



## Carlsbad Housing Agency

### Housing Choice Voucher Program Administrative Plan

Housing & Homeless Services Department  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

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- Housing Commission on 03/16/2023
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**Exhibit 13-3:** CHA's Model Emergency Transfer Plan – [Form HUD-5381](#)

**Exhibit 13-4:** CHA's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, [Form HUD-5383](#)

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## Chapter 1 – HCV Program Overview

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### A. Introduction.

The Housing Choice Voucher (HCV) program, formerly known as “Section 8”, is the federal government’s major program for providing rental assistance for extremely low and very low-income program participants. The Carlsbad Housing Agency, as a Public Housing Agency (PHA) authorized by state law, administers the HCV program through an Annual Contributions Contract (ACC) with the U.S. Department of Housing and Urban Development (HUD).

The Carlsbad Housing Agency, herein referred to as the “CHA”, provides rental assistance to qualified program participants, as further detailed in this Administrative Plan. Administration of the HCV program and the functions and responsibilities of CHA staff members shall comply with the City of Carlsbad’s Personnel Policies, HUD regulations, as well as all federal, state and local fair housing laws and regulations.

The City of Carlsbad is committed to meeting local housing needs and collaborates with the San Diego Association of Governments (SANDAG) and within the county to encourage region-wide application of federal and state housing programs.

### B. Local Objectives.

The CHA’s mission is to promote adequate and affordable housing, based on the needs of low-income, very low-income, and extremely low-income families within the city of Carlsbad.

The HCV program is designed to achieve three major objectives:

1. To provide affordable decent, safe and sanitary rental housing in compliance with housing quality standards for very low-income families.
2. To promote freedom of rental housing choice and spatial deconcentration of very low-income families of all racial and ethnic backgrounds.
3. To provide an incentive to private property owners to rent to very low-income families by offering timely assistance payments and annual inspections.

In addition, the PHA has the following goals for the program:

- To assist the local economy by increasing the occupancy rate and the amount of money flowing into the community.
- To encourage self-sufficiency of participant families.

**C. Purpose of the Administrative Plan.**

The purpose of the Administrative Plan (“Plan”) is to establish local policies on matters which the CHA has discretion. The CHA will revise this Plan if needed to comply with HUD requirements.

CHA policies are derived from many sources, primarily regulations and guidance issued by HUD. State law also directs PHA policy. State law must be followed where such law exists and does not conflict with federal regulations. In the absence of legal requirements or HUD guidance, industry practice may lead to PHA policy.

**The U.S. Department of Housing and Urban Development (HUD).** HUD provides the primary source of PHA policy through federal regulations, notices and handbooks. Compliance with federal regulations, current notices and HUD handbooks is mandatory.

HUD provides guidance to PHAs through guidebooks and notices. Expired notices and guidebooks also provide guidance for PHA policy. Following HUD guidance is optional, as long as PHA policies comply with federal law, regulations and mandatory policy. As HUD guidance is consistent with mandatory policies, PHA reliance on HUD guidance provides PHAs with a “safe harbor”.

In addition, content contained on HUD’s website provides further clarification of HUD policies. For example, FAQs on HUD’s website provides direction on the application of federal regulations to a specific situation.

**State Law.** Where there is no mandatory federal guidance, PHAs must comply with state law, if it exists. Where state law is more restrictive than federal law, but does not present a conflict, the PHA should follow the state law.

**Industry Practice.** Where no law or HUD authority exists on a particular subject, industry practice may support PHA policy. An industry practice is a way of conducting business and setting policies that are followed by most PHAs. The PHA is responsible for complying with changes in HUD regulations pertaining to their housing programs. If such changes conflict with this Plan, HUD regulations will have precedence. The Housing Commission and the Community Development Commission must approve amendments to this Plan.

This Administrative Plan is a supporting document to the CHA’s Public Housing Agency Plan. This Plan is to be utilized in conjunction with HUD regulations, notices, memorandums, handbooks and the HCV Program Guidebook.

**D. Code of Conduct.**

All officers and employees will comply with the City of Carlsbad policies as well as those mandated under the conflict of interest requirements of the HCV program. The conflict of interest provision under [24 CFR §982.161](#) prohibits the PHA, or any of its contractors or subcontractors, from entering into any contract or arrangement in connection with tenant-based programs in which any of the following classes or persons has any interest, direct or indirect, during tenure or for one year thereafter.

The classes or persons include:

1. Any present or former member or officer of the PHA (except a participant commissioner);
2. Any PHA employee, or any contractor or subcontractor or agent of the PHA, who formulates policy or influences decisions with respect to the programs;
3. Any public official, member of a governing body or state or local legislator, who exercises functions or responsibilities with respect to the programs; and
4. Any member of the Congress of the United States.

Any members of the classes described in this section must disclose their interest or prospective interest to the PHA and HUD. The HUD field office may waive, for good cause, the conflict of interest provision under this section.

All PHA officers, employees, contractors, subcontractors or agents will comply with all requirements that prohibit the solicitation or acceptance of gifts or gratuities in excess of a nominal value of \$25. All PHA officers, employees, contractors, subcontractors or agents will conduct business with integrity and in an honest and professional manner.

Any violations of the PHA Code of Conduct and City of Carlsbad ethical standards policies, including those contained in the Carlsbad City code, Personnel Rules, Housing & Homeless Services Department policy and applicable Memoranda of Understanding (including standards of conduct specified within) will result in disciplinary action ranging from letter(s) of warning to termination of employment and/or contract. Opportunity may be offered, on a case-by-case basis, to correct a conflict of interest. The Code of Conduct will be communicated to the above groups upon initial employment, prior to execution of a contract and at least annually.

#### **E. Privacy Rights of Families.**

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

Staff will not discuss family information contained in files unless there is a business reason to do so.

All adults in an applicant/participant household are required to sign HUD form 9886 Authorization for the Release of Information/Privacy Act Notice. This document includes the Federal Privacy Act Notice and describes the conditions under which HUD and/or the CHA will release family information.

**F. Release of Information.**

The CHA's policy regarding release of information is:

1. To release pertinent information only in accordance with a signed authorization;
2. To release information on amounts owed to any PHA;
3. To furnish prospective Owners with the following information, as shown in CHA records:
  - (a) the Family's current and prior address; and
  - (b) the name and address of the Owner at the Family's current and prior address;
4. To release information only by the authorization of the CHA management staff and written consent of the affected party or by court subpoena.
5. Approved Public information requests.
6. Information which would lead one to determine the nature and/or severity of a person's disability will be kept in a separate folder and marked "confidential", returned to the family member after its use or disposed of by shredding. The personal information in this folder must not be released, except on an "as needed" basis in cases where a request for reasonable accommodation is under consideration.

**G. Administrative Fee Reserves. ([24 CFR §982.155](#))**

The Administrative Fee Reserve is the account established by the CHA from surplus administrative fees paid by U.S. Department of Housing and Urban Development (HUD). Public Housing Agency (PHA) administrative fees may only be used to cover costs incurred to perform PHA administrative responsibilities for the program, in accordance with HUD regulations and requirements.

As the CHA's Board of Commissioners, the Community Development Commission must approve expenditures of the Administrative Fee Reserve (operating reserve) in excess of \$50,000.

**H. Passbook Savings Rate. ([PIH Notice 2012-29](#))**

The Passbook Savings Rate is used to calculate imputed income for family assets over \$5,000. The Passbook Savings Rate is based on a national average provided by the Federal Deposit Insurance Corporation (FDIC).

Per HUD regulation, the CHA establishes its own passbook rate to be used with all reexamination types for the imputed asset calculations. To ensure the passbook rate is within the range required by HUD, the CHA will review its rate at least annually. To establish the Passbook Savings Rate, the CHA will use a rate within 75 basis points (plus or minus .75 percent) of the National Deposit Rate on savings accounts in effect at the time the PHA establishes the passbook rate. The passbook rate may not be less than 0 percent. The FDIC's website for National Rates is located at:

[www.fdic.gov/regulations/resources/rates/](http://www.fdic.gov/regulations/resources/rates/)



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## Chapter 2 – Fair Housing and Non-Discrimination

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### A. Fair Housing Policy.

The CHA fully complies with all federal, state and local laws, rules and regulations governing fair housing and equal housing opportunity. The CHA also affirmatively furthers fair housing in the administration of its housing programs.

The CHA will provide housing assistance in compliance with the federal fair housing act and not deny housing opportunity based on race, color, religion, national origin, sex (including gender, gender identity, sexual orientation and sexual harassment), familial status, or disability (mental or physical) and all protected classes under federal and California state law.

Additionally, fair housing protections are also provided through:

- U.S. Department of Housing and Urban Development's [Equal Access Rule](#)
- California's [Fair Employment and Housing Act \(FEHA\)](#)
- California's [The Unruh Civil Rights Act](#) - in regards to sexual orientation, gender identity, ancestry, genetic information, marital status, source of income, citizenship, primary language, immigration status and age; and
- [California's Source of Income Discrimination Law](#)

**Fair Housing Documents and Information.** The CHA will provide documentation and information to applicants and participants who claim housing discrimination. The following documents will be included in the Voucher briefing packet, included on the CHA's website and provided upon request:

- [HUD's Fair Housing - Equal Opportunity for All Booklet](#)
- [HUD's Fair Housing Discrimination Complaint Form \(form HUD-903.1\)](#)

**Discrimination Complaints.** ([24 CFR §982.304](#), [Notice PIH Notice 2014-20](#) )

HUD requires public housing agencies to make every reasonable attempt to determine whether an applicant's or participant's housing discrimination assertions have merit and take any warranted corrective action. In addition, the CHA will provide the applicant or participant with information about how to file a discrimination complaint.

To further the CHA's commitment for compliance to fair housing laws, the City of Carlsbad contracts with the Legal Aid Society of San Diego (LASSD), a nonprofit law firm that provides free legal services to lower income San Diego residents. The LASSD provides fair housing workshops and tenant/landlord mediation.

For ease of reference to the public and housing staff, the following website links are also provided:

- [Title VI of the Civil Rights Act of 1964](#)
- [Title VIII of the Civil Rights Act of 1968 \(as amended by the Community Development Act of 1974 & the Fair Housing Amendments Act of 1988\)](#)
- [Executive Order 11063—Equal Opportunity in Housing](#)
- [Section 504 of the Rehabilitation Act of 1973](#)
- [The Age Discrimination Act of 1975](#)
- [Title II of the Americans with Disabilities Act](#)
- [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations Under the Fair Housing Act](#)
- [Violence Against Women Reauthorization Act \(VAWA\) of 2013: Implementation in HUD Housing Programs](#)
- [HUD's Equal Access to Housing Final Rule](#)
- [Equal Access in Accordance with Gender Identity Final Rule \(published in the Federal Register – September 21, 2016\)](#)

When more than one fair housing law applies, the laws will be applied together, however, the law with the greatest protections shall be controlling.

**B. Reasonable Accommodations. ([24 CFR §8.33](#); [PIH Notice 2010-26 \(HA\)](#))**

A Reasonable Accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, or to fulfill their program obligations.

Any change in the way things are customarily done that enables a person with disabilities to enjoy housing opportunities or to meet program requirements is a Reasonable Accommodation. In other words, Reasonable Accommodations eliminate barriers that prevent persons with disabilities from fully participating in housing opportunities, including both private housing and in federally-assisted programs or activities.

As rules, policies, practices and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others may sometimes deny persons with disabilities an equal opportunity to enjoy a dwelling or participate in housing programs.

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an *"undue financial and administrative burden"* for the PHA, or result in a *"fundamental alteration"* in the nature of the program or services offered. An undue financial burden includes one that when considering the available agency resources as a whole, granting the Reasonable Accommodation poses a severe financial hardship. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

The CHA's office is located at: 1200 Carlsbad Village Drive, Carlsbad, CA. The office is accessible to persons with disabilities. Accessibility for the hearing-impaired is provided by the State of California Communications Systems.

Reasonable Accommodation requests from persons with disabilities will be considered if the request does not create an undue financial and/or administrative burden or result in a fundamental alteration to the HCV program.

CHA policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodation(s), if approved, in order to provide full access and utilization to the HCV program and related services.

The CHA will obtain information that is necessary to evaluate if a requested reasonable accommodation is necessary due to a disability. If a person's disability is obvious, readily apparent or otherwise known to the provider, and if the need for the requested accommodation is also readily apparent or known, then the CHA will not request any additional information.

If the disability and/or the disability-related need for the requested accommodation is not known or obvious, the CHA will request only information necessary to evaluate the disability and/or disability-related need for the accommodation. This information may be from the requesting individual, medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability and how the request is related to said disability.

Reasonable accommodation requests for an extra bedroom for medical equipment must be supported by verification from a health care provider that documents the need for the extra bedroom. The actual equipment in the extra bedroom should be verified by the CHA during routinely scheduled inspections of the unit. If the extra bedroom is not being used for the intended purpose, the CHA must reduce the subsidy standard and corresponding payment standard at the family's next annual recertification.

