



Housing Choice Voucher Program Section 8 Administrative Plan



EQUAL HOUSING
OPPORTUNITY

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CHAPTER 1 STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Section 8 Housing Choice Voucher program was enacted as part of the Housing and Community Development Act of 1974, which rectified the U.S. Housing Act of 1937. The Act and its requirements, as they apply to the Section 8 Housing Choice Voucher (HCV) program, is described in and implemented throughout this Administrative Plan. The Section 8 Housing Choice Voucher Program is federally funded and administered for the County of Bexar by the Housing Authority of Bexar County (HABC). The Administrative Plan is a supporting document to the Public Housing Agency (PHA) 5-Year/Annual Plan, in accordance with (b) of Sec 982.54.

Administration of the Housing Choice Voucher program and the functions and responsibilities of HABC staff shall be in compliance with the PHA's Personnel Policy and the Department of Housing and Urban Development's (HUD) Housing Choice Voucher program regulations, as well as all federal, state and local Fair Housing Laws and Regulations.

JURISDICTION

The jurisdiction of Housing Authority of Bexar County (HABC) is the County of Bexar and under a Cooperation Agreement with the San Antonio Housing Authority, the city of San Antonio.

A. MISSION STATEMENT

"To provide affordable housing that is in decent and safe condition, to be stewards of Public Funds and Trust, and to serve all customers with respect and compassion. To guide our participants to become economically self-sufficient, and improving the livelihood of citizens who are in need within the City of San Antonio and the County of Bexar."

Our objective is to expand affordable housing under the auspices of the Housing Authority of Bexar County, to create housing for the elderly and multi-family housing by utilizing public and private funds through partnerships with other entities, to institute homeownership and assist families in locating housing counseling and down payment assistance through other available resources.

B. DIVERSITY STATEMENT

The Housing Authority of Bexar County is obligated to the promotion of an inclusive environment that grows on the diversity of our workforce while supporting the execution of our goals and Mission Statement.

Our board members, employees and business partners acknowledge the importance of inclusive collaboration regardless of race, religion, color, national origin, sex or sexual orientation, familial status, disability or age. Our business plan is committed to the promotion of the Small/Minority, Women Owned, Disadvantaged, Disabled and Veteran Owned Enterprises.

We seek to enhance our organization through leadership, policies, procedures and practices with diversity at the forefront of our progress.

C. LOCAL GOALS AND OBJECTIVES

The Housing Authority of Bexar County is charged with meeting these objectives through housing assistance programs.

We approach the administration of the program with a positive attitude. We have established realistic and attainable goals in the simplest manner possible, while complying with the HCV requirements and regulations.

HABC will administer these goals and objectives as listed.

1. Increase the availability of decent, safe, and affordable housing by the following means:

- a. Applying for additional Housing Choice Vouchers
- b. Conduct Owner Outreach efforts
- c. Increase Voucher Payment Standards
- d. Leverage public and private funds to create additional housing opportunities
- e. Implement a voucher homeownership program

2. Ensure equal opportunity and affirmative fair housing:

- a. Outreach - HABC will publicize the program to very low-income families, property owners and/or agents.
- b. To promote fair housing and the opportunity for very low-income families of all ethnic backgrounds to experience the freedom of housing choice.
- c. Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required.

D. PURPOSE OF THE PLAN

HABC's Administrative Plan establishes policies for carrying out the program in a manner consistent with HUD requirements and local goals and objectives contained in the Agency Plan.

The overall plan for the HCV Program is designed to achieve four major objectives:

1. To provide improved living conditions for very low-income families who reside within the City of San Antonio and the County of Bexar, while maintaining their rent payments at an affordable level.
2. To promote freedom of housing choice and spatial de-concentration of lower income and minority families.
3. To provide decent, safe and sanitary housing for eligible participants.
4. To provide an incentive to private property owners to rent to lower income families by offering timely assistance payments.

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

E. ADMINISTRATIVE FEE RESERVE

Expenditures from the Administrative Reserve (Operating Reserve) for other housing purposes shall not be initiated without the prior approval of the Housing Authority of Bexar County's Board of Commissioners.

F. RULES AND REGULATIONS

This Administrative Plan is set forth to define the Housing Authority of Bexar County's local policies for operation of the HCV program in the context of federal laws and regulations. All issues related to the HCV program not addressed in this document are governed by such federal regulations, HUD Memos, Notices and guidelines, or other applicable law.

