alerts staff that this file/envelope contains EIV data that must be protected at all times when not in use.

### **Sealed Confidential Envelopes**

Even though the CoPHD has a monitored office building, persons unauthorized to view EIV data, such as maintenance staff, janitorial staff, or temporary staff, have access to the office spaces. EIV data will be placed in the gray confidential sealed and stamped envelopes which will be kept in the family’s file. If the case is terminated or purged, the confidential envelopes will remain in place until it is time to dispose of the EIV information and family’s file.

### **Hard Copy Security Violations**

CoPHD will handle EIV data in such a manner that it does not become misplaced or available to unauthorized personnel. Any marked confidential participant file or marked confidential EIV envelope will contain EIV data. Therefore the file/envelope cannot be viewed by any personnel that are not expressly authorized (i.e. staff in charge of the file, the supervisor of the staff in charge of the file, the Public Housing EIV Security Officer(s), or the Public Housing Internal Auditor) and who do not have both an Access Authorization Form and a Rules of Behavior and User Agreement on file with the Public Housing EIV Security Officer(s).

Viewing the EIV information of a participant outside of a staff’s caseload assignment is considered a security violation for both the staff unlawfully viewing the EIV information and for the staff that left the information unattended. Unless a supervisor has specifically authorized staff to view another staff’s EIV data, this is expressly prohibited.

### **Disposal of EIV Information**

EIV data will be destroyed in a timely manner based on the information provided in HUD's published EIV training materials, HUD notices or as the data has served its purpose or as prescribed by the program administrator's policy and procedures. All EIV reports and any documents created in association with their use should be shredded by authorized staff to prevent the reconstruction of the contents. It is important that a log or register be maintained of all documents shredded or destroyed.

## **H. REPORTING IMPROPER DISCLOSURES**

CoPHD will recognize and report in response to security violations which are crucial to successfully maintaining the security and privacy of the EIV system.

Security violations may include the following:

- Disclosure of private data.
- Attempts to access unauthorized data; and
- Sharing of User IDs and passwords.

Upon discovery of a possible improper disclosure of EIV information or another security violation by a Public Housing Employee or any other person, the individual making the observation or receiving the information should contact the Public Housing EIV Security Officer(s). The Public Housing EIV Security Officer(s) will document all improper disclosures in writing on a security disclosure form, providing details including who was involved, what was disclosed, how the disclosure occurred, and where it occurred.

The following contacts will be made:

- The Public Housing EIV Security Officer(s) will contact and provide the Director of Public Housing with the written documentation of the security violation.
- The Administrator or his designee will provide the HUD Field Office Public Housing Director with the written documentation; and
- The HUD Field Office Public Housing Director, upon receipt of the documentation, will make a determination regarding the referral and provision of the written documentation to the Headquarters EIV Coordinator and/or Public Housing EIV Security Officer(s) for further review and follow-up action.

### **Safeguards Provided by the Federal Privacy Act**

The Federal Privacy Act provides safeguards for individuals against invasion of privacy by requiring Federal agencies, except as otherwise provided by law or regulation, to:

- Permit individuals to know what records pertaining to them are collected, maintained, used or disseminated.
- Allow individuals to prevent records pertaining to them (obtained for a particular purpose) from being used or made available for another purpose without their consent.
- Permit individuals to gain access to information pertaining to them, obtain a copy of all or any portions thereof, and correct or amend such records.

- Collect, maintain, use or disseminate personally identifiable information in a manner that ensures the information is current and accurate, and that adequate safeguards are provided to prevent misuses of such information.
- Permit exemption from the requirements of the Act only where an important public policy need exists as determined by specific statutory authority; and
- Be subject to a civil suit for any damages that occur as a result of action that violates any individual's rights under this Act.

## **I. UPDATING OF PHA POLICIES AND PROCEDURES**

All PHAs are required to immediately implement all new and modified regulatory requirements of the Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System-Amendments. PHAs should immediately update their policies and procedures to reflect these new regulatory provisions.