The availability of requesting an accommodation will be made known by including notices on CHA forms and letters. To be eligible to request a reasonable accommodation, the applicant/participant must first certify (if apparent) or verify (if not apparent) that they are a person with a disability.

**C. Live-In Aide. ([24 CFR §982.316](#) and [24 CFR §5.403](#))**

A family with one or more elderly, near-elderly or disabled persons may request approval for a Live-In Aide to reside in their housing unit and provide necessary supportive services for a family member who is a person with disabilities. The PHA must approve a Live-In Aide if needed as a reasonable accommodation in accordance with [24 CFR Subpart A, Part 8](#) to make the program accessible to and usable by the family member with a disability (see [24 CFR §982.402\(b\)\(6\)](#) concerning the effect of Live-In Aide on family unit size).

A relative may be considered a Live-In Aide, however, persons who are current household members or who were a household member as an adult within the last two years are not eligible to be a Live-In Aide.

A Live-In Aide is a person, other than the spouse or cohead, who resides with one or more elderly/near-elderly persons or persons with disabilities, and who:

- is determined to be essential to the care and well-being of the person(s);
- is not obligated for support of the person(s); and
- would not be living in the assisted unit except to provide necessary supportive services.

The Live-In Aide's family members may reside in the unit, provided the subsidy standard does not increase due to the need for additional bedrooms, and the presence of the Live-In Aide's family does not overcrowd the assisted housing unit in accordance with Housing Quality Standards (HQS) occupancy standards.

The Live-In Aide qualifies for occupancy in the housing unit only as long as the family member needing supportive services also resides in the unit. Requests for an extra bedroom for a live-in aide must be supported by verification from a health care provider that documents the medical need for the live-in aide. The Live-In Aide does not qualify for continued assistance as a remaining family member. The PHA will consider all eligibility requirements used for applicants for Live-In Aides.

The CHA may refuse to approve a Live-In Aide or may withdraw an approval if:

1. the person commits fraud, bribery or any corrupt or criminal act in connection with any federal housing program;
2. the person commits drug-related or violent criminal activity;
3. the person currently owes rent or other amounts to the CHA or to another PHA in connection with any housing program under the 1937 Act; or
4. the live-in aide is not approved by the owner of the housing unit.

**D. Limited English Proficiency (LEP). ([PIH Notice 2020-13](#))**

Under Title VI of the Civil Rights Act of 1964 and in accordance with Supreme Court precedent in *Lau v. Nichols*, PHAs are required to take reasonable steps to ensure meaningful access to their programs by Limited English Proficient (LEP) persons. Language for Limited English Proficiency (LEP) persons can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities or understanding other information provided by the HCV program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI against discrimination based on national origin.

CHA's will ensure that LEP persons are not discriminated against or denied meaningful access to and participation in CHA programs and activities. By identifying the language needs of clients and using existing bilingual resources to meet those needs, CHA staff ensure that LEP persons have the meaningful access they need to all available services. CHA can provide access to oral interpreters in over 240 languages for over-the-phone interpretation services through a third-party contract. At the request of an LEP person, they will be permitted to use, at their own expense, an interpreter of their own choosing, the interpreter may be a family member or a friend who is 18 years or older.

**E. Technology Platform Requirements. ([PIH Notice 2020-32](#))**

Advances in technology provide options for PHAs and families to participate remotely. Briefings (Chapter 6) and hearings (Chapter 14) may be conducted telephonically, via video-conferencing or through other virtual platforms, as appropriate, absent a request by a party for an in-person briefing or hearing. When remote briefings/hearings are conducted, the CHA will provide time and opportunity for attendees to ask questions.

- 1. Accessibility Requirements for Persons with Disabilities.** (Section 504, the ADA, 24 CFR 35.160 and 24 CFR 8.6) PHAs are obligated to take appropriate steps to ensure effective communication with applicants, participants, members of the public and companions with disabilities through the use of appropriate auxiliary aids and services (AA/S)
- 2. Accessible Platform.** For a remote hearing or remote briefing, steps for an accessible platform include ensuring any information, websites, emails, digital notifications and platforms are accessible for persons with vision, hearing and other disabilities. Helpful guidelines for ensuring the accessibility of webbased and digital materials are available through the World Wide Web Consortium's Web Accessibility Initiative at [www.w3.org/WAI/](http://www.w3.org/WAI/).
- 3. Requirement for Persons with Limited English Proficiency (LEP).** PHAs must take reasonable steps to ensure full and meaningful access to the remote hearing or remote briefing for LEP persons consistent with its obligations under Title VI of the Civil Rights Act of 1964.

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### Chapter 3 – Waiting List Administration

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The CHA receives federal funding from the U.S. Department of Housing and Urban Development. Per HUD regulations, the CHA maintains a Housing Choice Voucher Program waiting list. This chapter describes HUD requirements and CHA policies for managing its waiting list and applicant selection.

#### A. **Income Targeting – 75 Percent Selection Rule.** ([24 CFR §982.201\(b\)\(2\)](#))

Per HUD regulation, not less than 75 percent of HCV program admissions shall be extremely low income, i.e. at or below 30% of the area median income (AMI). This requirement is monitored by fiscal year. The Income Targeting requirement includes new admissions who lease up outside of the CHA's jurisdiction under portability procedures when the voucher is administered. The CHA will ensure compliance with this HUD requirement by maintaining complete program management records.

#### B. **Admissions – Targeted Funding and Waiting List.** ([24 CFR §982.203](#))

There are two methods for admission to the HCV program:

1. **Special Admission.** PHAs receive special purpose funding for specified families or categories of families. Such funding shall be provided in accordance with federal, state or local ordinances, rules and regulations. A specific waiting list may be necessary for each special category of applicants. Separate notices, special program rules and information will be made available to the public and to targeted applicants/families.
  - **Non-Elderly Disabled (NED) Vouchers.** The CHA administers 75 NED voucher for households in which the head or spouse is a non-elderly person with disabilities.
  - **Mainstream Vouchers.** The CHA manages 47 Mainstream vouchers from two funding allocations: 38 vouchers through regular funding and nine (9) Mainstream vouchers through CARES Act funding. The vouchers are for families with a non-elderly disabled family member.
2. **Waiting List Admission.** Except for special admissions, applicants shall be selected from the CHA's waiting list. The CHA shall select participants from the waiting list, in accordance with the admission and equal opportunity policies described in this Plan.
  - The CHA designated ten (10) Housing Choice Vouchers for persons experiencing homelessness. If CHA is successful in obtaining grant funds for additional services, the CHA can increase the number of vouchers for homelessness up to ten (10) additional.

**C. Local Preferences and Definitions. ([24 CFR §982.207](#))**

Public housing agencies are allowed to set local preferences and give those households priority when serving them. Specific local preferences are permitted and subject to constraints by HUD. Additionally, HUD gives the Public Housing Agency discretion to set up other local preferences. The date and time of application serves as the deciding factor for ranking preferences equally.

**Special Local Preferences**

The CHA has established special local preferences for:

- (1) Displaced by Government Action. A person or family who has been displaced as a result of government action, or whose home has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

This selection preference is rated higher than the following ranking preferences.

**Category One**

The CHA uses equally weighted local preferences for applicants, with priorities for those who live or work in the City of Carlsbad and are in one or more of the following categories:

- Working Families
- Elderly families (the Head of household or spouse is 62 years of age or older)
- Disabled families (at least one household member is disabled.)
- Veterans or surviving spouses of veterans (a veteran with a dishonorable discharge does not qualify for this preference.)
- Homeless- “homeless individual,” “homeless person,” or “homeless family” per HUD’s Definition of Homeless for the Continuum of Care (CoC) Program (previously Shelter Plus Care)

**Category Two**

Applicants who live or work in the City of Carlsbad, but who do not fit into Category One.

**Category Three**

Applicants who do not live or work within the City of Carlsbad, but are one or more of the classifications found in Category One.

**Category Four**

All other applicants not listed above.

## Definitions

**Carlsbad Residency Preference.** The head of household, spouse or co-head lives, works or is hired to work within the city of Carlsbad.

The use of a residency preference will not have the purpose or effect of delaying or otherwise denying admission to the HCV program based on the race, color, religion, ethnic origin, gender, disability or age of any member of an applicant family.

**Displaced by Government Action or Natural Disaster.** Applicants who reside in the city of Carlsbad who are displaced by government action through no fault of their own or by natural disaster.

**Elderly/Disabled Preference.** The head of household, spouse or co-head is either 62 years of age or older or a person with disabilities, as defined by HUD.

**Homelessness Preference.** The head of household, spouse or co-head is a person experiencing homelessness and has provided a [Third-Party Verification of Homeless Status](#) or an [Observation of Homeless Status Form](#) meeting the Department of Housing and Urban Development's documentation requirements.

**Veterans Preference.** The head of household, spouse or co-head is a veteran of the U.S. Armed Forces who was discharged or released under conditions other than dishonorable), or a surviving spouse of a deceased veteran.

**Working Families Preference.** The head of household, spouse or sole household member works an average of at least 30 hours per week.

### D. Verification of Local Preferences.

1. **Carlsbad Residency Preference.** To verify whether an applicant head of household, their spouse or co-head lives, works or is hired to work within the city of Carlsbad the CHA will accept documents in the applicant's name, such as: a lease agreement, utility bills, employment paystubs/employment letter if hired to work for employment located within the city of Carlsbad or similarly related documents.
2. **Displaced by Government Action or Natural Disaster Preference.** To verify a Displaced by Government Action/Natural Disaster Preference, written documentation, dated within 60 days of voucher issuance, from a government agency is required.
3. **Elderly/Disabled Preference.** To verify an Elderly/Disabled preference, the following documentation/verification will be accepted for the head of household, spouse or co-head:
  - a. **Date of birth** – certificate of birth or naturalization, certificate of U.S. citizenship, a government issued state photo I.D./Driver License, or documentation from the U.S. Citizen and Immigration Services (USCIS).



**3. Elderly/Disabled Preference. (continued)**

**b. Documentation of person with a disability** – Receipt of Supplemental Security Income (SSI) or verification that the person meets HUD’s definition of disabled.

**4. Homeless Preference.** To verify a homeless preference, a [Third-Party Verification of Homeless Status](#) or an [Observation of Homeless Status Form](#) meeting the Department of Housing and Urban Development’s documentation requirements is required.

**5. Veterans preference.** A Veterans preference will be verified by receipt of an original DD-214 form (Certificate of Release or Discharge from Active Duty). This preference applies to: the head of household, spouse or co-head or the surviving spouse of a deceased veteran of the U.S. Armed Forces who was discharged or released under conditions other than dishonorable.

**6. Working Families.**

The Working Families preference will be verified through employment paystubs, letter from employer or IRS tax returns for self-employed applicants.

**E. Selection from the Waiting List. ([24 CFR §982.202](#))**

The CHA uses a “pre-application” for placement on the HCV waiting list. When pre-applications are received, a confirmation letter will be sent. The confirmation letter will advise applicants of the responsibility to provide written notification of changes which may affect waiting list status, for example, changes in address, income, household composition, etc.

The waiting list order is maintained by local preferences and pre-application date and time. In the event that two or more applicants have identical preferences, the waiting list will be ordered according to pre-application date.

Applicants will be selected from the waiting list in accordance with the CHA’s local preferences and date and time of pre-application. When applicants reach the top of the waiting list and funding becomes available, a full application will be required in order to determine if the applicant appears to be eligible for the HCV program.

An eligibility determination will be made based on the information provided on the HCV Application, the supporting documents submitted and independent verification by the CHA. The applicant must be eligible for claimed preferences, along with HCV program eligibility factors as of the date their application was selected from the waiting list and must remain eligible throughout the Intake process. Applicants determined ineligible for a local preference will be returned to the waiting list.

If the applicant appears to be eligible, an Intake appointment will be scheduled on line or in person. Applicants who are determined eligible for the HCV program will be invited to attend a Voucher briefing as describe in Chapter 6 of this Plan.

**F. Waiting List Removal.** ([24 CFR §982.54\(d\)\(1\)](#) and [CFR §982.5](#) )

A proposed denial notice will be sent for circumstances that may result in waiting list removal. The notice will provide 15 calendar days for the applicant to dispute the accuracy and/or relevance of the information used for the CHA's determination. If the applicant does not contact the CHA to dispute the information within 15 calendar day period, the CHA will issue a Notice of Denial.

A Notice of Denial will be mailed to the applicant's mailing address on record. The Notice of Denial will state the reason(s) for denial and provide an opportunity for the applicant to request an Informal Review (Chapter 14).

Some reasons for waiting list removal include:

- Ineligible for the HCV program (see Chapter 4);
- No response to the CHA's request for information;
- Applicant household does not meet HUD's Family Obligations;
- The applicant refuses an offer of assistance under the HCV program;
- The CHA has information substantiating fraud on the part of the applicant;
- Applicant request to be removed from the waiting list.

Applicants determined ineligible for the HCV program will be processed for removal from the waiting list and informed of their right to request an Informal Review. If the applicant has moved and there is no forwarding address or if the applicant is reported as deceased, a second letter will not be mailed.