G. MANAGEMENT ASSESSMENT OBJECTIVES

HABC operates its housing assistance program with efficiency and can demonstrate to HUD auditors that HABC is using its resources in a manner that reflects its commitment to quality and service. HABC policies and practices are consistent with the areas of measurement for the following HUD SEMAP indicators.

1. Selection from the Waiting List
2. Rent Reasonableness
3. Determination of Adjusted Income
4. Utility Allowance Schedule
5. HQS Quality Control Inspections
6. HQS Enforcement
7. Expanding Housing Opportunities
8. Payment Standards
9. Annual Re-examinations
10. Correct Tenant Rent Calculations
11. Pre-contract HQS Inspections
12. Annual HQS Inspections
13. Lease-up
14. Family Self-Sufficiency Enrollment and Escrow Account Balances
15. Deconcentration (Bonus)

H. RECORDS FOR MONITORING PHA PERFORMANCE (§982.158)

In order to demonstrate compliance with HUD and other pertinent regulations, HABC will maintain records, reports and other documentation in accordance with HUD requirements and in a manner that will allow an auditor and housing professionals, to monitor and/or assess HABC's operational procedures.

In accordance with SEMAP guidelines, the Executive Management serves in a supervisory capacity and is responsible for staff audits and reviews.

I. PRIVACY RIGHTS

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

Staff will not discuss family information contained in files unless there is a business reason to do so. In addition, all files will be signed for when removed from the secured file storage area.

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

HABC's policy regarding release of information is:

1. To release pertinent information only in accordance with a signed release;

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

CHAPTER 2

FAIR HOUSING and EQUAL OPPORTUNITY

A. FAIR HOUSING POLICY

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

HABC shall not deny any family or individual the equal opportunity to apply for or receive assistance under the HCV Program on the basis of race, color, sex, religion, national origin, familial status, disability or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, HABC will provide information to Voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. Such information will be made available during the HCV program briefing session, and applicable Fair Housing Information and Discrimination Complaint Forms will be included in the Voucher briefing packet. The forms will also be available upon request at the front desk.

All Housing Authority staff will be required to attend fair housing training, and be informed of the importance of affirmatively furthering fair housing and providing equal housing opportunities, including providing reasonable accommodation(s) to persons with disabilities. Fair Housing posters are posted throughout the Housing Authority offices, including in the lobby and interview rooms. The Fair Housing logo will be used on all outreach material. Staff will attend local fair housing update trainings sponsored by HUD and/or other local organizations.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because HABC facilities are inaccessible to or unusable by persons with disabilities. Posters and housing information are displayed in locations throughout HABC office in such a manner as to be easily readable from a wheelchair.

The Housing Authority of Bexar County's offices are accessible to persons with disabilities. Accessibility for the TTY telephone service and the telephone number is available for the hearing impaired (210) 226-2766.

B. DISCRIMINATION COMPLAINTS

1. If an applicant or participant believes that any family member has been discriminated against by the PHA or an Owner, the Family should advise the PHA.
2. HUD requires the PHA to make every reasonable attempt to determine whether the applicant's or participant's assertions have merit and take any warranted corrective action.
3. In addition, the PHA will provide information to applicants and participants regarding housing discrimination complaints in the Family briefing session and program packets.
4. All applicable Fair Housing Information and Discrimination Complaint Forms (HUD Form 903) will be made available to applicants and participants.

C. REASONABLE ACCOMODATIONS POLICY (24 CFR, Part 8, §8.33)

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

A participant with a disability must first request a change to a policy or practice as an accommodation of his or her disability before HABC will treat a person differently than anyone else. HABC policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodation(s), if approved, so that they may fully access and utilize the housing program and related services.

The availability of requesting an accommodation will be made known by including notices on HABC forms and letters.

To be eligible to request a reasonable accommodation, the applicant/participant must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the following definitions:

▪ **Definition of Reasonable Accommodation**

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

Types of Reasonable Accommodation

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

- Permitting applications and reexamination to be completed by mail
- Conducting home visits
- Using a higher payment standard, per HUD instructions, if HABC determines this is necessary to enable a person with disabilities to obtain a suitable housing unit.
- Providing time extensions for locating a unit when necessary because of lack of availability of accessible units or special challenges of the family in seeking a unit

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

If HABC finds that the requested accommodation creates an undue administrative or financial burden, HABC will either deny the request and/or present an alternative accommodation that may still meet the person's need.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of HABC (e.g., waiving a family obligation).

