

ADMINISTRATIVE PLAN

FOR THE

SECTION 8

HOUSING CHOICE VOUCHER PROGRAM



HOUSING AGENCY

HOUSING & NEIGHBORHOOD SERVICES

1200 Carlsbad Village Drive

Carlsbad, CA 92008

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CARLSBAD HOUSING AGENCY
SECTION 8 HOUSING CHOICE VOUCHER PROGRAM
ADMINISTRATIVE PLAN

I. INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937. The Act has been amended along the way, and its requirements, as they apply to the Section 8 Housing Choice Voucher Program, are described in and implemented through this Administrative Plan.

Carlsbad Housing Agency’s goal, herein referred to as the Public Housing Agency (PHA), is to provide rental assistance to United States citizens and eligible lawful residents who are very low-income single persons, elderly, handicapped, disabled, and families in order that they may obtain adequate housing which is affordable, decent, safe and sanitary in the PHA’s jurisdiction. In furtherance of this goal, the PHA is committed to the policies and goals contained in the Housing Element of the General Plan and the Consolidated Plan for Housing and Community Development Programs.

The PHA receives its funding for the Housing Choice Voucher (HCV) program from the Department of Housing and Urban Development (HUD). The PHA is not a federal department or agency. A PHA is a governmental or public body, created and authorized by state law to develop and operate housing programs for low-income families. Carlsbad’s Housing Agency is a division of the Housing & Neighborhood Services department of the City of Carlsbad. The PHA has entered into an Annual Contributions Contract (ACC) with HUD to administer the program requirements on behalf of HUD. The PHA must ensure compliance with federal laws, regulations, and notices and must establish policy and procedures to clarify federal requirements and to ensure consistency in program operation.

Administration of the Section 8 Program and the functions and responsibilities of the Carlsbad Housing Agency staff shall comply with the City of Carlsbad’s Personnel Policies, HUD Section 8 Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

The City of Carlsbad is committed to a regional approach to meeting housing needs and collaborates with the San Diego Association of Governments (SANDAG) and with other cities in the region to encourage region-wide application of federal and state housing funds and programs.

The PHA will revise the Administrative Plan, as required, to comply with changes in federal regulations.

A. Local Objectives

Mission of Housing & Neighborhood Services:

Enhance the quality of life and sense of community for those who live in Carlsbad by providing better connections to city information and services and through focused program development and implementation, community engagement and outreach services and provision of affordable housing opportunities.

The Section 8 Rental Assistance Program is designed to achieve three major objectives:

1. To provide affordable decent, safe and sanitary rental housing, of a modest (non-luxury) nature, 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:

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

B. Purpose of the Administrative Plan

The purpose of the Administrative Plan (“Plan”) is to establish policies for carrying out the Section 8 Housing Choice Voucher (HCV) Program in a manner consistent with HUD requirements and local objectives. The Plan covers both admission and continued participation in the Section 8 HCV Program.

Authority for PHA policies is 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.

Housing and Urban Development (HUD). HUD provides the primary source of PHA policy through federal regulations, HUD Notices, and handbooks. Compliance with federal regulations, current HUD Notices, and HUD handbooks is mandatory.

HUD provides non-mandatory guidance to PHAs through HUD published guidebooks. Expired HUD Notices and handbooks also provide guidance for PHA policy. Following HUD guidance is optional, as long as PHA policies comply with federal law, federal regulations, and mandatory policy. Because HUD has already determined that the guidance it provides is consistent with mandatory policies, PHA reliance on HUD guidance provides the PHA with a “safe harbor”.

Content contained on the HUD website can provide further clarification of HUD policies. For example, FAQs on the HUD website can provide 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 conflict with it, 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 housing authorities.

The PHA is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. The Housing Commission and the Community Development Commission must approve the original Plan and any amendments. An adopted copy of the Administrative Plan must be submitted to HUD.

This Plan fulfills the HUD regulatory requirement that PHA’s adopt a written administrative plan that establishes local discretionary policies for administration of the Section 8 program in accordance with HUD requirements. The Administrative Plan is a supporting document to the Public Housing Agency (PHA) Plan and must be available for public review. This Plan does **NOT** include all HUD regulations concerning the Housing Choice Voucher Program. This Plan is to be utilized in conjunction with the PHA Plan, HUD regulations, HUD Voucher Program Guidebook, HUD Handbooks, HUD Memorandums and PIH Notices. The user of this Plan is advised to consult the above listed documents for detailed information and guidance.

C. 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 Housing Choice Voucher 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 the 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 employee of the PHA, 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 City of Carlsbad City Code; Personnel Rules; Housing & Neighborhood Services Department rules and regulations; 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.

D. Administrative Fee Reserves

The Community Development Commission must approve expenditures of the administrative fee reserve (operating reserve) in excess of \$50,000. Such expenditures must be used for other housing purposes, as defined by HUD.

II. FAIR HOUSING POLICY

It is the policy of the PHA to comply fully with all federal, state, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. PHA staff members may be required to attend fair housing training.

The PHA shall not deny any family or individual the opportunity to apply for or receive assistance under the Section 8 Program based on race, color, national or ethnic origin, age, religion, sex, familial or marital status, disability, sexual orientation, or sex/gender identity and expression.

The PHA will provide federal/state/local information to Section 8 applicants and participants regarding “discrimination” and any recourse available to them if they feel that they are victims of discrimination. The following information will be provided during the initial program briefing session and included in the Section 8 briefing packet: applicable Fair Housing Information, HUD-1260-FHEO Fair Housing Handbook, and Discrimination Complaint Forms. This information will also be given upon request. In addition, Fair Housing pamphlets in English and Spanish are displayed in the PHA’s lobby. Upon request, PHA staff will be available to assist applicants and participants complete Discrimination Complaint Forms.

To further the PHA’s commitment to full compliance with applicable Civil Rights laws, the City of Carlsbad contracts with the Center for Social Advocacy (CSA) San Diego County, a non-profit corporation 501(c)3 registered with the State of California. This organization is an advocate for human and civil rights. They provide fair housing workshops and tenant/landlord mediation. In addition, CSA San Diego County has published a handbook ‘BE INFORMED – Rental Housing Handbook’ that is also published in Spanish. The publication is available in the lobby and included in the HCV briefing packet.

A. Accommodations

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

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an “*undue financial and administrative burden*” for the 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 resources of the agency as a whole, granting the reasonable accommodation poses a severe financial hardship on the agency. A fundamental alteration is a modification that alters the essential nature of a provider’s operations.

The PHA’s office is located at: 1200 Carlsbad Village Drive, Carlsbad, CA 92008. The office is accessible to persons with disabilities. Accessibility for the hearing-impaired is provided by the State of California Communications Systems. The accommodation policy is applicable to all situations described in this Plan. It is applied at the time an applicant or participant initiates contact with the PHA including when an applicant family applies, when the PHA initiates contact with a family, and when the PHA schedules or reschedules an appointment.