**Reinstatement Requests Due to Non-Response.** Applicants removed from the waiting list for not responding to CHA correspondence may request a review for reinstatement to the waiting list. Applicants requesting reinstatement must give an explanation for their request. Reinstatement requests will be reviewed by the Housing Program Manager. Applicants made inactive will be given the 'benefit of the doubt' if there is a possibility that they were removed from the waiting list through no fault of their own. Examples of reasons that may be considered are:

- The applicant reports a change of address was submitted to the CHA;
- The applicant reports their address did not change, but they did not receive the CHA's correspondence; or
- The applicant requests reinstatement as a reasonable accommodation; or
- The applicant requests reinstatement for other circumstance(s), such as medical, family emergency, etc.

Applicants approved for reinstatement will receive their original date of application. Except for an extreme circumstance, applicants may only request reinstatement one time.

**G. Opening and Closing the Waiting List. ([24 CFR §982.206](#))**

The CHA will announce the opening of its waiting list through public notice at least thirty (30) calendar days prior to the date applications will first be accepted. The notice will contain relevant information on how and when to apply. The CHA will give public notice by publication in a local newspaper of general circulation, by minority media and other suitable means. The CHA will also ensure the notice complies with HUD fair housing requirements.

**Closing the Waiting List.** HUD permits a PHA to close its waiting list if there is an adequate pool of applicants to use its available HCV assistance. Alternatively, PHAs may elect to continue to accept applications only from certain categories of applicants that meet particular preferences or funding criteria.

**Applicant Outreach.** If applicant groups are not reflective of the eligible population, additional outreach aimed at targeted groups will be increased. In addition, the CHA will distribute fact sheets to the broadcasting media and initiate personal contact with members of the news media and community service agencies to utilize public service announcements.

**H. Collaboration between Public Housing Agencies.**

The Carlsbad Housing Agency adopted a collaborative policy, with the local San Diego county PHAs. This policy allows applicants to transfer their waiting list application from one PHA's jurisdiction to another agency's jurisdiction, maintaining their date of application if the applicant lives or works within the PHA's jurisdiction. Upon applicant request, the PHA will forward a waiting list application in the event that the applicant lives or works in another PHA's jurisdiction. Conversely, the CHA will accept a waiting list application from another local San Diego county PHA if the applicant lives or works in Carlsbad's jurisdiction. Upon acceptance, the CHA will integrate the application into its' current waiting list, with the original date and time of the transferred application. However, if the application is denied for any reason or the applicant fails to use a voucher issued by the CHA for any reason, the same application will not be accepted again on the CHA's waiting list.

**I. Updates to the Waiting List.**

Periodically, the CHA will conduct a mass mailing/purge of the HCV waiting list. A notification will be mailed requesting updated information and confirmation of the applicant's interest to remain on the waiting list. Applicants who do not respond to waiting list notifications will be processed for removal from the waiting list, in accordance with section F of this chapter.

**Chapter 4 – Program Eligibility**

An applicant household is eligible for admission if, within the period of 60 days before voucher issuance, all of the following criteria is met:

**A. Eligibility Factors.** (see sections B. through G. for specific criteria)

<p><b>Waiting List Status.</b> CHA staff will verify local preference(s) and eligibility for assistance under HUD’s 75% Selection Rule.</p>
<p><b>Family Definition.</b> Applicants must meet the CHA’s definition of a “family” and college students require an additional income review. (<a href="#">24 CFR §5.403</a>)</p>
<p><b>Income Limits.</b> Annual income must be at or below HUD’s established income limits for the family size and program requirements.</p>
<p><b>Citizenship, Eligible and Ineligible Immigration Status.</b> (24 CFR, Subpart E) Applicants must qualify on the basis of citizenship/eligible immigration status.</p>
<p><b>Family Obligations and Program Compliance.</b> All family members must comply with the CHA’s Family Obligations and consent to the CHA’s use of information.</p>
<p><b>Criminal Background Check.</b> All adult members must pass the CHA’s criminal background check.</p>

**B. Waiting List Status.**

**HUD’s 75% Selection Rule.** The CHA will ensure that at least 75% of admissions to its HCV program are at or below 30% of the area median income.

**Local Preference Verification.** The CHA will also document and verify all claimed preferences to ensure proper waiting list selection. The qualification for preference(s) must exist at the time of verification and throughout the intake process, to include through the program admission date.

**C. Family Definition. ([24 CFR §5.403](#))**

*Please note:* HUD (and the CHA) uses the term “family” throughout this Plan to identify HCV program participant(s).

A **Family** includes , but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, 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; or two or more individuals who are not related by blood, marriage, adoption, or other operation of law but who either can demonstrate that they have lived together previously or certify that each individual’s income and other resources will be available to meet the needs of the family. Each family must identify the individuals to be included in the family at the time of application and must notify CHA if the family’s composition changes. **Note:** A child who is temporarily away from the home due to placement in foster care is considered a member of the family and counted when determining voucher issuance.

**D. Income Limits. ([24 CFR 982.201€](#))**

At time of waiting list selection, the CHA must receive information verifying that an applicant is eligible within the period of 60 days before voucher issuance. An applicant’s annual income must not exceed HUD’s established income limits for the household size. To determine if the applicant is income-eligible, the CHA compares the applicant’s annual income to the applicable income limit for the household size. Applicants with an annual income that exceeds the income limit will be denied admission and offered an Informal Review (see Chapter 14).

**College Student Admissions. ([PIH Notice 2005-16](#))**

In addition, if the applicant attends an institution of higher education, is under the age of 24, is not a veteran, is not married, and does not have a dependent child, the student’s eligibility must be examined along with the income eligibility of the student’s parents;

**E. Section 214 Non-Citizen Rule. ([24 CFR Subtitle A, Subpart E](#))**

In accordance with Section 214 of the Housing and Community Development Act of 1980, as amended, the Secretary of the U.S. Department of Housing and Urban Development (HUD) and PHA's are prohibited from making financial assistance available to persons other than United States citizens, nationals, or certain categories of eligible non-citizens in HUD's HCV program.

In order to receive assistance, a family member must be a U.S. citizen or have eligible immigration status. If one or more family members is determined to be an ineligible non-citizen and the applicant household is eligible for the HCV program, the housing assistance will be pro-rated. The CHA will follow Section 214 of the HCD Act of 1980, as implemented by the final rule, Restrictions on Assistance to Non-citizens, published in the Federal Register, FR 14816 et seq.

Persons claiming eligible immigration status must present appropriate immigration documents, which will be verified by the CHA through the United States Citizenship and Immigration Services Department (USCIS).

If one or more family members does not have citizenship or eligible immigration status, the family member(s) may exercise the election not to contend to have eligible immigration status.

The status of each member of the family is considered individually before the family's status is defined.

**Mixed Families.** A family is eligible for assistance as long as at least one member is a citizen or has eligible immigration status. Families that include eligible and ineligible individuals are called "mixed". Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

**All Members Ineligible.** Applicant families that include no eligible members are ineligible for assistance. Such families will be denied admission and offered an opportunity for an Informal Review.

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

**Appeals.** HUD's appeal defined appeal process will be followed by the CHA (subtitle referenced above).

**Restrictions on delay, denial, reduction or termination of assistance.** Assistance to an applicant or tenant cannot be delayed, denied, reduced or terminated until the completion of the Informal Hearing described in [24 CFR §5.514\(f\)](#).

**F. Family Obligations and Program Compliance. ([24 CFR §982.551](#))**

All adult family members must not have violated any family obligation within the three (3) years prior to final eligibility determination.

***Supplying required information -***

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. "Information" includes any requested certification, release or other documentation.
  - Adult family members are also required to sign authorization forms not covered by the HUD form 9886, for example, a criminal history report.
2. The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination 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 this title) and must sign and submit consent forms for obtaining information in accordance with part 5, subpart B, of this title.
4. Any information supplied by the family must be true and complete.
5. **Housing Quality Standards (HQS) breach caused by family.** The family is responsible for a family-caused HQS as described in §982.404(b).
6. **Allowing PHA inspection.** The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.
7. **Violation of lease.** The family may not commit any serious or repeated violation of the lease. Under 24 CFR 5.2005(c), incident(s) of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as a serious or repeated lease violation by the victim or threatened victim, of the domestic violence, dating violence, sexual assault, or stalking, or as good cause to terminate the tenancy, occupancy rights or assistance of the victim.
8. **Family notice of move or lease termination.** 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 § 982.354(d).
9. **Owner eviction notice.** The family must promptly give the PHA a copy of any owner eviction notice.
10. **Use and occupancy of unit -**
  - a. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
  - b. 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 (except for a foster child or live-in aide as provided in paragraph (h)(4) of this section).
  - c. The family must promptly notify the PHA if any family member no longer resides in the unit.
  - d. 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.
  - e. Members of the household may engage in legal profitmaking activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family.
  - f. The family must not sublease or let the unit.
  - g. The family must not assign the lease or transfer the unit.

- 11. **Absence from unit.** 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.
- 12. **Interest in unit.** The family must not own or have any interest in the unit.
- 13. **Fraud and other program violation.** The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.
- 14. **Crime by household members.** Household members may not engage in drug-related/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 ([24 CFR §982.553](#) ). Under 24 CFR 5.2005(b)(2), criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant's household, or any guest or other person under the tenant's control, shall not be cause for termination of tenancy, occupancy rights or assistance of the victim, if the tenant or an affiliated individual of the tenant, as defined in 24 CFR 5.2003, is the victim.
- 15. **Alcohol abuse by household members.** ([24 CFR §982.553](#) )  
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.
- 16. **Other housing assistance.** 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.

**G. Criminal Background Checks.** ([Title 24, Part 982, Subpart J](#))

The CHA will conduct criminal background checks for all members of the household 18 years of age or older. The CHA will give the applicant family an opportunity to dispute the accuracy and relevance of their criminal background record. ([24 CFR §982.553\(d\)](#) and [PIH Notice 2105-19](#))  
If the CHA uses criminal record or sex offender registration information as the basis of a denial, a copy of the record will precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and/or relevance of the information. In addition, the CHA will provide a copy of the record to the subject of the record. (24 CFR §5.903(f) and §5.905)

Background check consents expire immediately following the CHA’s decision to approve or deny admission and documentation used for the decision will be destroyed in a timely manner following the expiration period of the statute of limitations for civil action. ([24 CFR §5.903](#) and [PIH Notice 2003-11](#) )



**Applicants Claiming Mitigating Circumstances.** If negative information is received about an applicant, the CHA shall consider the time, nature and extent of the applicant's conduct and factors that might indicate a reasonable probability of future favorable conduct. To be considered, mitigating the circumstances must be verifiable. An applicant may present mitigating evidence to overcome a criminal records-based denial. Mitigating circumstances are facts relating to criminal history, that, when verified, indicate (1) the reasons for the unsuitable criminal history or behavior; and (2) that the reason for the unsuitable criminal history or behavior is no longer in effect or is under control, justifying admission. Mitigating circumstances may overcome or outweigh information already gathered in the screening process.

If the applicant asserts that the mitigating circumstances relate to a disability, medical condition or treatment, the CHA shall evaluate the evidence and verify the mitigating circumstance. The CHA shall also have the right to request further information necessary to verify the mitigating circumstance. Such inquiries will be limited to the information necessary to verify the circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

In the decision to deny assistance, the CHA may consider the seriousness of the case, and the effect of denial of assistance on other family members who were not involved in the action or failure to act. If the family is admitted to the HCV program, the CHA may impose a requirement that family member(s) who participated in or were culpable for the action or failure to act will not reside in the assisted housing unit.

Examples of mitigating circumstances may include:

- Evidence of successful rehabilitation. The household member who engaged in drug-related criminal activity or alcohol abuse has successfully completed a supervised drug or alcohol program verified by the CHA.
- Evidence of the family's participation in social service or an appropriate counseling service; or
- Evidence of successful and sustained modification of previously disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the family will qualify for admission. The PHA will consider such circumstances in light of:

- The ability to provide documentation/evidence to verify the mitigating circumstances and prospects for improved future behavior;
- The overall performance with respect to all screening requirements; and
- The nature and seriousness of the criminal activity, especially drug related and criminal activity that appears in the applicant's record.

#### **H. Continuously Assisted.**

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

**Chapter 5 – Verification Policy**

Applicants and program participants must provide true and complete information to the CHA at all times. The CHA will obtain written authorization from the family before requesting information from independent sources. In addition to HUD regulations, Administrative Guidance located at [PIH Notice 2010-19 \(HA\)](#) will be followed for the CHA’s verification procedures.

**A. Verification Hierarchy.**

The CHA will use the steps listed for verification levels. The Family’s file will be documented when the next step/level of verification is used.