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

HABC will provide a written decision to the person requesting the accommodation within ten (10) business days.

If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing in writing within ten (10) business days from the date of the written response.

Reasonable accommodation will be made for persons with a disability that requires an advocate. A designee/advocate will be allowed to provide some information, but only with the permission of the person with the disability.

All HABC mailings will be made available in an accessible format upon request, as a reasonable accommodation.

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

Verification of Disability

- If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to HABC, HABC must verify that the person meets the definition of a person with a disability.
- Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights (42 U.S.C. 6001(7)); or
- appropriate documentation provided by diagnostician such as a physician, psychiatrist, psychologist, therapist, rehabilitation specialist, or licensed social worker.

D. LIMITED ENGLISH PROFICIENCY (LEP)

HABC will take affirmative steps to communicate with persons who need information in a language other than English. These persons will be referred to as persons with Limited English Proficiency (LEP).

For persons with Limited English Proficiency (LEP), language 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 on the basis of national origin.

All forms, written materials and recorded voicemail messages used to communicate with applicants and participants shall be available in any language spoken by five percent of the eligible population of the community. This includes documents related to intake, marketing, outreach, certification, reexamination and inspections.

Applicants and participants with low English comprehension may furnish an interpreter to assist in communication with HABC. When an applicant or participant needs interpretation services and a staff member of HABC speaks the language needed, the staff member will provide translation services.

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In a courtroom, a hearing, or situations in which health, safety, or access to important benefits and services are at stake, HABC will generally offer, or ensure that the Family is offered through other sources, competent services free of charge to the LEP person.

HABC will provide written translations of other vital documents for each eligible LEP language group that constitutes 5 percent of the population of persons eligible to be served. Translation of other documents, if needed, can be provided orally.

If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, HABC will not translate vital written materials, but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

CHAPTER 3

EXPANDING HOUSING OPPORTUNITIES

A. OWNER OUTREACH

In order to encourage program participation by owners of units located outside areas of poverty or minority concentration, HABC will:

Periodically evaluate the demographic distribution of assisted families to identify areas where owner outreach should be targeted.

1. Contact owners and/or owner representatives who have rental units located outside areas of low income or minority concentration for discussions and invitations to any meetings encouraging Owner participation.
2. Request the HUD Field Office to furnish a list of HUD held properties available for rent.
3. Explain the program, equal opportunity requirements and non-discrimination requirements to owners.
4. Refer owners to list their properties with gosection8.com, apartment locators or other sources.
5. As an effort to expand housing choice, the PHA may offer to conduct HQS inspections on potential new rental units to the program without a Request for Tenancy Approval submitted.
6. During its market survey, the PHA reviews rental listings. Housing staff will contact owners to obtain market information and to provide details about the PHA's HCV program.
7. Promise of Follow-up. The PHA will promote the fact that program participants have family obligations and housing staff will follow-up with Families and Owners should an issue arise between them.

B. IDENTIFYING AREAS OF HOUSING OPPORTUNITIES

To ensure that areas of housing opportunities are identified, the PHA will:

1. Identify areas with housing opportunities outside areas of poverty or minority concentration;
2. Conduct outreach to Owners: send correspondence and newsletters;
3. Conduct outreach to Families: provide informative articles about the benefits of living in areas outside of poverty or minority concentration and maps;
4. Survey Families that have moved in the last two complete fiscal years; and
5. Perform other duties to ensure that the information is utilized.

C. FAMILY OUTREACH

HABC will publicize and disseminate information to make known the availability of housing assistance and related services for very low-income families on a regular basis. When the waiting list is open, HABC will publicize the availability and nature of housing assistance for very low-income families in a newspaper of general circulation, minority media, and by other suitable means. Notices will also be provided in Spanish.

To reach persons, who cannot read the newspapers, HABC will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel. HABC will also utilize public service announcements when possible.

HABC will communicate the status of housing availability to other service providers in the community, and advise them of housing eligibility factors and guidelines in order that proper referrals for housing assistance can be made.