PIH provided PHAs with the attached EIV system information guide that PHAs may provide to applicants and tenants of PIH rental assistance programs. The CoPHD distributed the documents What You Should Know About EIV and Form HUD 52675 to applicants and tenants to educate families about EIV and Debts Owed to PHAs & Termination Notice and to also inform them of how it affects their family. The CoPHD will provide the family with a copy of each notice and maintain a signed copy in the family file.

## **CHAPTER 25**

### **SPECIAL HOUSING CHOICE VOUCHER ALLOCATIONS**

#### **INTRODUCTION**

The Housing Choice Voucher (HCV) program includes special voucher allocations for defined populations. These special allocations must be utilized by households meeting the specific eligibility definition for the allocation under which they will be assisted. These allocations include HCV for Non-Elderly Disabled Persons (NED) and HUD-Veteran's Affairs Supportive Housing (HUD-VASH). This chapter will outline policies and procedures for these two special allocations. Except as delineated in this chapter, these programs will be administered in adherence to the policies and procedures of the HCV program as administered by the City of Pasadena Housing Department (CoPHD) and set forth in this Administrative Plan.

#### **A. HCV FOR NON-ELDERLY DISABLED PERSONS**

HCV for NED provides rental assistance to very low-income households whose head, spouse, or sole member is a person with disabilities and is less than 62 years old. There are two Categories of NED 1 & 2. As of July 1, 2016 CoPHD no longer administers NED Category 2 vouchers.

#### **Applicant Eligibility Process**

Applicants for Category 1 NED HCVs must be selected from the Section 8 waiting list and meet the definition of non-elderly disabled household. In the event that Category 1 NED HCVs are available and there are not enough households on the waiting list that qualify for these HCVs and the waiting list is closed, then the waiting list will open for applications from very low-income non-elderly disabled households. In this case, the CoPHD will limit the families that may apply to only those families that meet the eligibility requirements for the allocated Category 1 NED HCVs. The waiting list process for these applicants will be conducted in accordance with waiting list procedure as delineated in Chapter 4 of this Plan, "Application Pool". Eligibility determination requires that all conditions of eligibility be met at the time of initial lease-up. Category 1 NED HCVs are administered in accordance with program requirements (24 CFR Section 982).

#### **Outreach to Non-Elderly Persons with Disabilities**

The CoPHD will reach out to agencies that provide supportive services to non-elderly disabled persons to make them aware of the availability of NED vouchers and the requirements to access NED Category 1. When it is necessary to open the waiting list to accept applications for NED Category 1, information will be disseminated in accordance with Chapter 3 of this Plan, "Open Enrollment". Additionally, application information will be made available at agencies that serve persons with disabilities.

#### **Affirmatively Furthering Fair Housing**

As stated in Chapter 1 of this Plan, "Statement of Policies and Objectives" it is the policy of the CoPHD to comply with the Affirmatively Furthering Fair Housing Requirements of 24 CFR Part 903.7(o). Affected applicants are informed at the HCV briefing session about how to file a fair housing complaint. Form HUD-928.1, the Equal Housing Opportunity flyer which includes the toll free Housing Discrimination hotline and Federal Information Relay Service numbers, and Form HUD-903.1, "Are You a Victim of Housing Discrimination" which includes a form for filing a

housing discrimination complaint, are included in each briefing packet and reviewed during the briefing session.

### **Aging Out of NED**

Existing NED participant families DO NOT “age out” of the NED program as long as the family was eligible on the day it was first assisted under a housing assistance payments (HAP) contract or the date it was established as a NED family in PIC pursuant to Notice PIH 2013-19. By “aging out,” this notice is referring to cases where the qualifying household member now qualifies as elderly due to the passage of time since the family received the NED voucher.

### **Reasonable Accommodation**

The CoPHD’s policies and procedures regarding reasonable accommodation are outlined in Chapter 1 of this Plan. These policies and procedures will also be applied to:

- NED Program
- NED applicants; and
- NED participants.

### **Housing Search Assistance**

The Pasadena Housing Resource Center, sponsored by the City of Pasadena Housing Department and available online at [www.pasadenahousingsearch.com](http://www.pasadenahousingsearch.com), provides detailed information about currently available, moderately priced units in Pasadena. The site includes tools to search for accessible units and units that accept rental assistance. Use of the site is free. It may also be accessed through a toll-free, bilingual call center at 1-877-428-8844. Applicants are provided information about the site at the HCV briefing session.