Steps	Verification Technique	Ranking
1	<b>Upfront Income Verification (UIV) - HUD’s Enterprise Income Verification (EIV) system</b>	<b>Highest (Mandatory)</b>
2	<b>Upfront Income Verification (UIV) using non-HUD system</b>	<b>Highest (Optional) when EIV information not available (e.g. the Work Number)</b>
3	<b>Written Third Party Documentation</b>	<b>High (Mandatory)</b> -to supplement EIV-reported income sources; or -when EIV has no data; or -for non-EIV reported income sources; or -when family disputes the EIV report <b>and</b> is unable to provide acceptable documentation to support the dispute
4	<b>Written Third Party Verification to Income Source</b>	<b>Medium-Low (Mandatory if Level 3 not available or rejected by the PHA)</b>
5	<b>Oral Third Party Verification</b>	<b>Low (Mandatory if written third party verification is not available)</b>
6	<b>Family Declaration</b>	<b>Low (Use as a last resort when unable to obtain any type of third party verification)</b>

**Acceptable family-provided documentation:** Must be generated by a third party source and dated within the last 60 days of the interview date. Examples of acceptable family-provided documentation include, but are not limited to: pay stubs (two current and consecutive or four current and consecutive if paid weekly), payroll summary reports, employer notices of hire/termination, SSA benefit letters, bank statements, child support payment stubs, welfare benefit letters, and unemployment monetary benefit notices.

For applicants, verifications may not be more than 60 days old at the time of Voucher issuance. For participants, verifications may not be more than 60 days old from the date of receipt.

**B. Enterprise Income Verification (EIV). ([PIH Notice 2018-18](#))**

HUD regulations state that Enterprise Income Verification (EIV) is the preferred method of verification whenever possible. HUD has made available the EIV System and requires PHA's to utilize the system to validate tenant reported income and inform tenants of the PHA's capability and intent to compare tenant-reported information with data received.

Users authorized by the Program Manager, who have completed the necessary HUD paperwork for EIV access, shall only utilize EIV. If the EIV income information is less than the family's reported income, the PHA will use the family's reported income, as verified by third-party verification (or other forms if third-party verification cannot be obtained).

**NOTE:** substantially is defined as income that exceeds \$3,600 or more annually than what the participant reported or documented by third-party documentation.

1. In the case where staff has relied solely on EIV data to document the discrepancy in income, staff will submit a third-party verification form to the income source.
2. Staff will review historical data for prior patterns of employment, benefit payments, and/or other income sources.
3. Staff will discuss the discrepancy with the participant and the participant will be given the opportunity to resolve the discrepancy. Such discussion may be either verbally or in writing.
  - a. Although the participant will be given the opportunity to resolve the discrepancy, the final decision will be based on either third-party verification or EIV data, whichever is most accurate; unless the participant can provide documentation that the data is incorrect.
  - b. If the participant is able to produce sufficient documentation of incorrect third-party verification and/or EIV data, staff shall contact the proper personnel in charge of this data for resolution.

Staff will determine the cause of the income discrepancy. If the discrepancy is determined to be caused by the participant, staff will determine if the family committed willful and intentional fraud by failing to accurately report their household income. The CHA may require the family to repay the entire amount in full or have its assistance terminated for committing fraud, a violation of family obligations under the program. If the family's assistance is terminated and repayment has not been made, the CHA may take action to collect the overpaid housing assistance.

In determining whether the family violated the family obligation, the CHA will determine whether the family supplied the information willingly at the last annual reexamination, interim reexam, or move appointment.

If it is determined that the family failed to report income due an unintentional error or omission by the family, staff will calculate the amount of the overpayment and offer the family a Repayment Agreement. The overpayment shall be calculated back to the effective date of the increase in income. If the family declines to sign a Repayment Agreement, the assistance of the family may be terminated for violation of their family obligations.

**EIV Reports.** In coordination with HUD’s EIV Verification Hierarchy, the CHA will use the EIV system to assist with HCV program management, as referenced in [PIH Notice 2010-50](#): Effective Use of the EIV System's Deceased Tenants Report to Reduce Subsidy Payment & Administrative Errors.

**C. Verification of Assets. ([PIH Notice 2016-05](#))**

CHA staff will verify assets by third-party verification at least every three years and use self-certification for years two and three. Third-party verification may still be requested for consistency purposed and when needed for clarification. The CHA will follow HUD’s Verification Hierarchy and will accept, for example, the following documents as verification of assets:

- Checking account: two consecutive full months’ bank statements
- Savings account: two consecutive full months’ bank statements
- Life Insurance policy with cash value: a letter or statement from the insurance company that provides current cash value information.
- Other Assets: company statements or letters.

**D. Self-Employment Income.**

Net income from a business or profession must be included in annual income. In order to verify the net income from self-employment/business ownership, the PHA will view the IRS federal tax return, and financial documents from prior years, and use this information to anticipate income for the next 12 months.

The family must provide a copy of their prior year’s federal income tax return if one was filed. The following are acceptable methods of verification:

- IRS Form 1040, including the following if applicable:
  - Schedule C (Small Business), Schedule E (Rental Property Income), Schedule F (Farm Income)
- Financial statement(s), either audited or not audited, of the business.
  - 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.
- Credit report or loan application.
- Business Ledgers.
- Family’s self-certification as to net income realized from the business during previous years.
- In cases of large gross income yet minimal net income to applicant or participant, additional documentation may be required, for example, documentation of wages and payroll taxes, receipts for expenses, etc.

- Documents such as manifests, daily logs, appointment books, cashbooks, bank statements and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to annual income. The family will be advised to maintain these documents in the future if they are not available.
- If a family member's self-employment is for less than three months, the CHA will accept certified estimates of income and perform an interim reexamination in three months. If the family member's self-employment is from three to twelve months, the CHA will require the family to provide documentation of income and expenses for this period and use that information to project expenses.

Expenses of rent and utilities will not be allowed for businesses based in the subsidized unit. In addition, the following are nondeductible business expenses:

- Principal payments on loans.
- Interest on loans for business expansion or capital improvements. Business expansion is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations.
- Other expenses for business expansion.
- Outlays for capital improvements

If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income. However, any income the family reports that it is paying itself for salary will be counted as income.

If the business is co-owned with someone outside the family, the family must provide documentation demonstrating its share of the business as a percentage of the business partnership agreement.

It is the family's responsibility to provide documentation of income and expenses in good order with everything organized, recorded, and totaled. The CHA will reject documentation that has not been organized and totaled, e.g. an unorganized bundle of receipts.

#### **E. Child Care Business or Home-Based Business.**

If an applicant/participant is operating a licensed day care business or home-based business, income will be verified as for any other type of business.

If the applicant is operating a "cash and carry" child care operation, which may or may not be licensed, the PHA may require that the applicant/participant complete a form for each customer. The form must indicate the name of the person(s) whose child(ren) is/are being cared for, phone number, number of hours the child is being cared for, method of payment (cash/check), amount paid, and signature of the person who receives the services.

The family must indicate if it is receiving a food allowance or other compensation to offset business expenses. Third-party verification will be requested if another public entity, such as the San Diego County Health and Human Services Agency, is providing compensation to the childcare provider.

The family must provide a copy of its federal tax return, if it was filed. If none of the above documents are available, the family may provide a notarized self-certification signed under penalty of perjury, as to gross income received the previous year, as well as anticipated gross income for the next year.

**F. Minimal or Zero Income.**

There is no minimum income requirement. However, families who report zero or minimal income are required to complete a periodic written certification (at least annually) and provide copies of expense receipts for the 30-day period. The CHA will conduct an interim reexamination for income changes.

The family may be required to provide income documentation, such as unemployment benefits TANF, CalWORKs, SSI, child support, etc. are not being received. The PHA may request information from the State Employment Development Department. The CHA requires signed authorization/consent from the family to run a credit report on the family as necessary.

The CHA may require a family's notarized self-certification, signed under penalty of perjury, stating that the family/household has no income, and explain how the family expects to meet their basic needs.

**G. Personal Loans as Income.**

Personal loans are considered income unless it is a 'traditional' loan from a bank or a lending institute. For households that are receiving personal loans from family, friends, churches or other non-traditional sources, the amount received will be considered for determination of the household's monthly rent portion.

If a household is receiving a 'non-traditional' loan that is expected to be paid back upon the receipt of delayed benefits such as SSI, an insurance settlement, Workmen's Compensation, etc., that amount will still be included as monthly income.

**H. Medical Expenses.**

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

1. Current Circumstances: Use the family's current medical bills, accumulated over the last twelve months, as anticipated medical expenses.
2. Estimated Circumstances: Estimate the cost of medical bills based on current or anticipated medical bills that will be on-going expenses.

Examples of allowable medical expenses include:

- Services of doctors and health care professionals
- Services of health care facilities
- Medical insurance premiums
- Prescription medicines
- Transportation to treatment (cab, bus fare, or other public transportation)
- Dental expenses, eyeglasses, hearing aids, batteries
- Live-in or periodic medical assistance
- Acupressure, acupuncture, and chiropractic services will be considered allowable medical expenses

For families who qualify, non-prescription medications, alternative therapies, vitamins, and herbal supplements will be included in medical expenses as long as the family provides legible receipts when ordered by a doctor.

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

To estimate future medical costs, consider receipts or another record of medical expenses spent by the family over the previous year (appointment date to appointment date, or in the case of mail-in biennial recertification, due date to due date). Medical expenses will be anticipated based on the proof supplied if an application or participant is granted a deduction.

It is the family's responsibility to submit medical expenses for consideration. Expenses will only be accepted during the intake, reexamination, and move process. Exceptions may be made for major medical expenses that were not anticipated and may cause a hardship to the household if they are not factored in for an interim reexam. All medical expenses must be submitted in an orderly and organized manner. Bundled or disorganized receipts will not be accepted.

Amounts paid by other sources such as trusts, other family members, friends, etc. will not be taken into consideration as a medical expense. Amounts that exceed the household's income amount will not be taken into consideration.

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## Chapter 6 – Voucher Briefings and Issuance

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### A. HCV Program Briefing.

After an applicant is determined eligible for the HCV program, the applicant will be scheduled for a program briefing. Based on applicant-need, individual, on-line or at-home briefing sessions will be conducted. Separate briefings will be scheduled for non-English speaking applicants when necessary.

The CHA allows for the use of mail, electronic mail, telephone and video call, as appropriate for housing program briefings and hearings. The CHA will ensure that electronic information stored or transmitted is secure per [PIH Notice 2015-06](#), meets the requirements for accessibility for persons with disabilities and persons with LEP, considers technology barriers and explains how documents will be presented prior to a remote briefing. In addition, a CHA staff member will reach out directly to briefing attendees by phone after the briefing.

#### Program Briefing.

1. When the PHA selects a family to participate in a tenant-based program, the PHA must give the family an oral briefing. The briefing must include information on the following subjects:
  - a. A description of how the program works;
  - b. Family and owner responsibilities; and
  - c. Where the family may lease a unit, including renting a dwelling unit inside or outside the PHA jurisdiction, and any information on selecting a unit that HUD provides.
2. An explanation of how portability works. The PHA may not discourage the family from choosing to live anywhere in the PHA jurisdiction or outside the PHA jurisdiction under portability procedures, unless otherwise expressly authorized by statute, regulation, PIH Notice, or court order. The family must be informed of how portability may affect the family's assistance through screening, Subsidy Standards, Payment Standards, and any other elements of the portability process which may affect the family's assistance.
3. The briefing must also explain the advantages of areas that do not have a high concentration of low-income families.
4. In briefing a family that includes any disabled person, the PHA must take appropriate steps to ensure effective communication in accordance with [24 CFR 8.6](#).
5. In briefing a welfare-to-work family, the PHA must include specification of any local obligations of a welfare-to-work family and an explanation that failure to meet these obligations is grounds for PHA denial of admission or termination of assistance.



**Information packet.** When a family is selected to participate in the program, the Public Housing Agency (PHA) must give the family a packet that includes information on the following subjects:

1. The term of the voucher, voucher suspensions, and PHA policy on any extensions of the term. If the PHA allows extensions, the packet must explain how the family can request an extension;
2. How the PHA determines the amount of the housing assistance payment for a family, including:
  - (i) How the PHA determines the Payment Standard for a family; and
  - (ii) How the PHA determines the total tenant payment for a family.
3. How the PHA determines the maximum rent for an assisted unit;
4. Where the family may lease a unit and an explanation of how portability works, including information on how portability may affect the family's assistance through screening, Subsidy Standards, Payment Standards, and any other elements of the portability process which may affect the family's assistance.
5. The HUD-required "tenancy addendum" that must be included in the lease;
6. The form that the family uses to request PHA approval of the assisted tenancy, and an explanation of how to request such approval;
7. A statement of the PHA policy on providing information about a family to prospective owners;
8. PHA Subsidy Standards, including when the PHA will consider granting exceptions to the standards;
9. Materials (*e.g.* brochures) on how to select a unit and any additional information on selecting a unit that HUD provides.
10. Information on federal, State and local equal opportunity laws, and a copy of the housing discrimination complaint form;
11. A list of landlords known to the PHA who may be willing to lease a unit to the family or other resources (*e.g.*, newspapers, organizations, online search tools) known to the PHA that may assist the family in locating a unit. PHAs must ensure that the list of landlords or other resources covers areas outside of poverty or minority concentration.
12. Notice that if the family includes a disabled person, the family may request a current listing of accessible units known to the PHA that may be available;
13. Family obligations under the program;
14. Family obligations under the program, including any obligations of a welfare-to-work family.
15. The advantages of areas that do not have a high concentration of low-income families.