HABC has partnered with various agencies, that provide counseling and who contact others in the area, identifies families in the program, and counsels families on their prospective move and services available in the areas in which the family is interested.

D. INFORMATION TO VOUCHER HOLDERS

To ensure that voucher holders and program participants receive high-quality information about housing opportunities, HABC will encouragement and support voucher holders and program participants in their housing search by:

1. Providing maps that show various areas with housing opportunities;
2. Analyzing rental voucher holders to see if they have experienced difficulties in locating housing outside areas of poverty or minority concentration. If such difficulties are discovered, the HA will conduct an analysis of the payment standards, up taking action to request an exception, if determined necessary;
3. Providing detailed information on Portability, to include how it works and a list of the contact persons for neighboring Housing Authorities;
4. Providing details of the possible advantages of areas that do not have a high-poverty concentration. For example:
 - a. Increased safety in lower-crime neighborhoods;
 - b. Relocation from drug-trafficking areas;
 - c. Improved schools for children;
 - d. Proximity to jobs or job opportunities; and
 - e. Better-quality housing;

CHAPTER 4

WAITING LIST MANAGEMENT

It is HABC's objective to ensure that families are placed in proper order on the waiting list and selected for admissions in accordance with the policies in this Administrative Plan.

A. WAITING LIST

HABC will use a single waiting list for admission to its HCV program. Except for Special Admissions, applicants will be selected from HABC's waiting list in accordance with policies, preferences and income targeting requirements.

For efficiency, HABC will utilize an electronic waiting list software program.

B. OPENING/CLOSING THE WAITING LIST

Opening the Waiting List

HABC will affirmatively further fair housing opportunity when opening the HCV waiting list. HABC will advertise in a local newspaper of general circulation, along with other sources, e.g. broadcasting media, notices to social service agencies and by other suitable means.

Outreach Plan

All outreach, advertising and public notices will include efforts to ensure that the information will reach those populations that are considered "least likely to apply" for assistance.

1. All advertising and outreach literature will include the following:
 - a. Time and place to apply, including the end of the application period;
 - b. How applications will be taken;
 - c. Accommodations for those not able to apply according to "b" above;
 - d. Clearly state the application period;
 - e. Any limitations on who may apply and the availability of slots (e.g. for special funding/targeted funding);
 - f. The Equal Housing Opportunity logo, statement type or slogan and nondiscrimination in the advertising message; and
 - g. TTY (text telephone)/TTD (Telecommunications Device for the Deaf) phone number(s).

C. SPECIAL ADMISSIONS

HABC will apply for funding targeted for specifically named families as specified in the Five-year/Annual PHA Plan. Therefore, the special admissions procedure is addressed in this policy.

1. If HABC is awarded program funding that is targeted for specifically designated families, qualified families will be admitted under a Special Admission Process.
2. Special admissions families will be admitted outside of the regular waiting list process.
3. Families are not required to qualify for a preference.
4. HABC will maintain separate records of their admissions.

Program funding that may be designated by HUD under special admissions:

- A family displaced because of demolition or disposition of a Public or Indian Housing project;
- A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
- For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
- A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and
- A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

D. INCOME TARGETING

In accordance with the "Quality Housing and Work Responsibility Act of 1998" (QHWRA), HABC will reserve a minimum of at least seventy-five percent of its HCV new admissions for families whose income does not exceed the higher of the Federal poverty level or 30 percent of the area's median income, as published by HUD adjusted for Family size. These families are defined as "Extremely Low Income". This will be enforced each fiscal year.

If the family's verified annual income does not meet the extremely low income limit and the family was selected under income targeting purposes, the family will be returned to the waiting list.

Jurisdiction Served By More Than One PHA

HABC and the San Antonio Housing Authority will serve families within the local jurisdiction of the County of Bexar by an Inter-Local Agreement. For income targeting requirements, HABC elects to be treated as a separate PHA.

E. TARGETED FUNDING

Eligible Families who are placed on the waiting list and meet the criteria for Targeting Funding, e.g., the Family Unification Program, will be pulled from the waiting list and provided assistance. Families are selected and provided assistance based on available funding allocations.