The PHA’s policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access the Housing & Neighborhood Services Department and services. Requests for reasonable accommodation 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. A third-party verification will be required that documents that the requestor is a person with disabilities and also certifies that the person’s impairment limits their participation in the Section 8 program in a specific way that can only be alleviated by the requested accommodation. Third-party verifications must be provided by a professional competent to render the opinion and knowledgeable about the requestor’s situation. A designee will be allowed to provide some information, but only with the written permission of the person with the disability. A list of accessible rental units for persons with a disability is available in the lobby; are included with the Voucher Briefing packet, and will be provided upon request. Housing information and materials are displayed in locations throughout the PHA’s office that are easily readable from a wheelchair.

B. Equal Employment Opportunity

The City of Carlsbad provides equal employment opportunities to all potential job applicants and employees in accordance with the City of Carlsbad's Equal Employment Opportunity Policy. In employing personnel for all housing programs, the PHA will follow non-discrimination guidelines.

C. Owner Outreach

The PHA encourages owners of decent, safe, and sanitary rental units to rent to Section 8 participants. The PHA maintains an ongoing list of available rental units and interested owners/property managers. The list is available in the lobby and is updated on a monthly basis. When listings from owners/property managers are received, the PHA staff will compile them by bedroom size and date of availability.

Actions to encourage participation by owners of suitable rental units located outside areas of low-income and minority areas:

1. The PHA maintains communication with the San Diego County Apartment Association and local property management companies. These resources will be used to make owners aware of the benefits of the Section 8 Rental Assistance Program.
2. In order to expand participation of new owners who are interested in the program or are unfamiliar with the program, the Housing Program Manager will call the prospective owner to explain the benefits of the Section 8 program and encourage their participation.
3. Housing representatives will attend local agency and community fairs to increase awareness of the program and benefits for owners. Housing representatives will also participate in Owner seminars/workshops, which are organized in coordination of with other local housing agencies, San Diego County Apartment Association, North County Apartment Managers Association, and local property management companies.
4. Owner information packets describing the benefits of the rental assistance program will be available upon request.
5. The PHA will market the Section 8 program by conducting Rental Owner workshops for prospective owners periodically to explain the program benefits, especially during periods of low voucher utilization and low vacancy rates.
6. The PHA will utilize the media, including newspapers, magazines, internet, television, and radio to market the Section 8 program as determined necessary.

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

D. Family Outreach

Outreach will inform all eligible segments of Carlsbad's population of the availability of the Section 8 Rental Assistance program. If applicant groups are not reflective of the eligible population, additional outreach aimed at targeted groups will be increased. The PHA will publicize the availability of rental assistance for very low-income families in newspapers of general circulation, minority media, and by other suitable means. Notices will also be provided in Spanish. In addition, the PHA 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.

The following is a list of media that may be used:

1. Daily Publications
 - U-T San Diego
 - U-T North County Coastal
2. Weekly Publications
 - Hispanos Unidos
 - The Reader
 - The Coast News
 - La Prensa San Diego
3. T.V. Stations
 - Channel 24/126 - Carlsbad City TV (Time Warner Cable)
 - Channel 99 – Carlsbad City TV (AT&T U-Verse)
 - Channel 5 - KSWB
 - Channel 8 - KFMB
 - Channel 10 - KGTV
 - Channel 39/Cable 7 - KNBC

Liaisons have been established with a variety of city and county agencies, private social service agencies, non-profit agencies and special interest groups. The PHA will communicate the status of rental assistance availability to the service providers in the community, advising them of eligibility factors and guidelines so that they can make appropriate referrals. Community contacts include but are not limited to the following:

- Access Center
- Aid to Veterans of America
- Association for Retarded Citizens
- Brother Benno's
- Carlsbad Unified School District
- Camp Pendleton Housing Referral
- Catholic Charities
- Casa de Amparo
- Community Interface Services
- Department of Rehabilitation, State of California
- Employment Development Department
- Health and Human Services Agency, County of San Diego
- Interfaith Community Services
- La Posada de Guadalupe
- Legal Aid Society
- Lifeline Community Services
- MAAC
- Mental Health Systems, Inc.
- Mira Costa College
- MITE, North County
- North County Career Center
- North San Diego County Association of Realtors
- Palomar College
- Regional Occupation Program
- Salvation Army

Senior Center
SER – Jobs for Progress
Social Security Administration
Veteran’s Administration
Women’s Resource Center

E. Limited English Proficiency (LEP)

Language for Limited English Proficiency Persons (LEP) 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.

To ensure equal access, the PHA has three bilingual staff who are available to act as interpreters and translators and to standardize documents.

If an LEP persons desire, 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.

III. ADMISSION TO THE HOUSING CHOICE VOUCHER TENANT-BASED PROGRAM

An applicant for the HCV Tenant-Based Program may be admitted to the program by two methods:

1. **Special Admission.** The PHA may receive special purpose funding or grants for specified families or for a specified category of families. Such housing assistance funding shall be for the individuals and families indicated in the federal, State or local ordinances, rules and regulations. A specific waiting list may be necessary for each special category of eligible families. Separate notices, special program rules and information will be made available to the public and to the targeted individuals and families. For example, the PHA has been allocated 75 vouchers under the Non-Elderly Persons with Disabilities Program. These 75 vouchers are set-aside for households in which the head or spouse is a non-elderly person with disabilities.
2. **Waiting List Admission.** Except for special admissions, participants’ shall be selected from the PHA waiting list. The PHA shall select participants from the waiting list in accordance with the admission and equal opportunity policies described in this Plan.

A. Waiting List Collaboration between Housing Agencies

In regards to the Section 8 Waiting List, the Carlsbad PHA has adopted a collaborative policy, with the five local Housing Agencies in San Diego County. This policy allows applicants to transfer their waiting list application from one housing agency’s jurisdiction to another housing agency’s jurisdiction, maintaining their original date of application *if* the applicant lives or works in that jurisdiction. The PHA, upon request from an applicant, will forward a waiting list application in the event that the applicant moves or is working in another agency’s jurisdiction. Conversely, the Carlsbad PHA will accept a waiting list application from another San Diego County PHA if that applicant either lives or works in Carlsbad’s jurisdiction. Upon acceptance of such application, the PHA will integrate the application into the current waiting list preserving the original date and time of the initial application. An application for a specific date from another local Housing Agency will be accepted one time only. If the application is denied for any reason or the applicant fails to use a voucher issued by the PHA for any reason, the same application will not be accepted again on the PHA’s waiting list.

NOTE: the City of Carlsbad’s waiting list has been closed since October 1, 2005; waiting list applications WILL ONLY be accepted from another San Diego County PHA if the applicant either lives or works in the City of Carlsbad.

B. Waiting List Administration

The PHA’s Section 8 Waiting List is currently closed and has been closed since October 1, 2005. An applicant's eligibility for a local preference will not be verified until the applicant's name comes up for eligibility certification from the waiting list. In the event that there are two or more eligible applicant families with identical preferences, the one with the earliest date of placement on the waiting list will be selected first.

The waiting list will be maintained by application date and local preference. When the PHA opens the waiting list, applications will be accepted from eligible citizens and eligible lawful residents who are very low-income single persons, families, elderly, handicapped and disabled. When the pre-application is received, the date and time of the applicant’s information will be documented for placement on the waiting list. A letter of confirmation will be sent to the applicant advising them of their status on the waiting list. In addition, the letter will advise the applicant household that it is their responsibility to notify the PHA, **in writing**, of any changes in their address, income, household composition, or any other changes that may affect their eligibility for a local preference.