## **B. HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH)**

The HUD-VASH program combines HCV rental assistance for homeless veterans with case management and clinical services provided by the Department of Veteran’s Affairs (VA). VA provides these services for participating veterans at VA medical centers (VAMCs) and community-based outreach clinics.

Generally, the HUD-VASH HCV is administered in accordance with regular HCV program requirements (24 CFR Section 982). However, the Act allows HUD to waive or specify alternative requirements for any provision of any statute or regulation that HUD administers in connection with this program in order to effectively deliver and administer HUD-VASH voucher assistance. The HUD-VASH Operating Requirements (including the waivers and alternative requirements from HCV program rules) were published in the Federal Register on May 6, 2008 and all other HUD publication after said date regarding the HUD-VASH program.

### **HUD-VASH Eligibility Criteria**

Veterans who are appropriate for this program must be VA health care eligible Veterans. VA eligibility makes this determination. Veterans must meet the definition of homelessness defined in “[The McKinney Homeless Assistance Act](#)” as amended by S. 896 “The Homeless Emergency Assistance and Rapid Transition to Housing” (HEARTH) Act of 2009.

Veterans who are appropriate candidates for this program must need:

- Case management services in order to obtain and sustain independent community housing. Case management is a requirement for participation in the HUD-VASH voucher program.
  - Veterans who need case management services have serious mental illness, substance use disorder history, or physical disability.
  - Eligible candidates for the program are expected to participate in case management and utilize the supportive services, treatment recommendations and assistance needed to successfully maintain recovery and sustain housing in the community.
  - VA determines clinical eligibility for the program.
  - The PHA determines if the Veteran participant meets HUD's regulations for this program.
  - The PHA will determine eligibility based on income limits and will request citizenship verification.
  - The PHA will verify if any member of the household is required to maintain Lifetime Sexual Offender Registry status – those who do are not eligible to participate in this program.

If a family no longer needs case management as determined by the VAMC or if the veteran dies, the family is still eligible for rental assistance under the HCV program. In cases where case management is no longer needed, the PHA may use one of its own vouchers, if available, to continue assisting this family and free up a voucher for another HUD-VASH eligible family. If a regular voucher is not available, the family would continue utilizing the HUD-VASH voucher.

In accordance with 24 CFR Section 982.54(d) (11) family break-up, the voucher must remain with the veteran in the case of a separation or divorce.

In regard to verifying Social Security numbers (SSNs) for homeless veterans and their family members, an original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual along with other identifying information of the individual, is acceptable in accordance with 24 CFR part 5.216(g).

In the case of the homeless veteran:

- The PHA must accept the Certificate of Release or Discharge from Active Duty (DD-214) as verification of SSN and cannot require the veteran to provide a SSN card.
- The PHA must accept the VA-verified Application for Health Benefits (10-10EZ) as verification of SSN and cannot require the veteran to provide a SSN card.
- The DD-214 or 10-10EZ documents must also be accepted for proof-of-age purposes in lieu of birth certificates or other PHA-required documentation.
- Veterans are also issued photo identification (ID) cards by the VA. If such identification is required by the PHA, these cards must be accepted by the PHA in lieu of another type of government-issued photo identification.
- VA issued photo ID cards may also be used to verify SSNs and date of birth.

The HUD–VASH program is administered in accordance with applicable Fair Housing requirements. These include applicable authorities under 24 CFR 5.105(a) and 24 CFR 982.53 including, but not limited to, the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Age Discrimination Act. These requirements prohibit discrimination on the basis of race, color, religion, sex, familial status, national origin, age, or disability.

### **Admission**

A PHA will not be able to deny admission to the HCV program to an otherwise eligible HUD-VASH family that previously participated in the PHA's HCV or public housing program (that presumably left owing money or was not in good standing).

The PHA will not deny admission to an adult family member, other than the veteran, based on the previous behavior of that family member. For example, the co-head was previously terminated from the PHA's voucher program for committing serious or repeated violations of the lease (e.g. non-payment of rent). The prohibition against screening families for anything other than lifetime sex offender status, applies to all family members, not just the veteran.