F. CROSS-LISTING OF HOUSING PROGRAMS

HABC will not merge its waiting list. However, all applicants will be advised of the various programs administered by HABC and offer to place the family on any or all program waiting lists as requested.

HABC will not take any action against the applicant, because an applicant has applied for, received, or refused other housing opportunities.

G. LOCAL PREFERENCES AND RANKING SYSTEM

HABC will inform all applicants about the availability of local preferences and give applicants the opportunity to provide documentation to support qualifying for local preference(s).

HABC will offer public notice when changing preferences and the notice will be publicized using the same guidelines as those used for opening and closing the waiting list.

Applicants are required to notify HABC in writing, when there is a change in family circumstances that may affect the family's entitlement to a preference.

HABC adopted the following local preferences and an applicant's preference(s) will be verified when the family is selected from the waiting list for final determination of eligibility.

- Residency Preference (50 points)
- Displacement by Hate Crimes Preference (10 points)
- Displacement by Natural Disaster Preference (10 points)
- Displacement by Domestic Violence Preference (10 points)
- Elderly/Disabled Family Preference (5 points)
- Working Family/Elderly/Disabled Family Preference (2 points)

Date and time of application will rank applicants with the same number of preference points.

Residency Preference

To qualify for this preference an applicant must reside in, work in or be hired to work in Bexar county.

Displacement by Hate Crimes, Natural Disaster or Domestic Violence

To qualify for this preference, an applicant must be involuntarily displaced due to one of the following and not yet live in standard replacement housing:

- Hate Crime – actual or threatened physical violence that based on a victim’s race, color, religion, national origin, sex, familial status or disability; or
- A natural disaster such as a fire, flood or earthquake; or
- Actual or threatened physical violence directed toward the applicant or members of the household by a spouse or other member of the applicant’s household (the violence must have occurred recently and the applicant must certify that the person engaged in the violence will not reside in the applicant’s household).

Necessary Documentation:

Proof of displacement is evidenced with police reports, medical reports, letters from the Fire Department, Board of Health, Red Cross or other agencies.

Regarding displacement by domestic violence, HABC may approve the return of the abuser to the household under the following conditions:

- A counselor, therapist, or other appropriate professional recommends in writing to HABC that the individual be allowed to reside with the family.

If the abuser returns to the family without HABC approval:

- The applicant will no longer qualify for a Victim of Domestic Violence preference and admission will be denied.
- Families admitted to the HCV program will be processed for termination.

Elderly/Disabled Family Preference

An applicant qualifies for this preference if the head, spouse or sole member is age 62 or older or is a person with disabilities, as defined by HUD.

Working Family/Elderly/Disabled Preference

To qualify for this preference, the head of household, co-head or sole member must:

- Work at least 20 hours per week earning at least minimum wage; or
- Be 62 years of age; or
- Be a person with disabilities, as defined by HUD.

H. ORDER OF SELECTION

HABC will leave a clear audit trail to document that each applicant was selected in accordance with the method specified in this plan.

Families will be placed on the waiting list by preference rating/points. A determination of eligibility for preferences, if any, will be made when the applicant is selected from the waiting list. Applicants with the same preference rating/points will be placed in order of date and time of application.

I. DENIAL OF LOCAL PREFERENCE(S)

If a local preference is denied, HABC will mail a denial letter that will include the reason(s) for denial and inform the applicant of their right to request an Informal Review. The letter will also state that the request must be submitted in writing within ten (10) business days from the date of the denial letter.

If the preference denial is upheld as a result of the Informal Review, or the applicant does not request an Informal Review, the applicant will be returned to the waiting list without a local preference.

J. PURGING THE WAITING LIST

HABC will periodically purge the waiting list with a mailing to all applicants. Applicants who fail to respond to such inquiries will be withdrawn from the waiting list, and given an opportunity to request an Informal Review.

- The mailing will require a response within ten (10) business days from the date of the mailing.
- If a letter is returned by the Post Office with a forwarding address, it will be re-mailed to the address indicated.

K. VERIFICATION OF WAITING LIST PREFERENCES

Local Preferences

An applicant's local preferences, if any, will be verified when the family is selected from the waiting list for final determination of eligibility.

CHAPTER 5

ADMISSION STANDARDS

The policy of the Housing Authority of Bexar County (HABC) is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner.