C. Waiting List Purge

Periodically, the PHA will conduct a purge of the waiting list. An applicant will be mailed a notification requesting an update in information and inquiring whether they are still interested in remaining on the waiting list.

The PHA will withdraw a household’s application from the waiting list when:

1. The applicant does not respond to the PHA’s written request for information or updates.
2. The applicant refuses an offer of assistance under the Housing Choice Voucher program.
3. The PHA has information substantiating fraud on the part of the applicant.
4. The PHA 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 resident.
5. Based on updated information received, the applicant is determined ineligible.
6. The applicant requests removal of their application from the waiting list.

The PHA will notify the applicant, in writing, of the intention to remove their application from the waiting list.

NOTE: If the applicant has moved and there is no forwarding address or if the applicant has been reported as deceased, a second letter will not be mailed.

D. Admission Preferences for Selection of Applicants

Single Elderly, Disabled, or Displaced Person. A single person who is elderly, disabled, or displaced is selected or assisted before a single person who is **not** elderly, disabled, or displaced.

Income Targeting. HUD had mandated that PHA’s assist 75% of applicants who qualify as extremely low income, applicants who are at or below 30% of the area median income (AMI). The PHA will give a preference to those applicants who fall in the category of extremely low income based on 30% of the area median income and their household size. Applicants with incomes above 30% of the area median income will be placed back on the waiting list until the applicants who live or work within Carlsbad and whose income is at or below 30% of area

median income have been selected from the waiting list.

Local Preferences. The PHA has established local preferences; an applicant who is a resident of or employed within Carlsbad will have preference over an applicant who is not a resident or is not employed in Carlsbad. Applicants may also be eligible for local preferences in the following order:

1. Displaced by government action or natural disaster.
2. Veteran's preference. A head of household or spouse who has been discharged from military service under honorable or general conditions (with the exception of dishonorable), or a spouse of a deceased veteran will have preference over non-veterans.

E. Order of Waiting List Selection

Applicants will be selected from the waiting list in accordance with the date and time of application and the preferences that they are claiming on their application. Selection of applicants will be made in the following order:

Applicant resides or is employed in Carlsbad:

1. Extremely Low-Income Household (Income by household size is at or below 30% of AMI)
2. Displaced by Government Action or Natural Disaster
3. Head of Household or Spouse qualifies for Veteran's Preference
4. All other Applicants

Applicant does not reside or is not employed in Carlsbad:

1. Extremely Low-Income Household (Income by household size is at or below 30% of AMI)
2. Displaced by Government Action or Natural Disaster
3. Head of Household or Spouse qualifies for Veteran's Preference
4. All other Applicants

V. DETERMINATION OF APPLICANT ELIGIBILITY

A. Eligible Lawful Resident

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 Public Housing and the Section 8 Housing Assistance Payments (HAP) programs.

B. Family Definition/Composition

1. A "family" may be a single person or two or more persons who share residency and whose combined income and resources are used to determine financial eligibility.
2. A "family" includes a household with a child or children.
3. A "family" may be a group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aide(s).
4. A "family" may be a single person.

5. A single person may be:
 - a. an elderly person;
 - b. a disabled person;
 - c. a displaced person; or
 - d. any other single person, such as the remaining member of an assisted family.

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 what size subsidy standard to issue.

During the intake period, an adult child who is away from the household attending school or who is in the military is **NOT** considered a member of the family for determining the subsidy standard.

C. 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.

D. Selection from the Waiting List

When the applicant's name has reached the top of the waiting list and there is an available voucher and/or funding, an Intake Packet will be mailed to the applicant to complete, sign, and return. Upon receipt of the completed intake paperwork, the information is reviewed to determine if the applicant appears to be eligible. If the applicant appears to be eligible, they will be invited to attend a Group Intake appointment and an eligibility interview. The certification period will begin as of the date of the Group Intake appointment.

Applicants made inactive on the waiting list 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. In order to be reinstated, applicants must submit a request, in writing, asking to be reinstated on the waiting list and give an explanation for their request. Reinstatement requests will be reviewed by the Housing Program Manager for approval.

Reasons that may be considered when determining whether or not to reinstate the application:

- Applicant states that they had submitted a change of address to the PHA;
- Applicant states that they had not changed their address, but did not receive the paperwork;
- Applicant requests reinstatement as a reasonable accommodation; or
- Applicant requests consideration due to another circumstance, such as medical, family emergency, etc.

If approved for reinstatement, the applicant will receive their original date of application. A letter with updated waiting list information will be mailed to the applicant. If the reinstatement is not approved, the applicant will be mailed a letter informing them that they will not be reinstated and that they will need to reapply. Except for an extreme circumstance, applicants may only request reinstatement one time.

An applicant family that is selected off the waiting list will be determined to be eligible or not eligible to continue with the eligibility process. This determination will be made based on the information provided on the Personal Declaration, the supporting documents submitted and independent verification by the PHA. The family must be eligible for the preferences that they have claimed, the current income limits, and jurisdiction priority as of the date their application was selected from the waiting list.

A family change in circumstances after the date the family was selected from the waiting list for the eligibility process will not be evaluated. The change will be documented but it will not negatively impact their position during the eligibility process. However, if the family's change in circumstances is prior to voucher issuance and results in the family's income exceeding 50% of the Area Median Income (AMI), the family must be denied program admission.

If the family is determined to be ineligible as of the date the family was selected from the waiting list, the family will be required to reapply for placement on the waiting list (if the waiting list is open).

If the family's income increases after it was issued a voucher. The income increase will be handled in accordance with the PHA's current interim policy and may not be processed until the family's next annual reexamination or when the family moves, whichever comes first.

E. Denial of Admission

The PHA shall deny an applicant admission to participation in the rental assistance program under the following circumstances:

1. If the applicant has breached a repayment agreement and owes money to any PHA. However, the applicant will have the opportunity to resolve the situation with the PHA and may be considered to continue the intake process if the applicant provides proof that it is in good standing with that PHA. If an existing repayment agreement is in good standing, in connection with any housing program under the United States Housing Act of 1937, the applicant may continue making payments or pay in full and be approved for continued processing.
2. If the applicant, as a previous participant in any rental assistance program, has not reimbursed the PHA for any amounts paid to an owner under a contract for rent or any other amounts owed by the family under the lease or for a vacated unit.
3. If any family member commits fraud, bribery, or other corrupt or criminal act in connection with any federal housing assistance program.
4. If the family has violated any family obligation under the program(s).
5. If the applicant is currently engaging in drug-related criminal activity or violent criminal activity, including criminal activity by any family or household member. Currently engaging in illegal drug, or violent criminal activity means that an individual has engaged in the behavior recently enough to justify that the individual's behavior is current.
6. If any adult member fails to sign consent forms for obtaining information.
7. If in the last three years, a PHA has ever terminated assistance under the Voucher program for any member of the family.
8. If the family has engaged in or threatened abusive or violent behavior towards PHA personnel.
9. If any member of the household is subject to a lifetime registration requirement under a State Sex Offender Registration program.
10. The PHA has reasonable cause to believe that illegal drug use or a pattern of illegal drug use by a household member may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