### **Calculating Annual Income & Coordination with Other Veteran Programs**

The Post 9/11 Veterans Educational Assistance Act of 2008 (Post 9/11 VEAA, also referred to as the Post 911 GI Bill) provides benefits for veterans pursuing a course of education in the forms of tuition assistance, book stipends, and a monthly housing allowance. The Post 9/11 VEAA tuition assistance and book stipends, must be excluded as income in accordance with 24 CFR 5.609(c)(6).

The Post 9/11 VEAA housing allowance is not considered as a duplicate subsidy. However, the amount received for the housing allowance must be counted when determining the family's income and rent.

A veteran can receive assistance through both the HUD-VASH program and the Supportive Services for Veteran Families (SSVF).

Types of SSVF assistance available for eligible families include:

- rental assistance,
- security deposits,
- utility deposits,
- utility assistance,
- moving cost assistance, and
- rapid re-Housing assistance.

HUD-VASH families are eligible to receive security deposit, utility deposit, and moving cost assistance through the program. SSVF assistance, however, cannot be provided to eligible individuals or families for the same period of time and for the same cost types that are being provided through another Federal, state, or local subsidy programs. Therefore, during the period that HUD-VASH vouchers subsidize the monthly rent and utility payments of participating families, HUD-VASH families cannot receive rental assistance nor utility assistance through SSVF.

SSVF can be used to help the household pay for up to six months of arrears or back payments on rent or utilities owed from previous housing situations. Note that assistance with arrears is eligible because it represents a different period of time – i.e., the arrears represents a back payment for

previous months, while the current rental assistance is a payment going forward.

Households receiving rapid re-housing assistance through SSVF will retain their homeless status, including chronicity if applicable, for referral to the HUD-VASH program.

### **HUD VASH – Portability**

Based on the nature of the HUD-VASH voucher program and the population that is being served, alternative operating requirements, as well as specific reporting requirements have been established for this program. These include mobility agreements with neighboring PHAs and alternative portability requirements.

The CoPHD has entered into a reciprocal Interagency Agreement with the Housing Authority of the County of Los Angeles (HACoLA) and the Housing Authority of the City of Los Angeles (HACLA) to allow HUD-VASH voucher holders to lease a rental unit in either of their jurisdictions without needing to port to the PHA that administers HUD-VASH for that jurisdiction. The CoPHD will enter into additional mobility agreements as the opportunity presents if it is determined that it is mutually beneficial to veteran households and the CoPHD.

When a HUD-VASH voucher leases a unit in a jurisdiction with which there is no mobility agreement, receiving PHAs that are administering HUD-VASH vouchers are subject to these alternative requirements, which can be found on the HUD-VASH website at: <http://www.hud.gov/offices/pih/programs/hcv/vash/>. These procedures only apply to portability moves where the family's case management services are being provided by the initial PHA's partnering Veterans Affairs Medical Center (VAMC).

The following are important portability procedures:

- When a family requests to move under portability while staying within the catchment area of the initial PHA's partnering VAMC, portability procedures vary according to whether or not the receiving PHA has been awarded HUD-VASH vouchers.
- When a family requests to move under portability beyond the catchment area of the initial PHA's partnering VAMC, the VAMC will determine if services are available and if the receiving PHA can accommodate HUD-VASH vouchers. For more information refer to Notice published on March 23, 2012 at 77 FR 17086 and on June 18, 2014 at 79 FR 34769.
- When case management is no longer required there are no portability restrictions.
- If the receiving PHA has been awarded HUD-VASH vouchers, it can choose to bill the initial PHA or absorb the family if it has a HUD-VASH voucher available.
- If the receiving PHA has not been awarded HUD-VASH vouchers, the initial PHA (the one that has been selected to partner with the local VAMC) must be billed for all portable families under the HUD-VASH program.
- For more information, see Notice PIH 2010-12 and section II.f. of the HUD-VASH Operating Requirements.
- The receiving PHA must enter "VASH" on line 2n of the Family Report (form HUD-50058). This code must remain on the HUD-50058 for the duration of the HUD-VASH family's participation in the program.
- Receiving PHAs must follow Operating Requirements published on May 6, 2008, in the

Federal Register in regard to other alternative requirements for this program. These requirements include, but are not limited to:

- For new admissions, PHAs may only deny assistance if the family is over-income or if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. PHAs may not deny assistance for any other reason.
- HUD-VASH vouchers must have an initial term of at least 120 days.