GENERAL POLICY

The application process will be undertaken in two phases:

1. a preliminary application, referred to as a "Pre-application"; and
2. a formal application, referred to as a "Full Application".

A. OVERVIEW OF THE APPLICATION PROCESS

1. Acceptance of Pre-Applications - When HABC opens the waiting list, pre-applications will be accepted, according to HABC policy.
2. Pre-Applications will be placed on the waiting list by preference rating. Then, applicants with the same preference rating will be placed in date and time order.
3. When Housing Choice Vouchers become available, a Full Application packet will be mailed to a sufficient number of applicants at the top of the waiting list. A letter accompanying the application packet will inform the applicant to provide all documentation necessary to determine eligibility, family composition, income, citizenship or immigration status and deductions.

B. PRE-APPLICATION PROCEDURES

HABC will utilize a pre-application form. The purpose of the pre-application is to permit HABC to assess waiting list placement. Duplicate applications, including applications from a segment of an applicant household will not be accepted.

Pre-applications will not require an interview. The information on the application will not be verified until the applicant has been selected for final eligibility determination. Final eligibility will be determined when the full application process is completed and all information is verified.

C. APPLICANTS STATUS ON WAITING LIST

Applicants are required to inform HABC in writing of changes in address. Applicants are also required to respond to requests from HABC to update information on their application and to determine their interest in assistance.

Written notification of placement on the waiting list will be mailed to the applicant by first class mail.

If the family is determined ineligible, based on the information provided in the pre-application, HABC will notify the family in writing, stating the reason(s) for denial and inform them of their right to an informal review.

D. FULL APPLICATION

All preferences claimed on the pre-application or while the family is on the waiting list will be verified.

The qualification for preference must exist at the time the preference is claimed and the time of verification. When HABC is ready to select applicants from the waiting list, applicants will be required to complete a full application declaring all information provided is true and accurate.

HABC utilizes the full application interview to discuss the family's circumstances in detail, to clarify information provided by the family, and to ensure that the information is complete. The interview is also used to provide information to the family about the application and verification process, as well as to advise the family of other services or programs which may be available.

All adult members, 18 years of age or older, are required to attend the interview and sign the full application and other required forms. Exceptions may be made for members for whom attendance may be a hardship.

If the head of household cannot attend the interview, the spouse or co-head may attend to complete the application and certify for the family. The head of household, however, will be required to attend an interview within 10 business days from the initial appointment date, to review the information and by signature acknowledge that all of the information is complete and accurate.

If all adult household members fail to attend the interview or an applicant misses two pre-scheduled appointments, the application will be processed for removal from the waiting list. The applicant will be notified in writing and offered an opportunity to request an Informal Review.

All adult members must sign the HUD Form 9886, Authorization for the Release of Information/Privacy Act Notice, declarations and consent forms related to citizenship/immigration status and all other documents required by HABC. Failure to do so is cause for application denial.

If HABC determines during the interview that additional documentation is required, HABC will give the applicant ten (10) business days to supply the information.

If the information is not supplied within the timeframe, the applicant will be notified in writing and offered an opportunity for an Informal Review.

E. VERIFICATION

Information provided by the applicant will be verified, such as, family composition, income, allowances and deductions, assets, full-time student status, childcare, eligibility and rent calculation factors. All verifications will not be more than 60 days old at the time of issuance of the Housing Choice Voucher. For verification procedures, see Chapter 7 of this Plan.

F. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

Once the verification process has been completed, HABC will make a final determination of eligibility. This decision is based on the information provided by the family, the verification completed by HABC, and the current eligibility/selection criteria in effect. If the applicant is determined eligible, a program briefing will be scheduled for the issuance of the voucher and orientation to the housing program.

CHAPTER 6

ELIGIBILITY REQUIREMENTS

Applicants must meet basic eligibility requirements to be eligible for the HCV program. For those determined ineligible for preference(s), the application will be returned to the waiting list. Applicants determined ineligible for the HCV program will be processed for removal from the waiting list and informed of their right to request an Informal Review.