11. Any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
12. The PHA determines that it has reasonable cause to believe that a household member's abuse or a pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
13. A member of the family engaged in violent criminal activity during the past three years. Violent criminal activity is any criminal activity that has as one of its elements, the use, attempted use, or threatened use of physical force substantial enough to cause, or be likely to cause, serious bodily injury or property damage.
14. A member of the family engaged in illegal drug-related activity during the past three years that involved sales, transportation, manufacture, or possession for sale.
15. A family member engaged in other criminal activity during the past three years that threatened the health or safety of the PHA, owner, employee, contractor or agent of the PHA or the right to peaceful enjoyment of the premises by other residents.
16. In the past three years, a member of the family was evicted from federally assisted housing for illegal drug activities or personal drug use. This does not apply if evidence of rehabilitation is provided or the violator is no longer a part of the household.
17. In the past one year period, a family member has engaged in illegal drug use or possession of drugs for personal use. This does not apply if proof of completing or participating (in good standing) in a supervised rehabilitation program is provided or the violator is not a part of the household.

The event that triggers the denial shall be based on the date that the applicant engaged in the criminal activity. The date of determination of eligibility is the date that the family's name is pulled from the waiting list.

F. Applicants Claiming Mitigating Circumstances

If negative information is received about an applicant, the PHA 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 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 PHA shall evaluate the evidence and verify the mitigating circumstance. The PHA 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 mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

In its decision to deny assistance, the PHA 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. The PHA, if it admits

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

Examples of mitigating circumstances may include:

1. 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 PHA.
2. Circumstances leading to the criminal activity no longer exist (for example, the criminal household member has died or is imprisoned).
3. Evidence of the family's participation in social service or other appropriate counseling service; or
4. 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:

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

V. VOUCHER ISSUANCE AND BRIEFINGS

A. Briefing of Applicants

After an applicant is determined eligible, the applicant will be scheduled for a Voucher Briefing session. By request, individual, or at-home Voucher Briefing sessions will be conducted based on the needs of the eligible applicants. Separate briefings will be conducted for non-English speaking applicants when necessary. The briefing format will be an oral presentation with visual aids. The briefing will include a description of how the program works; family and owner responsibilities; and where the family may lease a rental unit, including transferring assistance to another jurisdiction. The briefing will also explain the portability process and relocating to non-impacted census tracts. Applicants will be given a Voucher Briefing packet, which includes materials and information as outlined in the Federal Regulations. The Voucher Briefing packet will include literature concerning, but not limited to: term and the suspension of the voucher, voucher payment standards, utility allowances, HUD-required "lease addendum", Request for Tenancy Approval, PHA subsidy standards and PHA's policy on granting exceptions to the subsidy standards, HUD brochure on selecting a suitable rental unit, HUD lead-based paint brochure, HUD Fair-Housing pamphlet, family obligations under the program, the grounds on which the PHA may deny or terminate assistance, reasonable accommodation policies and the PHA informal hearing procedures.

B. Voucher Term Limit

For participant's who are porting into the PHA's jurisdiction, the voucher issuance and term date will be determined by the initial Housing Agency. For current participating family's, the voucher will initially be issued for a term of 120 days. For an applicant, the issuance date is the date of the briefing. For a participant requesting to move or port to another jurisdiction, the issuance date is the earliest date the participant is eligible to enter into a new contract.

Upon written request by the family, a one-time 60-day extension will be granted to accommodate a person with

disabilities. The family must complete the request form provided by the PHA. Extension requests must be submitted on or before the voucher expiration date. The maximum term of the voucher is 120 calendar days from the date of issuance (except for reasonable accommodation and extenuating circumstances as noted below).

Extensions beyond 120 days may be granted as a “reasonable accommodation” for a person with disabilities. Extensions beyond 120 days, other than those for “reasonable accommodation”, will only be considered for extenuating circumstances in which the applicant/participant, through no fault of their own, was not able to search for housing. Third-party documentation will be required for extensions beyond 120 days. The extension granted will only be for the amount of the time that the applicant/participant was not able to search for housing.

A request for an extension may be approved for extenuating circumstances that include 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.

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.

Under **no circumstances** will the voucher be extended past one year from the original date of issuance.

C. Suspension or "Tolling"

Once the participant submits a Request for Tenancy Approval (RFTA), the term of the voucher is suspended. Suspension (tolling) means stopping the clock on the term of the voucher. The suspension of the term starts the day the RFTA is received in the office up to the date when the PHA approves or denies a RFTA. Suspensions (tolling) will only be granted when the unit is not approved due to situations beyond the control of the family. There will be a 60-day maximum suspension period. If the PHA is unable to approve the unit within 60 days from the date of the suspension, the family must look for another unit. On the 61st day, the clock will begin and the remainder time of the voucher term will be calculated.

If a RFTA is denied by the PHA, the term of the voucher will resume effective the date of the denial. The PHA will change the dates on the voucher to reflect the appropriate term date and note the reason for the suspension. The PHA will allow suspensions as reasonable accommodation for a family with a disabled family member to allow equal access to housing opportunities.

D. Voucher Payment Standard

The PHA will review the voucher payment standard, as needed to ensure effective utilization of vouchers. The PHA 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 the ability of participants to pay rent exceeding the payment standard.

E. Rent Reasonableness

The purpose of the Rent Reasonableness test is to determine that a fair rent is paid for units selected for participation in the Rental Assistance Program and the Section 8 program does not have the effect of inflating rents in the community. Rent reasonableness determinations are made when units are placed under contract for the first time, before any increase in rent to the owner, and if there is a 5% decrease in the published Fair Market Rent. The PHA will determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units.

To make this determination, the PHA will consider:

- The location, quality, size, unit type, and age of the contract unit.
- Any amenities, housing services, maintenance, and utilities to be provided by the owner.

VI. SUBSIDY STANDARDS AND HOUSEHOLD COMPOSITION

Subsidy standards determine the number of bedrooms allocated to an assisted family. The subsidy standard is based on the family composition at initial eligibility and will be reviewed each time there is a change in the household composition to ensure that the assisted rental unit is not in violation of overcrowding per Housing Quality Standards (HQS). Port-in families moving into this PHA's jurisdiction, from another Housing Agency, will be subsidized based on this PHA's subsidy standards. Subsidy standards do not dictate sleeping arrangements for the family.

Subsidy standards should not be confused with Housing Quality Standards (HQS) minimum space requirements. The HQS space requirements set a standard for the maximum number of people that can occupy the assisted unit. Further, the HQS space requirements allow space other than bedrooms to be considered "living/sleeping rooms" to ensure maximum flexibility in determining whether an assisted unit is overcrowded. In accordance with HQS minimum space requirements, the assisted unit must have at least one bedroom or living/sleeping room for each two persons in the household.