**B. Voucher Term Limit.**

The CHA will issue vouchers for an initial term of 120 days. For an applicant, the issuance date is the HCV program briefing date. For a participant who is moving, the issuance date will be the earlier of the move-out date from the assisted unit or the date the participant is eligible for a new Housing Assistance Payment contract.

**Voucher Extensions.** Upon written request by the family, a one-time 60-day extension will be granted to eligible voucher holders. Additional extension(s) may be granted for extenuating circumstances, to include requests for reasonable accommodation for a person with disabilities.

Extenuating circumstances is defined as: the voucher holder, through no fault of their own, was not able to search for housing, hospitalization, serious illness, family emergency or, if porting to another jurisdiction to allow time for the portability process. In addition, extensions may be granted if the vacancy rate is low or if there are rental market conditions that impact the family's ability to locate affordable housing.

Extension requests must be submitted on or before the voucher expiration date. The family must complete a request form provided by the CHA. Additional documentation may be required to complete the CHA's extension review.

Extensions will not be granted because of credit problems, financial inability to relocate to another unit, incarceration, or situations that are within the control of the family.

**C. Suspension or "Tolling".**

When a Request for Tenancy Approval is submitted, the term of the voucher is suspended. Suspension (tolling) means stopping the clock on the voucher term. The suspension of the term starts the day the Request for Tenancy Approval is received in the office up to the date when the CHA approves or denies a Request for Tenancy Approval.

If the CHA is unable to approve the unit within 60 days from the date of the suspension, the family must look for another unit. On the 61<sup>st</sup> day or if the Request for Tenancy Approval is otherwise cancelled, the clock will begin and the remaining days will be added to the voucher term.

If the CHA denies a Request for Tenancy Approval, the voucher term will resume, effective the date of the denial. The CHA will update the voucher with the new expiration date and document the reason.

**D. Voucher Payment Standards. ([24 CFR §982.505\(d\)\(3\)](#))**

The CHA will review the voucher Payment Standard, as needed to ensure effective utilization of vouchers. The CHA will take into consideration available funding, the number of families on the waiting list, the availability of affordable housing, the prevailing fair market rents for decent, safe and sanitary housing in the community and program participants' rent burden, i.e. the number of families paying higher than 30% of their family share towards housing costs.

The family may select a different size dwelling unit than that listed on the Voucher. The Payment Standard shall be the **lower of**:

- The Payment Standard for the Voucher size; or
- The Payment Standard for the unit size selected by the family.

**E. Maximum Family Share. ([24 CFR §982.508](#))**

When a family selects a unit with a gross rent that exceeds the Payment Standard, the CHA will determine whether the family's share of housing costs would exceed 40 percent of the family's monthly adjusted income. The maximum family share, also known as the "maximum initial rent burden" applies to new admissions and families that are moving when the gross rent exceeds the applicable Payment Standard.

**Chapter 7 – Subsidy Standards and Household Composition**

**A. Voucher Size.**

HUD guidelines require that the CHA establish standards for the determination of voucher size and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. All Subsidy Standards in this section relate to the number of bedrooms on the Voucher, not the family’s housing unit size.

**B. Subsidy Standards for Voucher Issuance.**

Subsidy Standards are established by a PHA to determine the appropriate number of bedrooms on the Voucher. The family unit size is entered on the Voucher when it is issued.

The Subsidy Standards must be applied consistently for all families of like size and composition. [24 CFR §982.402](#)

The Subsidy Standard is based on the family’s composition and will be reviewed each time there is a change in household composition.

The CHA will determine Voucher size, based on the following standards:

1. One bedroom will be issued to the Head of Household and spouse, co-head or significant other, if applicable; and
2. An additional bedroom will be issued for each two persons in the household, regardless of age, sex or family relationship.

The following are the minimum and maximum number of bedrooms allocated. Subsidy Standards do not dictate sleeping arrangements for the family.

Voucher Bedroom Size	Minimum No. in Household	Maximum No. in Household
0 – Bedroom	1	1
1 – Bedroom	1	2
2 – Bedroom	2	4
3 – Bedroom	4	6
4 – Bedroom	6	8
5 – Bedroom	8	10



Other factors that affect the Subsidy Standard determination:

- Foster children will be included in determining unit size if they will be in the unit for more than six months or other allowable circumstance.
- Space may be provided for a child who is away at school but who lives with the family during the school recess. This is applicable to adult students under age 26 years old.
- Unborn child(ren) will be included in determining the subsidy standard, per HUD regulations.
- Single person families will be allocated one bedroom.
- Space will not be provided for a family member who will be absent most of the time, other than a spouse, such as a member who is away in the military.
- Children who are subject to a joint custody agreement and live with a Family at least 50% of the time will be considered members of the household. The child may only be counted in one assisted family's household.
- Live-in aides will be allocated one additional bedroom. No additional bedrooms are provided for a Live-in aide's family.

**C. Exception to the Subsidy Standards. ([PIH Notice 2013-18](#))**

The CHA may grant an exception to its established Subsidy Standards for determinations justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances. For a single person other than a disabled or elderly person or remaining family member, such PHA exception may not override the CHA's Subsidy Standards in section B of this chapter. (CFR 982.402 (8)).

Requests for exceptions to the Subsidy Standards will follow the CHA's Reasonable Accommodation procedures. In addition, the CHA will use the exception Payment Standard calculation, as described in [PIH Notice 2013-18](#).

**Under-Housed Families.** If a unit does not meet Housing Quality Standards (HQS) occupancy standards due to an increase in family size, The CHA will issue a new voucher of the appropriate size and assist the family in locating a suitable unit. This action will coincide with the family's Lease end date and/or annual reexamination date, whichever is first.

**D. Occupancy Standards.**

The occupancy standards apply to the physical housing unit and allow two persons per living/sleeping room and permit maximum occupancy levels as shown in Chapter 13.

**E. Utility Allowance Schedule.**

The CHA will maintain a utility allowance schedule that provides allowances for tenant-paid utilities and other services, in accordance with 24 CFR 982.517.

**1. Use of the Utility Allowance Schedule.**

Per HUD Docket No. FR-5778-N-01, the utility allowance for a family shall be the lower of:

- a. the utility allowance amount for the family's Voucher size; or
- b. the utility allowance amount for the requested housing unit.

**2. Revisions to the Utility Allowance Schedule.**

The CHA will review its schedule of utility allowances each year, and will revise its allowance for a utility category for changes of 10 percent or more in the utility rate since the last time the utility allowance schedule was revised.

- a. The CHA will retain all information used in its annual review of utility allowances, whether or not revisions are made.
- b. At HUD's direction, the CHA will revise the utility allowance schedule to correct any errors, or as necessary to update the schedule.

**F. Guest Policy.**

The PHA recognizes that participants may have visitors at their assisted unit. The participant must notify the PHA of visitors staying at the assisted unit for more than 21 days. Extended stays by visitors may be considered a family composition change which must be reported to the PHA, in writing, by the participant. The participant shall be, upon request by the PHA, responsible for providing the PHA information concerning visitors. It is the family's obligation to comply with all of the terms of the lease or rental agreement, including those that govern guests and visitors.

The following circumstances, separately or in combination, may be considered a family composition change:

1. The visitor sleeps, as a pattern and practice, at the premises on a daily basis or for a majority of days during the week.
2. The visitor is working in the area but has no other place of permanent residence.
3. The visitor receives mail at the assisted residence.

Failure by the participant to inform the PHA of the above circumstances may be grounds for termination from the HCV program.

**G. Family Absence from the Assisted Unit.**

The PHA may allow extended family absences from the assisted unit; however, the absence may not exceed 90 consecutive days, unless approved as a “reasonable accommodation” for a person with disabilities. The definition of “absence” is that no member of the assisted family is residing in the rental unit. Family absences which are expected to last longer than 30 days **must** be reported to the PHA.

Acceptable reasons for extended family absences may include but are not limited to illnesses or medical situations which require in-patient treatment, absences to care for relatives, and absences due to a family death. Unapproved absences lasting longer than 90 days may be subject to termination of HAP payments and rental assistance benefits. The participant must request approval in writing and inform the PHA of the nature of the absence. Absences will not be approved for incarceration due to drug-related or violent criminal activity.

In addition, if any adult member in the household is absent from the unit for 90 consecutive days the member will no longer be considered a household member. If the removal of the adult household member results in a reduction of the subsidy standard, the family will be notified that the subsidy standard will be reduced at the next annual reexamination or move, whichever comes first.

If an adult child temporarily moves from the unit to attend school, the PHA will take into consideration whether they are living in a permanent housing situation or a housing situation that is meant to be temporary in nature such as a dorm or student housing. If the student will be returning during school breaks, the Subsidy Standard will remain the same until the adult student attains the age of 26. However, all adult students’s housing status will be reviewed, and if the adult student is living in permanent housing the subsidy standard will be reduced in accordance with the CHA’s policy.

If the family requests to remove the adult student from the household, the adult student will be removed and the subsidy standard will be reduced at the next annual reexamination or move, if appropriate.

Minor children that will be absent from the unit for more than 90 days may be considered a reduction in the household and may result in a reduction of the subsidy standard at the next annual reexamination or move.

**NOTE:** A child who is temporarily away from the assisted household due to placement in foster care is still considered a member of the family and the subsidy standard will not change. The child will remain temporarily away until the child is returned to the household. If it is determined by the court system that the child will be permanently placed outside of the home, the subsidy standard will be decreased at the next annual reexamination or move, if appropriate.

**H. Family Break-up.**

In determining which family members continue to receive assistance after a family breaks up, the CHA will take into consideration the following factors and conditions:

1. The Initial Household Composition at the time of admission to the program.
2. Whether the assistance should remain with family members staying in the assisted unit.
3. The best interest of minor children or of ill, elderly, or disabled family members.
4. Whether the family members are forced to leave because of actual or threatened physical violence against family members by a spouse or other member of the "household".

First, the PHA will consider the welfare of the children and elderly or disabled individuals. The PHA may consult with appropriate federal, State or local agencies and institutions for guidance in reaching a decision which serves the best interest of the entire family. Court decrees or other information concerning the social and economic circumstances and overall welfare of the family will be taken into consideration. The assigned Housing Specialist will make recommendations for the Housing Program Manager's approval concerning disposition of the family, based on consultation (if possible) with the impacted adult members. Recommendations will be reviewed with the family, before a final decision is made in either approving the recommendation or modification thereof.

In the case where the custody of child(ren) is clear, the remaining household member may be issued a voucher if eligible for the HCV program. For example, the remaining member is a person with disabilities or is an elderly individual.

In the case where there are no children involved and the assisted household is separating, the initial voucher will go with the head of household and a voucher may be issued to the remaining family member if they are otherwise eligible on their own. Issuing a voucher to the remaining member in these circumstances will be based on whether there is adequate HCV funding available.

**I. Joint Custody of Children.**

Children, who are subject to a joint custody agreement but live with the applicant/participant at least 50 percent of the time, will be considered members of the household. The days can be cumulative within a calendar year. In a joint custody arrangement, if the minor is in the household less than 50% of the time, the minor will be considered an eligible visitor and not a dependent child in the assisted household.

In situations where separated parents are each claiming the child as a member of the household or the custody order specifies equal percentage of custody, the parent whose address is listed on the school records will be allowed to claim the school-age child as a dependent for determining the subsidy standard for Housing Choice Voucher purposes. If the child is not of school-age or is home-schooled, the parent who claims the child as a dependent on their income tax return or receives benefits on behalf of the minor child will be considered the custodial parent for subsidy standard purposes.

Under **no** circumstances can the minor child(ren) and/or adult dependent(s) receive rental assistance in two different households.

D R A F T

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## Chapter 8 – Tenancy & Housing Assistance Payments Contract

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### A. Family Tenancy History.

Prospective owners are informed that screening for the family's behavior or suitability for tenancy is their responsibility. The CHA does not conduct tenant screening. Upon owner request and authorization, the CHA will provide the applicant/participant's current address and the name and address of the three most recent addresses, if known.

### B. Request for Tenancy Approval.

The CHA will permit submission of one Request for Tenancy Approval at a time. The Request for Tenancy Approval process is provided at the HCV briefing and at move appointments. Upon approval of tenancy by an owner/agent, the participant will furnish the prospective owner the Request for Tenancy Approval form.

The completed Request for Tenancy Approval must be submitted to the CHA. The CHA will review the Request for Tenancy Approval for "approvability". If the Request for Tenancy Approval is approvable, a Housing Quality Standards (HQS) inspection will be scheduled. If the Request for Tenancy Approval is not approved, the CHA will inform the household and property owner.

The CHA will not approve a unit if the owner is the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the CHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. ([24 CFR §982.306\(d\)](#))

**Review of the Rental Agreement.** The CHA reviews the rental agreement utilized by an owner to ensure the document is current and in compliance with federal, state and local law. The owner will be required to attach HUD's Tenancy Addendum, form HUD-52641-A, to their rental agreement.