A. ELIGIBILITY FACTORS

An applicant household is eligible for admission if, at the time of the eligibility determination, they meet all of the following criteria:

- **Family Definition.** Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
 - (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
 - (2) A group of persons residing together, and such group includes, but is not limited to:
 - (a) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - (b) An elderly family;
 - (c) A near-elderly family;
 - (d) A disabled family;
 - (e) A displaced family;
 - (f) The remaining member of a tenant family; and
 - (3) The head of household is at least 18 years of age or an emancipated minor under Texas state law.
- **Income Limits.** An applicant's annual income must not exceed HUD's established income limits for the Family size. In addition, if the applicant attends an institution of higher education, is under the age of 24, is not a veteran, is not married, and does not have a dependent child, the student's eligibility must be examined along with the income eligibility of the student's parents;
- **Documentation.** All required documentation and information must be provided to verify identity, household composition and income;
- **Citizenship/Eligible Immigration Status.** An applicant must meet HUD's requirements on citizenship or immigration status;
- **Criminal Background Check.** All family members must pass the PHA's criminal background check.

- **Program Compliance.** All family members must comply with HCV program requirements, i.e. Family Obligations and HABC applicant/participant policies described in this Plan;
- **No Debts Owed to PHAs.** Applicants to the HCV program must be free of any debts to this PHA or any other PHA prior to participation in the HCV program.
- **No Family Obligation Violations within Last Five Years.** All family members must not have violated any family obligation during previous participation in the HCV Program for five (5) years prior to the final eligibility determination. HABC may make an exception, if the family member who violated the family obligation is not a member of the household on the current application.

B. TENANT SCREENING

HABC will take into consideration any of the criteria for admission described in the "Denial or Termination of Assistance" chapter. However, HABC does not screen family behavior or suitability for tenancy. HABC will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before HABC approval of rental assistance, the owner will be informed that screening and selection for tenancy is the responsibility of the owner.

The owner is responsible for screening families based on their tenancy histories, including such factors as:

- Rent paying habits
- Caring for the unit and premises
- Respecting the rights of other residents to the peaceful enjoyment of their housing and surrounding areas
- Drug-related and/or other criminal activity that is a threat to the health, safety or property of others; and
- Compliance with other essential conditions of tenancy.

HABC will advise families how to file a complaint if they feel discriminated against by an owner or housing personnel. HABC will advise the family to make a Fair Housing complaint. HABC may also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing Organization.

C. INCOME LIMITS

In accordance with the Quality Housing and Work Responsibility Act of 1998, HUD allows PHA's to admit families whose income does not exceed the low-income limit (80% of the area median income).

To be eligible for assistance, an applicant must:

- Have an annual income at the time of admission that does not exceed the very low-income limit (50% of the area median income), as established by HUD; or
- Meet one of the following, included in 24 CFR 982.201(b).

Low-Income families may be eligible for assistance, under the following categories:

- A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under the 1937 Housing Act Program within sixty (60) days of voucher issuance. Programs include any housing federally assisted under the 1937 Housing Act.
- A low-income family physically displaced by rental rehabilitation activity under 24 CFR Part 511.
- A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.
- A low-income non-purchasing family residing in a project subject to a home-ownership program under 24 CFR 248.173.
- A low-income family or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of mortgage insurance contracts under 24 CFR 248.165.
- A low-income family that qualifies for Voucher assistance as a non-purchasing family residing in a project subject to a resident home ownership program.

To determine if the family is income-eligible, the PHA compares the annual income of the family to the applicable income limit for the family size. Families whose annual income exceeds the income limit will be denied admission and offered an informal review.

D. SOCIAL SECURITY NUMBERS

HABC requires all applicants and program participants to disclose the Social Security numbers (SSN) of all family members age six or older as a condition of admission and continued assistance. Persons who have not been assigned a SSN must execute a certification stating that no SSN has been assigned.

If the family member cannot produce an original Social Security card issued by the Social Security Administration, HABC will accept one of the following as verification if the SSN is included:

- Earnings statements on payroll stubs.
- Benefit award letter from a government agency.
- Retirement benefits letter.
- Court records (real estate, tax notices, marriage and divorce, judgment, or bankruptcy records).

If applicants cannot produce an original Social Security card, they must certify that the document provided is complete and accurate.

E. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS

In order to receive assistance, a family member must be a U.S. citizen or have eligible immigration status. HABC will follow Section 214 of the HCD Act of 1980, as implemented by the final rule, Restrictions on Assistance to Non-citizens, published in the Federal Register, FR 14816 et seq and HUD Guidebook 7465.7G.