A. Subsidy Standards

Vouchers will be issued in the smallest bedroom size to which the family is determined qualified. One bedroom will be issued to the Head of Household (to be shared with their spouse or significant other, if applicable), and 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 number of bedrooms allocated by number of people in the household, per the subsidy standards, and the maximum number of people allowed per living/sleeping room size, per HQS:

<u>Voucher Subsidy Size</u>	<u>Minimum Size of Family</u>	<u>Maximum Size of Family</u>
Studio	one person	two people
One bedroom	one person	four people
Two bedroom	two people	six people
Three bedroom	four people	eight people
Four bedroom	six people	ten people
Five bedroom	eight people	twelve people

B. Exception to Subsidy Standards

The PHA may grant an exception to the subsidy standards, if the PHA determines that the exception is justified due to the health, disability or special needs of an assisted family member. Prior to the exception being approved, the PHA will require appropriate documentation by a professional that states there is a need for the accommodation. An increase in the approved bedroom size will not be granted if there are other sleeping and/or living areas (rooms) that can be used by the family. The PHA's current subsidy standards exceed the minimum subsidy standards established by HUD. An extra bedroom will be issued for a live-in aide, in accordance with the Live-In Aide policy in this section.

Note: a one person household may not automatically be granted an additional bedroom to accommodate a

Live-In Aide as the living room may be considered a sleeping area. However, if the one person household can demonstrate that they do need the extra bedroom subsidy due to their disability and that need is confirmed by a professional, the request will be taken into consideration as an accommodation.

C. Initial Household Composition

The PHA shall approve the members constituting the household. The household members listed at the time of initial contract are approved household members and shall be considered the "Initial Household Composition (IHC)". Only members of the IHC or mandatory additions shall qualify as "remaining members" of a participant family. When an adult family member moves out of the assisted household, they are no longer considered members of the IHC and will never be considered remaining members. Remaining members who are part of the IHC or mandatory additions have entitlement to continue receiving rental assistance should the head of household pass away or leave the Section 8 Program.

D. Additions to Initial Household Composition

Under the following circumstances, prior PHA approval is **NOT** required to add an additional member:

1. There is a birth of a child to one of the PHA approved members of the family.
2. The court awards custody of a child to one of the PHA approved members of the family.
3. There is a legal adoption of a child by one of the PHA approved members of the family.

However, the family must inform the PHA, in writing, of the above changes in the family composition **within 15 days** of the change. It is the family's responsibility to provide to the PHA a revised copy of their lease/rental agreement adding the new child within 30 days of the addition. The PHA may require the participant to provide legal documents to substantiate the change reported. Housing Quality Standards will be reviewed at the time of the family composition change to verify that the addition(s) to the household will not result in an "over-crowded" situation.

E. Other Household Additions

The participant **must** ask for PHA written approval **prior** to adding any other member as an occupant of the unit (including a foster child and Live-In Aide). The PHA may approve additions to the household composition, if the following conditions are met:

1. The landlord approves, in writing, a change in tenant composition, prior to the addition of the person(s) to the household, and;
2. The subsidy size does not increase, and;
3. An over-crowded condition is not created.

The subsidy size will not be increased due to the addition of adults to the household, including adult children returning to the home.

F. Live-In Aide

A Live-In Aide is a person who lives with a participant who is over the age of 50, or is an elderly individual, or a person with disabilities. A relative may be considered a Live-In Aide; however, they will **not** be considered eligible if they currently live in the assisted unit as a household member or they were a household member as an adult within the last two years.

A Live-In Aide must meet the following criteria:

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

The following documentation is required before the PHA will approve the Live-In Aide:

- Notice of Right to Request a Reasonable Accommodation form completed by the applicant or participant requesting a Live-In Aide.
- Live-In Aide Verification form completed and signed by a licensed professional who is knowledgeable about the person's situation and will certify the need for the Live-In Aide. The Live-In Aide Verification form is to be completed at the initial request and upon recertification of the household or if the family moves.
- Live-In Aide Certification completed and signed by the Live-In Aide.

The Live-In Aide's family members may reside in the unit provided that 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 unit in accordance with HQS.

The Live-In Aide qualifies for occupancy in the unit only as long as the member of the family needing supportive services also resides in the assisted unit. The Live-In Aide does not qualify for continued assistance as a remaining family member. The Live-In Aide must be approved by the PHA and the owner of the assisted unit. The PHA will consider all eligibility requirements used for applicants when approving a Live-In Aide(s) and will use the same standard that is used to approve applicants.

The PHA may refuse to approve a particular person as 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 criminal activity or violent criminal activity;
3. The person abuses alcohol or has a pattern of abuse that may threaten the health, safety, or the right to peaceful enjoyment of the premises by other residents; or
4. The person currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

G. Guest Policy

The PHA recognizes that participants will have visitors who may stay at the 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 visitor circumstances, separately or in combination may be considered a family composition change:

1. The visitor has moved personal clothing and possessions into the unit.
2. The visitor sleeps, as a pattern and practice, at the premises on a daily basis or for a majority of days during the week.
3. The visitor is working in the area but has no other place of permanent residence.
4. 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 program.

H. Family Absence from the Unit

The PHA **may** allow extended family absences from the assisted unit; however, the absence may not exceed 90 consecutive days in any circumstance, except to provide a “reasonable accommodation” to 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 that person 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 recertification or move, whichever comes first. If the adult member returns after being absent for 90 consecutive days and prior to the subsidy standard being reduced, the subsidy standard will still be reduced at the next annual recertification or move. However, the PHA may take into consideration a reasonable accommodation or unusual circumstances when making the decision to reduce the subsidy standard.

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 payment standard will remain the same until the adult student attains the age of 26. However, if the adult student is living in permanent housing the subsidy standard will be reduced in accordance with the policy.

If the participant 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 recertification 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 recertification 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 participant 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 recertification or move, if warranted by the household composition without the minor child.

I. Family Break-up

In determining which family members continue to receive assistance after a family breaks up, the PHA shall 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 children is clear, the remaining household member may be issued a voucher if they would otherwise be eligible on their own. 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 would otherwise qualify on their own. Issuing a voucher to the remaining member in these circumstances will be based on whether there is adequate funding available to support the voucher.

J. Joint Custody of Children

Children, who are subject to a joint custody agreement but live with the applicant/participant at least 51 percent of the time, will be considered members of the household. The definition of "51 percent of the time" is 183 cumulative days within a calendar year. In a joint custody arrangement, if the minor is in the household less than 183 cumulative days, 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 Section 8 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.

VII. TENANCY APPROVAL AND HOUSING ASSISTANCE PAYMENT (HAP) CONTRACT

A. Family Tenancy History

The PHA will inform the prospective owner that the PHA **does not** screen the family's behavior or suitability for tenancy and that such screening is the owner's own responsibility. Upon request of the owner, the PHA must provide the family's current address and the name and address of the owner and the owner information for prior addresses, if known. The PHA will provide the same family information to all owners, as requested.

The PHA will **not** provide the owner with additional information regarding history of tenancy, drug-related activity, or violent criminal activity, unless instructed, in writing, by the applicant or participant.