### **Occupancy & Payment Standards**

#### **VASH HOUSING SUBSIDY STANDARDS GUIDELINES FOR UNIT SIZE SELECTED**

<b>Number of Bedrooms</b>	<b>Persons in Household (Minimum #)</b>	<b>Persons in Household (Maximum #)</b>
<b>0 Bedroom</b>	<b>1</b>	<b>2</b>
<b>1 Bedroom</b>	<b>1</b>	<b>4</b>
<b>2 Bedrooms</b>	<b>3</b>	<b>6</b>
<b>3 Bedrooms</b>	<b>5</b>	<b>8</b>
<b>4 Bedrooms</b>	<b>7</b>	<b>10</b>
<b>5 Bedrooms</b>	<b>9</b>	<b>12</b>

Families participating in the VASH Program will have their voucher size re-evaluated at their annual re-examination to ensure applicability of the VASH housing subsidy standards listed above.

The CoPHD received approval from HUD to utilize the same payment standard as HACOLA & HACLA in order to allow VASH participants the opportunity locate housing and move freely between jurisdictions paying the same amount of rent. However, proposed contract rents must be comparable and reasonable in relation to rents currently charged by the property owner for assisted and unassisted units. The full contract rent must meet the reasonable rent requirements.

### **Termination**

The PHA cannot terminate a VASH family for a reason that could not be used for denying admission. However, a HUD-VASH family can be terminated for program violations that occur after the family is admitted to the HUD-VASH program. Prior to any termination action, the PHA is strongly encouraged to contact the VA case manager to determine if there are extenuating circumstances that should be considered to avoid the termination.

When a veteran's family member is receiving protection as a victim of domestic violence, dating violence, or stalking, as provided in 24 CFR part 5, subpart L, and the veteran is the perpetrator of such violence, the victim must continue to be assisted.

In accordance with 24CFR 5.2007 for details on what documentation the PHA may request from the victim to support the claim for Violence Against Women Act (VAWA) protections. The perpetrator may be terminated from assistance for committing such acts. If a regular HCV is not available for the victim, the perpetrator must be terminated from assistance, and the victim will continue to utilize the HUD-VASH voucher. The HUD-VASH voucher must be issued to another eligible veteran family upon the voucher's turnover.

The PHA cannot refuse to readmit veterans that have been terminated from the HUD-VASH program in accordance with program requirements (any grounds under 24 CFR 982.552 and

982.553):

- due to serious lease violations,
- program fraud,
- engaging in criminal activity or
- drug/alcohol abuse, etc.

With the exception of the requirement to deny admission if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. Therefore, if the VA case manager re-refers a veteran that has been previously terminated from the HUD-VASH program for any reason other than being subject to a state lifetime sex offender registration requirement, the PHA may not deny HUD-VASH assistance to the referred veteran. The PHA and VA case manager should work together to agree on the appropriate action and determine if termination of the veteran's assistance can be avoided.

## **CHAPTER 26**

# **PUBLIC HOUSING AND HOUSING CHOICE TEMPORARY VOUCHER PROGRAMS COMPLIANCE ASSISTANCE**

### **INTRODUCTION**

U.S. Department of Housing and Urban Development Office of the Public and Indian Housing issued on January 22, 2013, a temporary Notice PIH 2013-03, which establishes temporary guidelines for public housing agencies (PHAs) in fulfilling certain Public Housing (PH) and Housing Choice Voucher (HCV) program requirements during this period of decreased resources available to PHAs. The guidelines are intended to facilitate the ability of PHAs to continue, without interruption and with minimal burden, the delivery of rental assistance to eligible families in their communities. The temporary provisions established by this Notice will be available to PHAs until March 31, 2014 or longer if the notice is extended and/or become a federal regulation.