### C. Reasonable Rent Determinations.

A Reasonable Rent determination is made to ensure a fair rent is paid for units selected for participation in the HCV program. The determination is made when units are placed under contract for the first time, before an increase in rent to the owner and if there is a 5% decrease in the published Fair Market Rent.

To make this determination, the CHA considers:

- The location, quality, size, unit type and age of the contract unit.
- Amenities, housing services, maintenance and owner-provided utilities.

**D. Security Deposits.**

In accordance with State and local Law, the owner may collect a security deposit from the prospective tenant. The PHA does not set a limit on the owner's security deposit and it is the owner's responsibility to collect the established security deposit amount from the tenant. However, the PHA prohibits the owner from collecting a security deposit in excess of private market practice, or in excess of security deposits for the owner's unassisted units.

**E. Housing Assistance Payments (HAP) Contract.**

The HAP shall not be made to the owner/owner's agent until the CHA:

1. Approves the Request for Tenancy Approval and the Rental Agreement;
2. Determines the rental unit is approvable and that the rent requested is under the maximum contract amount that the family is qualified for;
3. Rental unit passes the HQS inspection, passes local City codes, and is rent reasonable in comparison to other unassisted rental units;
4. Receives the completed Internal Revenue Service, Form W-9 and related documents confirming ownership of the property;
5. The family takes possession of the rental unit; and
6. HAP Contract and Tenancy Addendum has been signed by the owner/owner's agent and executed by the Housing Representative.

**F. Rent Increases. ([24 CFR §982.309](#) and [24 CFR §982.509](#))**

After the original period of the lease, landlords are permitted to ask for a rent increase by giving 60 days' notice in writing along with the request. Rent increases will take effect on the first of the month after the written notice is received by CHA has been received for 60 days, or on the date specified in the written notice, whichever comes later. In accordance with all applicable federal, state, and local fair housing rules and regulations, the landlord must give the tenant the appropriate notice that is needed by state law. Owners will be required to certify that all rent increases are in compliance with local, state and federal regulations and fair housing laws.

The automatic renewal of the lease is unaffected by the notice of rent increase, and no new lease, contract, or executed amendment is necessary. A copy of the signed lease for the new lease period should be presented to CHA following approval of the rent increase if the landlord requests a new lease term, which must be specified in the notice.

**G. Moves.**

Families may not be permitted to move during the initial term of the lease, unless the move is necessary due to a family member being the victim of domestic violence, dating violence or stalking, in which case a move will be allowed and no waiver will be required. Move notices must be submitted to the CHA.

Except for the above condition, families will not be permitted to move if the rental agreement is not properly terminated. The family must do the one of the following:

1. Provide the owner a written 30-day notice to vacate the rental unit,
2. Enter into a Rescission of Lease Agreement with the owner to terminate tenancy prior to the lease term and/or to waive the 30-day noticing requirement,
3. Agree to move in accordance with an owner's termination of tenancy notice.

Families may not be permitted to move more than once in a twelve-month period, unless they can demonstrate the move is required due to a medically related situation or a reasonable accommodation. Other requests may be taken into consideration based on the specific situation and the need to move.

**H. Owner Outreach.**

The CHA encourages owners of decent, safe, and sanitary rental units to participate with the HCV program and rent to HCV participants.

The CHA takes the following actions to encourage participation by owners of suitable rental units located outside areas of low-income and minority areas:

1. The CHA maintains communication with the Southern California Rental Housing Association and local property management companies. These resources are used to provide owner awareness of HCV program benefits.
2. The Housing Program Manager will contact prospective owners to explain the benefits of the HCV program and provide additional information.
3. Housing representatives will attend local agency and community fairs to increase program awareness and benefits for owners. Housing representatives will also participate in Owner seminars and workshops, which are organized in coordination of with other local housing agencies.
4. The CHA will utilize the media, including newspapers, magazines, internet, television, and radio to market the HCV program as determined necessary.

The CHA will periodically evaluate the distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted.



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## Chapter 9 – Housing Quality Standards and Inspection

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Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as the unit. The CHA will inspect each unit under contract as required by HUD. The CHA will also perform quality control inspections on the number of files required for file sampling by SEMAP annually to maintain the CHA's required standards.

### A. Guidelines and Types of Inspections.

In accordance with HUD policy, the CHA will inspect all units to ensure that they are in decent, safe and sanitary condition to meet Housing Quality Standards. No unit will be initially placed on the HCV Program unless these standards are met. Units must also meet HQS as long as the family is on the program.

There are four types of inspections the CHA will perform:

1. **Initial/Move-In:** Conducted within 15 days from receipt of the RFTA.
2. **Annual/Biennial:** Conducted within 12-24 months, respectively, of the last annual inspection.
3. **Special/Complaint:** At the request of the owner, family or legitimate third party.
4. **Quality Control:** Conducted by a the CHA supervisor or other qualified person.

All utilities must be in service prior to the effective date of the HAP contract. If the utilities are not in service at the time of inspection, the inspector will consider the inspection inconclusive and notify the family and owner to have the utilities turned on. The Inspector will schedule a re-inspection. The owner and family will both certify that the utilities are on.

The CHA will allow the stove and refrigerator to be placed in unit after the unit has passed inspection, if the family is responsible for supplying these appliances. The family must certify that the appliances are in the unit and working. the CHA will not re-inspect the unit.

### B. Initial HQS Inspections.

The CHA will inspect the unit, determine whether the unit satisfies the HQS and notify family and owner of the determination within 15 days after the family and owner have submitted a request for approval of tenancy. The 15-day clock will be suspended during any period when the unit is not available for inspection.

The CHA will include “date unit available for inspection” on the RFTA form. This date will determine whether the CHA will be required to meet the same 15-day requirement or whether the 15-day period will be suspended because the unit is available for inspection until after the 15-day period.

For file audit purposes, the CHA will note in each family file, the date on which the unit first became available for inspection according to information obtained from the RFTA.

The CHA will make every reasonable effort to conduct initial HQS inspections for the family and owner in a manner that is time efficient and indicative of good customer service.

The Initial Inspection will be conducted to:

- Determine if the unit and property meet the HQS defined in this Plan.
- Document the current condition of the unit as to assist in future evaluations whether the condition of the unit exceeds normal wear and tear.
- Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Housing Quality Standards inspection, the family and owner will be advised to notify the CHA once repairs are completed.

On an initial inspection, the owner will be given up to 30 days to correct the items noted as Fail, at the Inspector’s discretion, depending on the amount and complexity of work to be done.

The owner will be allowed up to 5 days on re-inspection for repair work to be completed. The owner will be contacted the same day he/she notifies the CHA that the unit is ready for inspection (SEMAP).

If the time period given by the Inspector to correct the repairs has elapsed, or the maximum number of failed re-inspections has occurred, the family must select another unit.

### **C. Annual/Biennial HQS Inspection.**

As permitted by HUD [Docket No. FR-5778-N-01], the CHA has opted to allow for biennial HQS inspections, dependant upon HQS calendar schedules. At minimum each housing unit under HAP contract will be inspected within 24 months of the last completed HQS inspection.

Alternative inspection methods will not be used in lieu of the initial unit. The CHA will conduct an initial inspection prior to entering into a new HAP contract. The CHA will also conduct an interim HQS inspection if a family or government official notifies the CHA of a housing unit’s failure to comply with HQS. The CHA will not utilize alternative housing inspection performed through other housing programs, e.g. the Low-Income Housing Tax Credit (LIHTC) program.

When necessary, the CHA will comply with HQS and perform HQS inspections to insure that quality standards are met for housing units where deficiencies were noted during the initial inspection or most recent HQS inspection. The owner must correct HQS deficiencies, which cause a housing unit to fail, unless it is a fail for which the family is responsible.

The family must allow the CHA to inspect the housing unit at reasonable times with reasonable notice. If the family does not contact the CHA to reschedule an inspection, or if the family misses two inspection appointments, the CHA will consider the family to have violated a Family Obligation and a notice of intended action to terminate program assistance will be sent in accordance with the termination procedures in this Plan.

**Re-inspection.** The family and owner are provided notice of the inspection appointment. If the family is not at home for the re-inspection appointment, a card will be left at the unit and another inspection will be scheduled. The inspection letter contains a warning of abatement (in the case of owner responsibility), and a notice of the owner's responsibility to notify the family.

**Missed/No Show inspections.** The CHA gives a reasonable amount of notice for the scheduled inspection. A person 18 years of age or older is required to be present to allow the inspector entry. A Missed/No Show inspection counts against the total number of inspections the CHA will conduct. A Notice of Intended Action will be mailed for non-compliance of the family obligation to allow an inspection of the assisted housing unit.

**Time Standards for Repairs.** For non-emergency items, repairs must be made within 30 days of the initial failed inspection date. Written requests may be reviewed by the Program Manager for major repairs beyond the owner/participant's control that may prevent corrections beyond the 30-day period.

**Emergency Items.** ([24 CFR §982.401](#) and [24 CFR §982.404](#)) which endanger the family's health or safety must be corrected within 24 hours of notification. The following are deemed emergency maintenance items and must be fixed by the accountable party within 24 hours:

- Units that cannot be secured.
- Waterlogged ceiling in imminent danger of falling.
- Major plumbing leaks or flooding.
- Natural gas leak or fumes.
- Electrical problem that could result in shock or fire.
- Fire damage.
- No heat when outside temperature is below 65 degrees Fahrenheit and temperature inside unit is below 65 degrees Fahrenheit.
- Utilities not in service.
- No running water.
- Lack of one functioning toilet.
- Lack of a functioning stove, microwave or other means of cooking food.
- Lack of one functioning smoke alarm on each level of the unit.
- Carbon Monoxide detector missing or not working as it should.

If the emergency repair item is not repaired within the time required by the CHA and the landlord is responsible, the housing payment will be reduced and the HAP agreement will be terminated. If the family does not correct the HQS violation they are responsible for within the time required by the CHA, the family will be referred for termination of family assistance.

**D. Self-certification of Repairs.**

Landlords and participants will be able to self-certify minor (non-life threatening) HQS fail items on all inspection types, including Initial Inspections. If a unit fails an inspection for one or more minor items, the Housing Inspector will decide whether it is appropriate to offer the option of self-certifying the repair(s) rather than having the inspector return to the unit to verify the repair(s) was completed. The landlord and/or participant may also elect to have the unit re-inspected rather than self-certify the repair.

Items deemed to be health or safety hazards would not qualify for self-certification and would need to be reinspected.

**E. Special/Complaint Inspections.**

If at any time the participant or owner notifies the CHA in writing that the unit does not meet Housing Quality Standards, the CHA will conduct an inspection within 24hrs or next business day.

The CHA may also conduct a special inspection based on information from third parties such as neighbors or public officials. The Inspector will check only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs. The landlord and/or participant must correct emergency items that endanger the family's health or safety within 24 hours of notification. (See Emergency Items section).

If the annual/biennial inspection is within sixty (60) days of a special inspection, and all items are inspected that are included in an annual/biennial inspection, the special inspection will be categorized as an annual/biennial inspection as well.

**F. Quality Control Inspections.**

Per SEMAP, Quality Control Inspections will be randomly performed. 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 the HQS. The sampling of files will include recently completed inspections (within the prior three months) and a cross-section of neighborhoods.

**G. Owner Responsibilities.**

When a unit fails to meet Housing Quality Standards, and the owner is responsible for completing the necessary repair(s) in the time period specified by the CHA, the HAP payment will be abated.

**Abatement.** If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection. No retroactive payments will be made to the owner for the period of time the housing assistance is abated. The family is not responsible for the CHA's portion of the rent that is abated. However, the family is responsible to continue to pay their portion of rent to the owner.

**Termination of 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 owner will be sent a HAP Contract Proposed Termination Notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the termination may be rescinded by the CHA.

**H. Determination of Responsibility.**

Certain HQS deficiencies are considered the responsibility of the family:

- Family-paid utilities not in service
- Failure to provide or maintain family-supplied appliances
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear

"Normal wear and tear" is defined as items, which could be charged against the family's security deposit under state law or court practice.

The owner is responsible for all other HQS violations. The owner is responsible for vermin infestation even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for repeated violations of the lease. the CHA may terminate the family's assistance on that basis.

The inspector will make a determination of owner or family responsibility during the inspection. The owner or family may appeal this determination to a mediator within three days of the inspection.

**I. Consequences - Family Responsible.**

If HQS violations are determined to be the responsibility of the family, the CHA will require the family make any repair(s) or corrections. If the repair(s) or correction(s) are not made in this time period, the CHA will terminate assistance to the family, after providing an opportunity for an Informal Hearing. The Housing Program Manager must approve extensions in these cases.

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

**J. Occupancy Standards.**

HQS Guidelines for minimum/maximum occupants. These guidelines are for an average unit. If there is a den, or other room that may be used for sleeping in addition to the living room, these standards may be increased. For example, a two-bedroom house with a living room and a den may have room for up to eight persons without violating HQS space requirements.