B. Submittal of the Request for Tenancy Approval

The PHA will permit an applicant or participant to submit one Request for Tenancy Approval (RFTA) at a time. The PHA specifies the RFTA submission process at the briefing session and/or move appointment. In general, upon approval of tenancy by an owner/owner's agent, the participant will furnish the prospective owner the RFTA form. Upon completion by the owner/owner's agent, the completed RFTA must be submitted to the PHA. The PHA will review the RFTA for approval. If the RFTA is approved, the PHA will schedule an appointment with the owner and participant to conduct a Housing Quality Standards (HQS) inspection. If the RFTA is not approved, the PHA will inform the household and property owner by phone and in writing.

C. 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.

D. Damage Claim Provisions

Effective October 2, 1995, the Conforming Rule eliminates the right of the owner to claim reimbursement from the PHA for damages or other amounts owed by the tenant under the lease/rental agreement. The owner must charge the tenant for payment of any damages or unpaid rent where the total exceeds the amount of security deposit that was originally collected from the tenant.

A participant family who owes the owner money due to unpaid rent or tenant-caused damages that exceed the security deposit will not be considered in good standing to either port to another jurisdiction or move unless they have paid the prior owner or have entered into a repayment agreement with the prior owner.

A participant who causes damage that exceeds normal wear and tear to the assisted unit or premises, or has a guest, who causes damage to the assisted unit or premises, may be terminated from the Section 8 program.

E. Housing Quality Standards and Inspections

Housing Quality Standards (HQS) are the minimum quality standards for housing assisted under the Section 8 Rental Assistance program. Assisted Housing must comply with HQS, both at initial occupancy and during the term of the assisted occupancy. The goal is to assist eligible families to rent units that are decent, safe, and sanitary.

In addition, the HQS establishes the minimum space requirements. The HQS space requirements set a standard for the maximum number of people that can occupy the assisted unit. Further, the HQS space requirements allow space other than bedrooms to be considered a living or sleeping room to ensure maximum flexibility in determining whether an assisted unit is overcrowded. In accordance with HQS minimum space requirements, the assisted unit must have at least one bedroom or living/sleeping room for each two persons in the household. The HQS space requirements do not dictate who sleeps in each bedroom or living/sleeping room.

PHA staff will perform an initial and annual inspection in accordance with HUD Housing Quality Standards and local City codes. PHA staff will also conduct an HQS inspection at the request of a participant or owner/owner's agent, if there is a question as to whether the rental unit meets the standard of decent, safe, and sanitary housing. In addition, PHA staff will consult with the City Code Compliance staff on situations that appear to fail the City codes.

If one or more items fail, the rental owner and the tenant are sent a letter noting the Fail or Pass with Comment item(s). If a unit has failed the inspection, the owner is requested to bring the fail item into compliance within 30 days of notification and a reinspection appointment is scheduled. The Housing Specialist must note any extensions given to the owner to make repairs for routine items, including the reason for and length of the extension.

If the item(s) are a “life-threatening fail”, the item must be repaired within 24 hours.

The following item(s) are considered “life-threatening” and must be corrected by the owner or the tenant (whoever is responsible) within 24 hours’ notice of the inspector:

- Waterlogged ceiling(s) in imminent danger of falling;
- Major plumbing leaks or flooding;
- Natural gas leaks or fumes that are apparent;
- Electrical problem(s) that could cause an electrical shock or fire;
- Jagged, broken glass that could cause an injury; or
- Other immediate, observable danger(s) that could be a health and/or safety hazard to the family.

The PHA may give an additional 24 hours to repair the condition, if the responsible party cannot be notified or it is impossible to complete the repair within the 24-hour period. In the case where there is leaking gas or the potential of fire or other threat to public safety, the proper authorities will be notified.

If an owner refuses to remedy any failed item within 30 days for routine fail items and 24 hours for life threatening fail items, the owner and participant will be notified that the Housing Agency will abate the Housing Assistance Payment. If the owner has not completed the repairs within two weeks of the notice of abatement, the Housing Specialist will proceed to terminate the contract. If the repairs are confirmed by a reinspection on or prior to the contract termination date, the payments may continue as of the date that the Housing Specialist verifies that the unit passes inspection.

If the Inspector makes the determination that the tenant caused the fail item, the tenant has the same time constraints as the owner for repairing the item. If it is a “life threatening fail”, the tenant must remedy the fail item within 24 hours. If it is a routine fail, the tenant must repair it within 30 days. The repair must be made by the tenant or by having the owner repair the item and bill the tenant. Payment arrangements for repairs billed to the tenant are an issue between the owner and the tenant. However, failure to follow through on the payment agreement would be grounds for termination of rental assistance benefits. If the tenant fails to remedy the fail item in the prescribed period, the Housing Specialist will proceed with termination of rental assistance benefits.

F. Housing Assistance Payment

The Housing Assistance payment shall **not** be made to the owner/owner's agent until the PHA:

1. Approves the RFTA and the Lease/Rental Agreement;
2. Determines the rental unit is approvable and that the rent requested is under the maximum contract amount that the participant 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 participant 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.

NOTE: the first month housing assistance payment will be made pending the receipt of the signed HAP Contract from the owner, if the owner fails to return the HAP contract within the time requested, subsequent HAP checks will be suspended until all documents are received.

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.

Except for the above condition, families will not be permitted to move if the lease/rental agreement is not properly terminated; the participant 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 a termination of tenancy notice issued by the owner.

A copy of the notice to the property owner must be given to the PHA.

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.

VIII. SPECIAL HOUSING TYPES

A. Special Housing Types - Manufactured Home

The PHA allows Section 8 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 PHA does not allow any other special housing types, but will permit 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 PHA may take into consideration other housing types, including shared housing, if the rental market is such that there is a limit to available housing in the PHA's jurisdiction.

IX. DEBTS OWED TO THE HOUSING AGENCY

A. Owner

If an owner is owes money to the PHA as a result of an overpayment, 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) until the overpayment is paid. 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 Section 8 participants until the debt is resolved. Also, the amount owed may be sent to a collections agency.

B. Applicant

An applicant must pay **in full** all debts, if any, owed to the PHA or any other Housing Agency before being admitted to the rental assistance program. An exception may be made if the applicant is current on a repayment agreement.

C. Participant

A participant, including a participant under portability, with repayment agreements in good standing will be allowed to continue making payments under such agreements until the debt is paid in full. Failure to make timely payments may be grounds for termination of benefits. However, if a participant wishes to move or port to another jurisdiction, the balance must be paid in full prior to execution of a new contract. The Housing Program Manager may approve an exception to this provision if the family demonstrates that they have made timely payments in accordance with the Repayment Agreement **and** the family may suffer a hardship if they are unable to relocate or exercise portability.

D. Repayment Agreements

The PHA may offer a participant an opportunity to enter into a Repayment Agreement to pay rental assistance payments that were overpaid on the participant's behalf while occupying an assisted unit. The participant will remain in good standing with the PHA as long as the payments are made in a timely manner. Failure to abide by the Repayment Agreement shall be grounds for termination of Section 8 benefits. Participants will not be able to port to another jurisdiction until payment is received in full. The Housing Program Manager may waive this requirement if the participant has been making monthly payments and it would be a hardship on the family if they were unable to move. **If** the PHA offers a repayment agreement, it will determine the terms. The period for repayment shall not exceed 36 months unless approved by the Housing Program Manager.