The economic downturn that commenced in 2008 and which continues has only increased the need for housing assistance. Increased demand for housing assistance without corresponding increased resources strains the operations of PHAs, and jeopardizes their ability to assist families at a time when families most need housing assistance. Increasing administrative flexibility should allow PHAs to deliver rental assistance more efficiently and expeditiously. Reduction of administrative burden is anticipated to allow PHAs to better manage their programs within current allocated budget authority. The temporary guidelines are also designed to increase efficiencies, minimizing the use of resources for program administration. HUD intends to pursue more permanent changes to increase flexibility and reduce administrative burden and will be informed by PHAs' use of the temporary compliance provisions of this Notice.

### **A. Applicability**

This Notice, PIH 2013-03 (HA), applies to both the PH and HCV programs, except where noted. The CoPHD will follow the guideline as written in this notice and apply the two following Temporary Provisions:

- Allow households to self-certify as to having assets of less than \$5,000.
- Allow optional streamlined annual reexaminations for elderly families and disabled families on fixed incomes.

### **B. Temporary Provisions**

#### **1. Allow option to use participants' actual past income in verifying income.**

In determining annual income, the CoPHD may choose to use either actual past income or projected future income. Currently, annual income includes income that is anticipated to be received from a source outside the family during the 12-month period following the effective date of admission or annual reexamination.

For the purpose of verifying income reported in HUD's Enterprise Income Verification (EIV) system, the CoPHD must use the most recent 12 months of income information available in EIV. Because this EIV report will give actual earnings data verified by a third

party, the program participant is no longer required to provide third party documentation (e.g., paystubs, payroll summary report, unemployment monetary benefit notice) as long as the report reveals actual earnings during most recent 12 months.

If there has been a change in circumstances for a tenant, or a tenant disputes the EIV reported income information and is unable to provide acceptable documentation to resolve the dispute, the CoPHD must request written third-party verification.

The CoPHD must continue to verify income from sources not available in EIV. However, the CoPHD must use the same time period for both wage and non-wage income.

**2. Allow households to self-certify as to having assets of less than \$5,000.**

Families with assets are required to report all assets annually. The amount of interest earned on those assets is included as income used to calculate the tenant's rent obligation. Currently, where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate.

The CoPHD will accept a family's declaration of the amount of assets of less than \$5,000, and the amount of income expected to be received from those assets. The CoPHD's application and reexamination documentation, which is signed by all adult family members, can serve as the declaration. Where the family has net family assets equal to or less than \$5000, the CoPHD does not need to request supporting documentation (e.g. bank statements) from the family to confirm the assets or the amount of income expected to be received from those assets. Where the family has net family assets in excess of \$5000, the CoPHD must obtain supporting documentation (e.g. bank statements) from the family to confirm the assets. Any assets will continue to be reported on HUD Form 50058.

**3. Allow optional streamlined annual reexaminations for elderly families and disabled families on fixed incomes.**

PHAs are statutorily required to verify income and calculate rent annually, including for elderly and disabled families on fixed incomes. The requirement to undertake the complete process for income verification and rent determination for families on fixed incomes is not necessary given the infrequency of changes to their incomes. This provision is intended to simplify the requirements associated with determining the annual income of participants on fixed incomes (24 CFR 982.516, 960.257).

The CoPHD may opt to conduct a streamlined reexamination of income for elderly families and disabled families when 100 percent of the family's income consists of fixed income. In a streamlined reexamination, the CoPHD will recalculate family incomes by applying any published cost of living adjustments to the previously verified income amount.

For purposes of this notice, the term 'fixed income' includes income from:

1. Social Security payments to include Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI);
2. Federal, State, local, and private pension plans; and
3. Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of

periodic receipts that are of substantially the same amounts from year to year.

### **Adoption of Temporary Provisions:**

The CoPHD notified HUD of its intent to apply the above temporary provisions as a precautionary measure. However, the temporary provisions have not been implemented but this may change in the future based on monetary constraints.

### **Housing Opportunity Through Modernization Act of 2016**

On July 29, 2016, President Obama signed into law H.R. 3700, the Housing Opportunity Through Modernization Act of 2016 (HOTMA), after Congress unanimously passed the legislation. HOTMA streamlines certain parts of the U.S. Department of Housing and Urban Development's (HUD) rental assistance programs.