Unit Size	Minimum No. in Household	Maximum No. in Household
0 – Bedroom	1	2
1 – Bedroom	1	4
2 – Bedroom	2	6
3 – Bedroom	4	8
4 – Bedroom	6	10
5 – Bedroom	8	12
6 – Bedroom	10	14

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## Chapter 10 – Annual and Interim Reexaminations

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### A. Annual Reexaminations. ([24 CFR §982.516\(a\)](#))

It is a HUD requirement to annually reexamine the income and composition of HCV families (i.e. program participants). The CHA conducts reexamination of family income and other factors that affect the housing assistance payment, allowing for proper and timely verification of all information and notification of any rent change. A family's failure to comply with the CHA's reexamination requirements is grounds for termination of housing assistance.

The CHA will follow the verification procedures and guidelines described in Chapter 5 of this Plan. The CHA may adopt triennial reexaminations for participants with fixed income if this provision is adopted by federal regulations.

After the completion of the reexamination the Rent Portion letter is mailed to the landlord and the tenant. If the family disagrees with the rent adjustment, the family may request an Informal Review by following the procedures stated on the Rent Portion letter.

**Subsidy Standards.** The family's household composition will be reviewed and the Voucher size will be adjusted if required, per CHA's Subsidy Standards (Chapter 7).

### B. Interim Reexaminations. ([24 CFR §982.516\(c\)](#))

Interim reexaminations (certifications conducted before the annual reexamination date) are based on a change in family composition or financial status. Interim reexaminations will not alter the family's annual reexamination date. All changes in income, assets or household members must be reported in writing.

**Notification Timeframe.** The notification timeframe for a family to report changes income and/or family composition is 15 calendar days from the change being reported.

**Timely Reporting.** For families who report income/family composition changes within the notification timeframe, the effective date of the interim reexamination will be preceded by a minimum of 30 days' written notice of an increase in the family share of the rent.

**Untimely Reporting.** For families who do not report income/family composition changes within the CHA's notification timeframe, the family's share of the rent will be effective retroactively to the first of the month after the change occurred.

Please note: If a third-party verification is delayed due to the family's responsibility to submit documentation, notification of rent portion changes may result in less than 30 days' notice.

Interim reexaminations will only be completed under the following circumstances:

1. The family reports a decrease in income.
2. A family that previously had no income, or had less income than the welfare amount for the family size, reports that income is now being received by a family member.
3. The family reports a change in family composition.
4. A full-time student's status changes to part-time or less.
5. A Family Self-Sufficiency household requests an interim when their income increases.
6. The family fails to report a required increase of income within the CHA's reporting requirements.
7. The family misrepresented the facts upon which their share of rent was based.
8. An administrative error on the part of the CHA.
9. As dictated by a HUD PIH Notice or Memorandum.

**C. Earned Income Disregard. ([24 CFR §5.617R](#))**

Per HUD regulations, the Carlsbad Housing Agency has implemented Earned Income Disregard calculations, to disregard some or all of the earned income for qualified HCV program participants with disabilities. A family member can only receive a total of 12 months for 100% of the incremental increase disregard and 12 months of the 50% disregard in his or her lifetime. The disregard only applies for a maximum of 4 years from the time it is first applied.

The Earned Income Disregard, allows previously unemployed (by definition) participants receiving housing assistance to keep more of their earned income for a period of up to two years following an increase in employment income. The purpose is to assist persons with disabilities in obtaining and retaining employment as an important step toward economic self-sufficiency.

**D. Family Moves. ([24 CFR §982.354\(c\)](#))**

Families will be provided information regarding their responsibility to give the owner and the CHA advance notice of any moves. This information is provided with the HCV briefing and upon inquiry to the CHA.

**E. Portability.**

**Port-in participants.** The CHA will accept the income eligibility determination of the initial PHA, if completed within 60 days of the transfer and no family composition or income changes have occurred. New family composition or income change information may warrant a redetermination of income by the CHA. However, the port in process will not be delayed if a redetermination is necessary. The port-in family will be allowed to move into a rental unit and an adjustment may be made at a future date, if warranted.

**Port-out participants.** The CHA will allow family's in good standing to lease outside of the CHA's jurisdiction.



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## Chapter 11 – Debts Owed and Owner Disapproval

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### A. Owners.

If an owner owes money to the CHA, the owner will be requested to either pay the amount due in full or be advised that the overpayment will be deducted from future housing assistance payment(s). If the owner fails to pay the amount owed and there is not a future housing assistance payment to offset the debt, the owner will be banned from renting to future HCV program participants until the debt is resolved. Also, the amount owed may be sent to a collections agency.

In addition, an owner who is the parent, child, grandparent, grandchild, sister, or brother of any member of the family will not be approved, unless the CHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. ([24 CFR §982.306\(d\)](#))

### B. Applicants.

An applicant must pay in full any debts owed to the CHA or any other Housing Agency before being admitted to the Housing Choice Voucher program. An exception may be made if the applicant is current on a Repayment Agreement.

### C. Participants – Repayment Agreements.

An opportunity to enter into a Repayment Agreement may be offered regarding overpaid housing assistance payment(s). This opportunity is permitted if there are no other issues, the unreported income was less than \$15,000 and if it appears the participant did not deliberately provide false, misleading, incomplete, or incorrect information to the CHA.

As long as payments are made in a timely manner, the participant will remain in good standing with the CHA. Failure to abide by the Repayment Agreement shall be grounds for termination of HCV benefits.

Participants will not be able to port to another jurisdiction until payment is received in full. Carlsbad Management may waive this requirement if the participant is current on their monthly payments and if the inability to move would be a hardship on the family. If the CHA offers a Repayment Agreement, the terms will be determined in accordance with HUD's [PIH Notice 2017-12](#), section 17.

A participant who is not current on their monthly payments as outlined in their Repayment Agreement will be sent a courtesy letter for a first offense. A warning notice will be sent with a second offense. A third offense will result in a Notice of Intended Action to terminate rental assistance benefits (Chapters 13 and 14).

In accordance with HUD requirements to utilize the Enterprise Income Verification (EIV) system in its entirety and [PIH Notice 2017-12](#) , the CHA will do the following when a families program terminates and a debt is owed:

- Notify the individual(s) of the debt owed to the CHA and or adverse status as of the end of participation date;
- Enter the debts owed information into the EIV system;
- Include adverse termination information into the EIV system; and
- Send the debts owed information to a collection agency.

**D. Owner Violations of the HAP Contract.**

The CHA may terminate an owner's participation in the HCV program for serious or repeated violations of the HAP Contract and/or participant lease agreement(s).

**E. Disapproval of Owner for Drug Trafficking.**

The CHA shall disapprove of an owner if the CHA is in possession of credible information that the owner has engaged in drug-dealing or trafficking. Drug trafficking refers to commercial drug-dealing (manufacture, sale, or distribution of narcotics), but does not cover illegal drug use.

**F. Disapproval of Owner for HQS Violation.**

The CHA shall disapprove of an owner with a continued "history or practice" of violating HQS, City codes or applicable housing standards under other federal housing programs.

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**Chapter 12 – Special Housing Types**

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**A. Special Housing Types - Manufactured Home.**

The CHA allows Housing Choice Voucher assistance to be used to provide assistance to a family that owns a manufactured home, but rents the manufactured home space.

**B. Other Special Housing Types.**

The CHA permits a family to utilize Shared Housing, if it is needed as a reasonable accommodation to make the program readily accessible to and usable by persons with disabilities. The CHA does not allow any other special housing types.

Although the CHA currently only provides Shared Housing as a reasonable accommodation, the agency may take into consideration other housing types, if the rental market is such that there is a limit to available housing in the PHA's jurisdiction.

Project-Based Vouchers. The CHA does not administer Project-Based Voucher and therefore does not have a policy concerning application of Small Area FMRs to project-based voucher units ([24 CFR § 888.113\(h\)](#)).

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## Chapter 13 – Denial or Termination of Assistance

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The CHA shall terminate assistance to a family for willful and negligent failure to perform family obligations, except for reasons which the family had no control, were unintentional, or minor, such as mail delivery delays or failure of mail delivery. Because there may be many circumstances concerning compliance with family obligations, each failure will be considered by the Housing Specialist and Housing Program Manager on the case merits. However, repeated, serious, deceptive and manipulative failure to comply with family obligations will be automatic grounds for termination.

All adult family members must not have violated any family obligation during previous program participation within three (3) years prior to final eligibility determination. For family obligations, see Chapter 4, section F.

### A. Applicants Determined Not Eligible for the HCV Program.

The CHA reasons for denial to the HCV program are listed in this section. Applicants determined ineligible for the HCV program due to the CHA's background check will be offered an Informal Review.

Applicants determined not eligible for the HCV program will be sent a denial letter with an opportunity for an Informal Review if requested in writing within fifteen (15) calendar days of the date of the denial letter.

The CHA shall deny an applicant admission to the HCV program under the following circumstances:

1. The applicant does not respond to the CHA's written request for information or updates.
2. The applicant refuses an offer of assistance under the Housing Choice Voucher program.
3. The CHA has information substantiating fraud on the part of the applicant.
4. The CHA has information that any household member is currently engaged in drug-related activity, violent criminal activity, and/or is engaged in abuse of alcohol or has a pattern of alcohol abuse that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
5. Based on updated information received, the applicant is determined ineligible.
6. The applicant requests removal of their application from the waiting list.

The CHA will notify the applicant, in writing, of the intention to remove their application from the waiting list. The event that triggers the denial shall be based on the date that the applicant engaged in the criminal activity.

**B. Termination Information for Participant.**

If the CHA intends to proceed with termination of rental assistance benefits, an HCV program participant will be mailed a Notice of Intended Action, which will state the reason(s) for the proposed termination. The Notice of Intended Action will outline the procedures for a participant to request an Informal Hearing as well as their rights during the Hearing process.

**C. Illegal Drug Use (Rehabilitation).**

The CHA shall require a family member who has engaged in drug-related criminal activity to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

**D. Drug-Related Criminal Activity.**

The CHA shall terminate families who engage in drug-related criminal activity, regardless of where the criminal activity takes place.

**E. Violent Criminal Activity.**

The CHA shall terminate families who engage in violent criminal activity, including spousal abuse, child abuse, threats to property owners, neighbors and violence against property. Circumstances will be taken into consideration if the violent criminal activity is subject to the guidelines under the Violence Against Women Act (VAWA).

**F. Crime by Family Member.**

The CHA shall terminate assistance to a family if the preponderance of evidence indicates that a family/household member has committed a crime or friends/guests of the assisted family committed the crime, regardless of whether the crime is technically classified as a felony.

**G. Serious and Repeated Violation of the Lease/Rental Agreement.**

The CHA shall terminate assistance to a family and deny permission to move with continued assistance for serious and/or repeated violations of the lease/rental agreement. The PHA will conduct a Tenant Conference once three infractions have been made, as reported in writing by the owner of the property. If the pattern continues after the Tenant Conference, a Stipulation Agreement will be offered to the participant advising and acknowledging that any future violations may result in termination of rental assistance benefits. If the violations continue, a Notice of Intended Action will be mailed to the family.

**H. Fraud or Other Program Violations.**

The CHA shall deny or terminate assistance if any member of the family commits fraud, bribery or any other corrupt act. Such criminal act is a breach of family obligations.

**I. Violence Against PHA Personnel.**

The CHA shall deny or terminate assistance if the family has engaged in or uses abusive or violent language or behavior toward Public Housing Agency personnel.

The CHA may allow an individual to remain on the program under the condition that the household member does **not** appear in the office without an appointment and/or without a representative.

**J. Violence Against Women Reauthorization Act (VAWA).**

Victims of domestic abuse, dating violence, sexual assault, and stalking who apply for or get help through the Housing Choice Voucher (HCV) program are given specific protections under the Violence Against Women Act of 2013 (VAWA) and the Reauthorization of the Act in 2022. In accordance with VAWA, PHAs have the right to stop providing assistance to any participant or lawful occupant who commits a crime involving domestic violence, dating violence, sexual assault, or stalking against a partner or another person without evicting, removing, stopping assistance, or punishing the victim of the crime who is also a participant or lawful occupant.

The victim's eligibility for aid will not be affected by the PHA's decision to terminate or reject the offender's program eligibility. The victim must agree in writing to exclude the offender from the assisted unit and certify that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit.

State or local laws provide greater protection for such victims, those laws apply in conjunction with VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and PHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and PHA policies are located primarily in the following sections:

- “Family Breakup and Remaining Member of Tenant Family”;
- “Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking”;
- “Allowable Moves”;
- “Restrictions on Moves”;
- “Terminations Related to Domestic Violence, Dating Violence, or Stalking”; and
- “Termination Notice.”

**Definitions.** (24 CFR 5.2003, 42 USC 13925)

As used in VAWA:

- The term bifurcate means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
- The term domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- The term affiliated individual means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
  - Any other individual, tenant, or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.
- The term sexual assault means:
  - Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent
- The term stalking means:
  - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

**Notification.** (24 CFR 5.2005(a))

The CHA adopts the following policy to help ensure that all actual and potential beneficiaries of its HCV program are aware of their rights under VAWA.