A family who is determined not to have reported their household income fully or accurately, at the time of recertification, is subject to an interim increase effective with a 30-day notice. Any overpaid housing assistance will need to be repaid by the family. A family **may** be allowed to remain on the program and enter into a Repayment Agreement if there are no other issues, the unreported income was less than \$15,000, and providing it appears the family did not deliberately provide false, misleading, incomplete, or incorrect information to the PHA.

A family who is not current on their monthly payments as outlined in their Repayment Agreement will be sent a courtesy letter if it is their first offense. A second offense will result in a warning notice. A third offense will result in a 30-day Notice of Intended Action (NIA) to terminate rental assistance benefits in accordance with provisions of the Repayment Agreement.

Debts that are still owed by an inactive participant will be sent to a collection agency.

X. ANNUAL AND INTERIM REEXAMINATIONS

A. Recertification

It is a HUD requirement to annually reexamine family eligibility, including families who qualify as elderly, handicapped or disabled. Inspections will be performed and rents reviewed annually, and/or at such other times as circumstances may require.

The PHA may adopt tri-annual recertifications on fixed income households *if* this provision is adopted by federal regulations.

B. Interim Reexaminations

Interim reexaminations (certifications conducted before the anniversary date) are based on a change in family composition or financial status. Interim reexamination will not alter the date of the family's annual recertification. Any increase in the family's share of the rent, prompted by the interim reexam, shall be preceded by a minimum of 30 days' written notice of such increase.

Increases in earned income and changes in employment will only be required to be reported at the annual recertification.

Family composition changes are required to be reported, in writing, 15 days from the date the change occurs.

Interim reexaminations will only be completed under the following circumstances:

1. The household reports a decrease in income that will continue in excess of thirty days.
2. A household 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 household reports a change in family composition.
4. A Family Self-Sufficiency household requests an interim when their income increases.
5. The household misrepresented the facts upon which their share of rent was based.
6. An administrative error on the part of the PHA.
7. As dictated by a HUD PIH Notice or Memorandum.

An interim reexam that results in a decrease in the participant's share of rent will be effective the first of the month after the date that the change is reported. Retroactive payment(s) will be made to the owner once the information reported has been verified. Retroactive payments over \$25 will be paid on the next weekly check run. Retroactive payments that are \$25 or less will be paid on the next monthly payment batch.

All reports of changes in income, assets, or number of household members must be reported in writing.

C. Family Moves

Families will be provided information regarding their responsibility to give the owner and the PHA advance notice of any moves. This information is provided to the participant at briefings, in the lease agreement/addendum and upon inquiry to the PHA.

D. Portability

Port in participants - the PHA will generally accept the income eligibility determination of the initial Housing Agency, if completed within 60 days of transfer and if there is not any family composition or income changes that have occurred. New family composition or income change information may warrant a redetermination by the PHA.

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 PHA will allow the family to lease outside of the jurisdiction if they are in good standing.

XI. VERIFICATION POLICY

A. Enterprise Income Verification

HUD regulations state that Enterprise Income Verification (EIV) is the preferred method of verification whenever possible. HUD has made available the EIV System and strongly encourages 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 Executive Director, 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).

If the EIV income information is more than the family's income figure, the PHA will use the EIV, unless the family provides documentation of a change in circumstances to explain the discrepancy (e.g. a reduction in work hours). Upon receipt of acceptable family-provided documentation of a change in circumstances, the PHA will use the family-provided information.

Since EIV provides wage information that may be up to six months old, it may only be used for verification in combination with at least two months of current paystubs if the participant is still working for the same employer.

EIV will be reviewed for all family members at least annually at recertification and when the family is transferring its assistance to another unit in the PHA's jurisdiction.

If it is found that the EIV data is substantially different from what the participant reported and/or from third-party documentation, the following steps will be followed. **NOTE:** substantially is defined as income that exceeds \$3,600 or more annually than what the participant reported or that was reported 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 one or both parties' 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 PHA 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 money owed is considered an overpayment of assistance and the PHA may take action to collect the overpaid housing assistance.

In determining whether the family violated the family obligation, the PHA will determine whether the family supplied the information willingly at the last annual recertification, 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.

B. 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 its prior year's federal income tax return if it 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. For some self-employment types, where there is a potential for substantial income, self-certification is unacceptable.
- 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 project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.
- If a family member has been self-employed for less than three months, the HA will accept the family member's certified estimate of income and perform an interim reexamination in three months. If the family member has been self-employed for three to twelve months, the HA 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 PHA will reject documentation that has not been organized and totaled, e.g., an unorganized bundle of receipts.

C. 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.

D. Minimal or Zero Income

There is no minimum income requirement. However, families who report zero or minimal income are required to complete a written certification every 30 days, and provide copies of expense receipts for the 30-day period. The PHA will conduct an interim to increase the family's rent share upon reinstatement of income.

The family may be required to provide documentation to prove that income, 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 PHA may run a credit report on the family.

The PHA 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 its basic needs.

E. 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. However, once the lump sum payment is received from the household, the amount that is to be repaid to the non-traditional source will be deducted from the lump-sum upon proof of payment.

F. Medical Expenses

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 guidance. In addition, letters by medical professionals may be requested and taken into consideration when determining whether or not to allow an expense.

The PHA will allow as a medical expense the actual out-of-pocket amounts, which are owed and anticipated to be paid by the family during the reexam period. Expenses from the previous year may be analyzed to determine the projected amount when other verification is not available.

It is the family's responsibility to submit medical expenses for consideration. Expenses will only be accepted during the intake, recertification, 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.

XII. OBLIGATIONS OF THE FAMILY AND DENIAL OR TERMINATION OF ASSISTANCE

A. Family Obligations

The PHA 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.

Family obligations include but are not limited to the following; the family **must**:

1. Supply any information that the PHA or HUD determines to be necessary in the administration of the program, including evidence of citizenship or eligible immigration status. The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination of family income and composition.
2. Disclose and verify social security numbers and sign and submit consent forms for obtaining information.
3. Supply any information requested by the PHA to verify that the family is living in the unit or information related to family absence from the unit.
4. Promptly notify the PHA in writing when the family is away from the unit for an extended period of time

- in accordance with PHA policies.
- 5. Allow the PHA to inspect the unit at reasonable times and after reasonable notice.
- 6. Notify the PHA and owner in writing before moving out of the unit or terminating the lease.
- 7. Use the assisted unit for residence by the family. The unit must be the family's only residence.
- 8. Promptly notify the PHA in writing of the birth, adoption, or court-awarded custody of a child.
- 9. Request PHA written approval to add any other family member as an occupant of the unit.
- 10. Promptly notify the PHA, in writing, if any family member no longer lives in the unit.
- 11. Give the PHA a copy of any owner eviction notice.
- 12. Pay utility bills and supply appliances that the owner is not required to supply under the lease.

Any information the family provides must be true, accurate, and complete.