The following HOTMA provisions require rulemaking or guidance by HUD, and will be implemented once HUD issues a notice or regulation.

### **Eligibility Limitations**

Housing Assistance could not be provided to any family whose net assets, as defined by HOTMA, exceed \$100,000. The amount would be adjusted annually for inflation. It also could not be provided to any family who owns real property that is suitable to live in, though the prohibition would not apply in some circumstances, such as for victims of domestic violence or a family that is offering the property for sale.

### **Section 101(a)(1). Initial Inspections in Section 8 Voucher Units**

Section 101(a)(1) amends section 8(o) of the 1937 Act to authorize assistance payments for up to 30 days if an initial inspection reveals non-life-threatening defects and to authorize occupancy of units before an inspection by the PHA if the property has met the requirements of an alternative inspection in the previous 24 months.

### **Sections 101(a)(2) and (3). Enforcement of Housing Quality Standards for Section 8 Voucher Units**

Section 101(a)(3) amends section 8(o) of the 1937 Act to require timeframes for correcting deficiencies discovered by inspections. The statute requires life-threatening deficiencies to be corrected within 24 hours and sets the time frame for correcting other deficiencies at 30 days unless the PHA determines otherwise. The section also provides families with 90 days to relocate to a new unit if an owner fails to correct the defaults and allows PHAs to use up to two months of any assistance amounts withheld or abated for costs directly associated with relocation of these families.

### **Sections 102(a) and (e). Income Reviews**

Section 102(a) of HOTMA amends section 3(a) of the 1937 Act to revise the frequency of family income reviews and the calculation of income. Specifically, this section requires that reviews of family income must be conducted upon admission and annually thereafter, depending on certain decreases or increases in annual adjusted income. The section also requires HUD, in consultation with other appropriate Federal agencies, to develop electronic procedures enabling PHA's to access income determination for other Federal means-tested programs.

Section 102(c) of HOTMA amends section 3(b) of the 1937 Act to change the definitions for public housing and Section 8 programs of income for each member of the household who is 18 years or older and unearned and unearned income for each dependent who is less than 18.

A PHA will be directed to use estimates of family income for the upcoming year when determining eligibility for initial occupancy or housing assistance. For annual reviews, where applicable, income from the preceding year would be used.

Family income could also be determined before deductions are applied based on eligibility for other means-tested public assistance programs, such as Temporary Assistance for Needy Families (TANF).

Deductions for determining adjusted income to be modified as follows:

- The deduction for an elderly or disabled family would be increased to \$525.00, from \$400.00, and adjusted for inflation in future years.
- Health care expenses that exceed 10 percent of annual family income, instead of 3 percent.
- Eliminate existing earned income disregard.
- Dependent deduction initially remains at \$480.00 but will be adjusted for inflation in future years.
- Additional deductions that a PHA establishes at its discretion, subject to procedures created by HUD to ensure these deductions don't materially increase federal expenditures.

#### **Section 102(f) Income Review for Project-Based Housing**

This eliminates the requirements that reviews of family income shall be made no less frequently than annually.

#### **Section 106 PHA Project-Based Assistance**

This section makes several statutory changes to the Project-Based Voucher (PBV) Program in section 8(o)(13) of the 1937 Act. The amendments include (1) changing the portfolio limitation on PBV vouchers from a funding to a unit calculation and allowing for additional project-basing of vouchers for homeless families, families with veterans, supportive housing for persons with disabilities or elderly persons, or in areas where vouchers are difficult to use; (2) changing the cap on the number of PBV units in a project to be the greater of 25 units in a project or 25 percent of the units in a project; (3) allowing PHAs to provide for an initial PBV contract of up to 20 years; (4) providing owners and PHAs the ability to adjust rents based on an operating cost adjustment factor; (5) permitting owners to use site-based waiting lists; (6) allowing PHAs to attach assistance to structures in which the PHA has an ownership interest or control without following a competitive process; and (7) allowing PHAs to use project-based HUD-VASH and FUP vouchers under the same policies and procedures applicable to general purpose vouchers.

**The CoPHD will make a decision regarding implementation of HOTMA provisions upon HUD's issuance of Notice or Regulation.**