**CHA Policy.**

The CHA will post the following information regarding VAWA in its offices and on its website. It will also make the information readily available to anyone who requests it.

A copy of the notice of occupancy rights under VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking ([Form HUD-5380](#), see Exhibit 13-1)

A copy of [Form HUD-5382](#), Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (see Exhibit 13-2) A copy of the CHA emergency transfer plan (Exhibit 13-3)

A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, [Form HUD-5383](#) (Exhibit 13-4)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibit 13-1)

Contact information for local victim advocacy groups or service providers

**Notification to Program Applicants and Participants.** ([24 CFR §5.2005\(a\)\(1\)](#))

PHAs are obligated to provide program applicants and participants with information on their rights under VAWA, including their right to confidentiality and the restrictions associated with it, when they are denied assistance, when they are admitted to the program, and when they are informed of an eviction or the termination of housing benefits.

**CHA Policy.**

All applicants will receive information about VAWA from the CHA at the time they seek a housing aid application, as part of the written briefing packet, and when the family is accepted into the program. Additionally, the CHA will mention VAWA in all notices of assistance denial. All participants will receive information regarding VAWA from the CHA at the time of admission and at the annual reexamination. Additionally, the CHA will mention VAWA in notices of aid termination. The notices in Exhibits 13-1 and 13-2 will make up the majority of the VAWA information delivered to participants and applicants.

The PHA is not required to give VAWA information only at the hours mentioned in the aforementioned policy. Following a domestic violence incident, if the PHA wishes to give a participant information about the VAWA, [PIH Notice 2017-08](#) advises against sending it via mail since the abuser might be keeping an eye on it. In these situations, the notice advises the PHA to make other delivery arrangements that won't endanger the victim.

**CHA Policy.**

When the CHA has cause to believe that informing a participant about VAWA might put a victim of domestic violence in danger, it will try to give the information in person to the victim or arrange for the victim to visit an office or other location that might be safer for the person, making reasonable accommodations as needed. If the PHA thinks the perpetrator may have access to the victim's mail, for instance, it might opt not to send mail on VAWA safeguards to the victim's unit until the victim specifically requests it. The PHA will take reasonable measures, such as conducting conversations in a quiet space, to ensure that no one can overhear when discussing VAWA with the victim. The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

**Notification to Owners and Managers .**

While PHAs are no longer required by regulation to notify owners and managers participating in the HCV program of their rights and obligations under VAWA, the PHA may still choose to inform them.

**CHA Policy.**

The CHA will provide owners and managers with information about their rights and obligations under VAWA.



**Documentation.** ([24 CFR §5.2007](#))

An individual presenting a claim for initial or ongoing assistance based on their status as a victim of criminal activity related to domestic violence, dating violence, sexual assault, stalking, or these forms of abuse must provide supporting documents. CHA requests for documents must be made in writing and the individual must submit the documents within at least fourteen (14) business days of receiving the request. PHA may extend this period at its sole discretion. ([24 CFR §5.2007\(a\)](#))

The individual may satisfy the PHA's request by providing any one of the following three forms of documentation([24 CFR §5.2007\(b\)](#)):

1. A completed and signed HUD-approved certification form ([Form HUD-5382](#), Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim. The form may be filled out and submitted on behalf of the victim.
2. A federal, state, tribal, territorial, or local police report or court record, or an administrative record
3. Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The PHA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [VAWA final rule].

**CHA Policy.**

Any request for documentation of domestic violence, dating violence, sexual assault or stalking will be in writing, will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline. The PHA may, in its discretion, extend the deadline for 10 business days. In determining whether to extend the deadline, the PHA will consider factors that may contribute to the victim's inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim's need to address health or safety issues. Any extension granted by the PHA will be in writing. Once the victim provides documentation, the PHA will acknowledge receipt of the documentation within 10 business days.

**Conflicting Documentation.** ([24 CFR §5.2007\(e\)](#))

When two or more members of a household submit contradicting certification documents, each claiming to be a victim and designating one or more of the other petitioning household members as the offender, the PHA may apply the criteria outlined above to establish which of the two is the real victim (forms 2 and 3). When submitted paperwork contains information that contrasts with information the PHA already has, the PHA may also ask for third-party documentation. The PHA must receive third-party verification within 30 calendar days. The PHA must arrange separate hearings for the tenants if it intends to deny or terminate assistance due to the lack of third-party documentation. ([PIH Notice 2017-08](#)).

The CHA will honor any court orders issued to protect the victim or to address the distribution of property.

**CHA Policy.**

The CHA will attempt to identify which victim is the real one if it receives conflicting certifications from members of the same household by asking each of them to provide third-party documentation in accordance with ([24 CFR §5.2007\(e\)](#)) and by adhering to any HUD guidance on how such determinations should be made.

The CHA will offer contact details for regional domestic violence and legal aid offices when third-party papers are requested. In these situations, tenants or applicants will have 30 calendar days starting on the date of the request to deliver the requested documentation.

If the CHA does not receive third-party documentation within the required timeframe (and any extensions) the CHA will deny VAWA protections and will notify the applicant or tenant in writing of the denial. If, as a result, the applicant or tenant is denied or terminated from the program, the CHA will hold separate hearings for the applicants or tenants.

**Discretion to Require No Formal Documentation.** ([24 CFR §5.2007\(d\)](#))

Without formal abuse proof in compliance with [24 CFR §5.2007](#), CHA has the option to grant benefits to a person based only on that person's statement or other corroborating information (b). When a verbal statement or other piece of evidence is accepted, HUD advises confidential documentation.

**CHA Policy.**

The PHA will note acceptance of the statement or evidence in the individual's file if the CHA accepts that person's admission of domestic violence, dating violence, sexual assault, or stalking, as assessed by the victim.

**Failure to Provide Documentation.** ([24 CFR §5.2007\(c\)](#))

CHA must give the person requesting relief a written request for proof of abuse in order to refuse relief for protection under VAWA. The CHA may refuse relief for protection under the VAWA if the person cannot furnish the paperwork within 14 business days of the date of receipt or within a longer period as the CHA may permit.

**Confidentiality. (24 CFR §5.2007(b)(4))**

All information supplied to the PHA about domestic violence, dating violence, sexual assault, or stalking must be kept private, including any mention of a person being a victim of such violence or stalking. Accordingly, the PHA (1) may not enter the information into any shared database, (2) may not permit employees or others to access the information unless they are specifically authorized to do so and have a need to know the information for the purposes of their work, and (3) may not disclose the information to any other entity or person unless the disclosure is (a) requested or consented to in writing by the individual, (b) necessary for use in an eviction proceeding, or (c) otherwise required by applicable law.

**CHA Policy.**

The PHA will notify the victim before disclosure takes place if disclosure is necessary for use in an eviction case or is otherwise required by applicable law so that safety hazards can be recognized and addressed.

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## Chapter 14 – PROCEDURES FOR INFORMAL REVIEW OR HEARING

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In most circumstances in which the CHA makes a decision affecting HCV program denial or level of housing assistance an opportunity for an Informal Review or Hearing is provided. The purpose of an Informal Review or Hearing is to resolve applicant or participant disputes with the CHA. An *Informal Review* is for program applicants and an *Informal Hearing* is for program participants. However, decisions related to restrictions on non-citizens, whether for an applicant or participant require an Informal Hearing.

### A. Informal Review Process - Applicants. ([24 CFR §982.554](#))

The following are circumstances in which the CHA is **not** required to provide an opportunity for an Informal Review:

- Discretionary CHA administrative determinations
- General policy issues or class grievances
- A determination of the family unit size under the CHA subsidy standards
- A CHA determination not to approve an extension of the voucher term
- A CHA determination not to grant approval of the tenancy
- A CHA determination that a unit selected by the applicant is not in HQS compliance
- A CHA determination regarding occupancy/HQS standards due to family composition

For circumstances other than the above, the CHA will provide applicants an opportunity for an Informal Review (or Informal Hearing for denials due to restrictions for noncitizens), upon receipt of a request within the notice requirements. Such review shall be conducted by a person designated by the CHA who did not make or approve the decision under review or a subordinate of that person. Such Informal Review procedure shall permit or require:

1. The applicant to present written objections.
2. The CHA to notify the applicant, in a timely manner, of the final decision after the Informal Review. The notice will include a brief statement of the reasons for the decision.

**Notice Requirements.** For applicants who are determined ineligible for the HCV program, the CHA will send a “Notice of Denial”. The CHA will provide prompt written notice of the applicant’s right to request an Informal Review to determine whether the CHA’s decision is in accordance with the law, HUD regulations, and CHA policies. The notice will contain the following information:

- A brief statement of reasons for the CHA’s decision;
- A statement that if the applicant does not agree with the decision, an Informal Review may be requested; and
- The notice will describe how to obtain an Informal Review
- The notice will provide a deadline to submit requests of fifteen (15) calendar days.

Being incarcerated will not be considered ‘good cause’ for missing the fifteen (15) calendar day deadline.

**B. Informal Hearing Process – Participants. ([24 CFR §982.555](#))**

The following are circumstances in which the CHA is **not** required to provide a participant family an opportunity for an Informal Hearing:

- Discretionary administrative determinations by the PHA.
- General policy issues or class grievances.
- Establishment of the PHA schedule of utility allowances for families in the program.
- A PHA determination not to approve an extension of the voucher term.
- A PHA determination not to approve a unit or tenancy.
- A PHA determination that an assisted unit is not in compliance with HQS; however, the PHA must provide the opportunity for an Informal Hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in [§ 982.551\(c\)](#).
- A PHA determination that the unit is not in accordance with HQS because of the family size.
- A determination by the PHA to exercise or not to exercise any right or remedy against the owner under a HAP contract.

**For circumstances other than the above:** Upon receipt of a timely Informal Hearing request, the CHA will conduct a Management File Review prior to scheduling an Informal Hearing for the following decisions:

- CHA determinations of the family's income.
- CHA determinations of the family unit size for the family under the PHA Subsidy Standards.
- CHA determinations of the appropriate utility allowance for the family from the PHA utility allowance schedule.
- CHA determinations to deny or terminate assistance because of family actions or inactions.
- CHA determinations to terminate assistance due to the family's absence from the unit for longer than the maximum period permitted under CHA policy and HUD Rules.
- **Restrictions on assistance for noncitizens.** The Informal Hearing provisions for the denial of assistance on the basis of ineligible immigration status ([24 CFR part 5](#)).

**C. Informal Hearing Notice to Participant.**

The CHA shall notify the family of their right to request an Informal Hearing on a decision to deny or terminate assistance. The notice shall include a brief statement of reasons for the CHA's decision. The notice will advise the family that they have fifteen (15) calendar days from the date of the Notice of Intended Action to request an Informal Hearing. Being incarcerated will not be considered 'good cause' for missing the fifteen (15) calendar day deadline.

The CHA will advise the participant of their right to examine documents that are relevant to the reasons cited for initiating termination of benefits and the right of the family to seek legal representation.

Upon receipt of a timely request for an Informal Hearing, the CHA will conduct a Management File Review. The Management File Review will be conducted by a person designated by the CHA who did not make or approve the decision under review or a subordinate of that person.

If the participant is not in agreement with the outcome of the Management File Review, an Informal Hearing will be scheduled in a reasonably expeditious manner. Rental assistance benefits will continue under an executed HAP contract until a hearing decision is rendered.

If an Informal Hearing is scheduled and the family fails to attend without prior notification, the Informal Hearing will be considered 'abandoned' and the termination or denial will stand. If a family is more than 20 minutes late without prior notification, the Informal Hearing will be considered 'abandoned' and the termination or denial will stand. Extenuating circumstances may be taken into consideration at the discretion of the Housing Program Manager or Director.

**D. Pre-Hearing Discovery.**

The family has a right to pre-hearing discovery of the CHA's documents, including records and regulations, which are directly relevant to the hearing. The family shall be allowed to make a copy of any such documents. The family is required to produce the documents at the CHA's office. The CHA has a parallel right to pre-hearing examination of relevant family documents. The hearing packet shall be available to the participant prior to the scheduled Informal Hearing. The family must provide any documents that will be presented at the Informal Hearing to the CHA before the scheduled Informal Hearing. The CHA may not rely on a document withheld from disclosure. Similarly, the family may not rely upon a document not produced at request by the CHA. The hearing officer has the discretion to allow untimely submissions of relevant documents required, based on the relative sophistication of the family, the complexity of the documents required, and the time the family had access to the documents before the hearing. The CHA shall allow applicants and participants the right to inspect and copy documents under supervision of a CHA staff person.

If the family does not appear at the scheduled time and was unable to reschedule the hearing in advance due to the nature of the emergency, the family must contact the CHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The family must show "good cause" prior to rescheduling the hearing by providing documentation to support the reason for requesting a reschedule date. The CHA will then reschedule the hearing.

The Hearing Officer will issue a written decision to the family within ten (10) business days after the hearing. The decision made by the Hearing Officer will be final. The CHA reserves the right to overturn the Hearing Officer's decision only in the event that the decision is contrary to the organization's written policies.