The family (including each family member) **must not**:

- 1. Own or have any interest in the unit (other than in a cooperative, or the owner of a manufactured home leasing a manufactured home space).
- 2. Commit any serious or repeated violation of the lease.
- 3. Commit fraud, bribery, or any other corrupt or criminal act in connection with the program.
- 4. Participate in illegal drug or violent criminal activity.
- 5. Sublease or let the unit or assign the lease or transfer the unit.
- 6. Receive Section 8 tenant-based program assistance while receiving another housing subsidy, for the same unit or different unit under any other Federal, State, or local housing assistance program.
- 7. Damage the unit or premises (other than from ordinary wear and tear) or permit any guest to damage the unit or premises.
- 8. Receive Section 8 tenant-based program housing assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.
- 9. Engage in illegal use of a controlled substance or abuse of alcohol that threatens the health and safety or right to peaceful enjoyment of the premises by other residents.

B. Termination Information for Participant

If the PHA intends to proceed with termination of rental assistance benefits, the 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 PHA shall require a family member who has engaged in the illegal use and possession of drugs 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 PHA shall terminate families who engage in drug-related criminal activity, regardless of where the criminal activity takes place.

E. Violent Criminal Activity

The PHA shall terminate families who engage in violent criminal activity, including spousal abuse, child abuse, threats to property owners, neighbors, and violence against property.

F. Crime by Family Member

The PHA shall terminate assistance to a family if the preponderance of evidence indicates that a family member, foster child or Live-In Aide has committed the 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 PHA 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. 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 PHA 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 PHA shall deny or terminate assistance if the family has engaged in or uses abusive or violent language or behavior toward PHA personnel.

The PHA 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 Act (VAWA)

Denial of assistance to an applicant or termination of assistance of a participant for criminal activity is subject to the provisions of VAWA instituted in 2005 and Reauthorization of the Act in 2013 as described below:

1. Being a victim of domestic violence, dating violence, or stalking is not a basis for denial of assistance or admission to assisted housing if the applicant otherwise qualifies for assistance or admission.
2. Incidents or threats of abuse will not be construed as serious or repeated violations of the lease/rental agreement or other “good cause” for termination of the assistance, tenancy, or occupancy rights of a victim of abuse.
3. The PHA has authority to terminate voucher assistance for certain family members while permitting other members of a participant family to continue receiving assistance (providing the culpable family member will no longer reside in the unit). The PHA’s right to exercise this administrative discretion is not dependent on a bifurcated lease or other eviction action by the owner against an individual family member.
4. Certification of Abuse: The PHA will request that the victim of abuse complete the HUD form 50066 – Certification of Domestic Violence, Dating Violence or Stalking. This form must be provided within fourteen (14) business days from the date the PHA requests it. Without the certification, the PHA may terminate assistance.

XIII. PROCEDURES FOR INFORMAL REVIEW OR HEARING

A. Informal Review - Applicant

The PHA will advise an applicant of his/her right to an informal review if denied assistance. The PHA shall grant an informal review, upon request, to any applicant who is denied assistance for any reason. Such review shall be conducted by any person designated by the PHA; however, it may not be a person who made or approved the decision under review or a subordinate of that person. Such informal review procedure shall permit or require:

1. The applicant to present written or oral objections.
2. The PHA to notify the applicant, in a timely manner, of the PHA final decision after the informal review. The notice must include a brief statement of the reasons for the decision.

B. Informal Hearing - Participant

The PHA shall offer a hearing for certain PHA determinations relating to the individual circumstances of a participant family. The hearing is held to consider whether PHA decisions related to the family circumstances are in accordance with the law, HUD rules and regulations and the PHA policies and procedures. A hearing shall be offered on:

1. PHA determination of the family's income.
2. PHA determination of the family unit size for the family under the PHA subsidy standards.
3. PHA determination of the appropriate utility allowance for the family from the PHA utility allowance schedule.
4. PHA determination to deny or terminate assistance because of family actions or inactions.
5. PHA determination to terminate assistance because the family has been absent from the unit for longer than the maximum period permitted under PHA policy and HUD Rules.

The PHA is not required to provide an opportunity for an informal hearing for PHA discretionary administrative determinations or for general policy issues or class grievances.

A request for an informal hearing must be received by the PHA and postmarked within 15 days from the date of the "Notice of Intended Action". Being incarcerated will not be considered 'good cause' for missing the 15 day deadline.

C. Informal Hearing Notice to Participant

The PHA shall notify the family of its 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 PHA decision. The notice will advise the family that they have 15 days from the date of the Notice of Intended Action to request an Informal Hearing. The PHA 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.

The PHA will schedule the informal hearing in a reasonably expeditious manner upon the request of the family. The PHA will not terminate rental assistance benefits under an executed HAP contract until a hearing decision has been 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 PHA 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 PHA office. The PHA 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 PHA before the scheduled Informal Hearing. The PHA may not rely on a document withheld from disclosure. Similarly, the family may not rely upon a document not produced at request by the PHA. 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 PHA shall allow applicants and participants the right to inspect and copy documents under supervision of a PHA staff person.

XIV. POLICIES CONCERNING DISAPPROVAL OF OWNERS

A. Review of the Rental Agreement

The PHA will review a rental agreement utilized by an owner to assure that the document is current and in compliance with federal, State and local law. The owner will be required to attach the HUD lease addendum to their rental agreement.

B. Owner Violations of the HAP Contract

The PHA may terminate an owner from the program for serious and repeated violations of the HAP Contract and/or lease agreement.

C. Disapproval of Owner for "Drug Trafficking"

The PHA shall disapprove of an owner if the PHA 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.

D. Disapproval of Owner for HQS Violation

The PHA 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.

XV. INTEGRATED PEST MANAGEMENT (IPM) POLICY

A. When Bed Bugs are Reported

Housing representative will inquire what the provisions are in the lease or rental agreement in regards to pest management/extermination. If the lease does not state who is responsible, the violation will be assigned to the owner.

PHA must receive written documentation by a licensed pest control company that all bed bugs have been exterminated and unit is cleared from any hazard of bed bugs. This documentation must be received by the re-inspection date.

Abatement/termination will be processed if adequate documentation is not received timely. A proactive owner extension may be granted if documentation is received from a licensed pest control company stating that the extermination is taking place but additional treatments are required. Units that are not treated and cleared of the bed bug infestation will be added to the noncompliant unit list.

B. When Bed Bugs are Discovered After Entering an Assisted Unit

At the inspection, an inquiry will be made by the PHA inspector as to whether there have been any issues with the unit in general; including any issues with infestation. If the PHA inspector is already in a unit and the family reports there are bed bugs or live bed bugs are evident, the inspector will immediately exit the unit and explain to the family that the PHA does not allow inspectors to enter units with a known bed bug infestation. After exiting the unit, PHA staff will explain the bed bug policy to the family and advise them if they have any questions to contact the Housing Program Manager.

The policy listed above under “When Bed Bugs are Reported” will be followed.

Once the PHA has received confirmation from a licensed pest control company that the bed bugs have been eliminated, the inspection will be rescheduled.

The participant will be advised that any future suspected issues with bed bug infestation should be reported immediately to the property owner or their agent. If the property owner or agent is not responsive in an appropriate timeframe, the participant needs to contact the housing agency immediately.