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

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

Eligible immigrants are persons who are in one of the following immigrant categories:

- Immigrant status under sec. 101(a)(15) or 101(a)(20) of Immigration and Nationality Act (INA) 3
- Permanent residence under sec. 249 of INA 4
- Refugee asylum, or conditional entry status under sec. 207, 208 or 203 of INA 5
- Parole status under sec. 212(5) of INA 6
- Threat to life or freedom under sec. 243(h) of the INA 7
- Amnesty under 245A of the INA 8

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

Mixed Families

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

All Members Ineligible

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

Non-Citizen Students

Defined by HUD in the non-citizen regulations are not eligible for assistance.

Appeals

For this eligibility requirement, only the applicant is entitled to an informal review if they were determined ineligible for assistance.

F. CHANGES IN ELIGIBILITY PRIOR TO PARTICIPATION

Changes that occur during the period between voucher issuance and the execution of the Housing Assistance Payments (HAP) contract may affect the family’s eligibility or share of rental payment.

G. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason(s) for denial and the Informal Review procedures will be followed, as described in Chapter 19 of this Plan.

H. PROHIBITED ADMISSIONS CRITERIA

Admission to the HCV Program may not be based on the following:

- Where the family lives before admission to the program;
- Members of the family are unwed parents, recipients of public assistance, or children are born out of wedlock;
- A family includes children;
- Whether a family decides to participate in a family self-sufficiency program.

Other reasons listed in the “Statement of Policies and Objectives” chapter under the Fair Housing and Reasonable Accommodations sections.

CHAPTER 7

VERIFICATION PROCEDURES

Applicants and program participants must provide true and complete information to HABC at all times. HABC obtains written authorization from the family before requesting information from independent sources. In addition to HUD regulations, Administrative Guidance located at Public and Indian Housing Notice 2010-19 (HA) will be followed for HABC’s verification procedures.

A. VERIFICATION HIERARCHY

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

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

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

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

B. RELEASE OF INFORMATION

HABC requires all adult family members to sign the HUD 9886 Authorization for the Release of Information/Privacy Act Notice form.

In addition, adult family members are required to sign authorization forms not covered by the HUD form 9886, for example, a criminal history report.

C. VERIFICATION OF ASSETS

As permitted by HUD: For families whose assets do not exceed \$5,000 in net value, HABC will accept the family's self-certification of asset value and anticipated income. Additional verification may be required, if necessary, to document that assets do not exceed \$5,000 in net value.

D. VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identity

In accordance with the provisions of Section 214 of the Housing and Community Development Act of 1980, HABC requires applicants to furnish verification of legal identity for all family members as instructed under the "Restrictions on Assistance to Non-Citizens" 7465.7.

HABC will accept the following documents as verification of legal identity for adults. If a document is illegible or otherwise questionable, more than one document will be required.

- Certificate of Birth
- Naturalization papers
- Church issued Baptismal Certificate
- Current, Valid Driver's license
- U.S. Military Discharge (DD214)
- U.S. Passport
- Voter's Registration Card
- Department of Motor Vehicles Identification Card

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

- Certificate of Birth
- Adoption Papers
- Custody Agreement
- Health and Human Services Identification
- School Records

Familial Relationships

In order to establish familial relationship, HABC will always require the following verifications if applicable:

- Birth Certificates
- Baptismal Certificates
- Verification from social service agencies
- School records

Verification of Permanent Absence of Family Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, HABC will consider any of the following as verification:

- Husband or wife institutes divorce action or legal separation
- Order of protection/restraining order obtained by one family member against another
- Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available
- Statements from other agencies such as social services or a written statement from the owner or manager that the adult family member is no longer living at that location
- If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated.

Verification of Change in Family Composition

HABC will verify changes in family composition (either reported or unreported) through:

- Letters
- Telephone calls
- Utility records
- Inspections
- Owners
- Neighbors
- Credit Data
- School records
- Department of Motor Vehicle records

Verification of Disability

- If a family indicates that an accommodation is required for a disability, HABC must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.
- Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights (42 U.S.C. 6001(7))
- Appropriate documentation provided by diagnostician such as a physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker.

Verification of Citizenship/Eligible Immigration Status

HABC must verify citizenship and/or eligible immigration status in accordance with the **"Quality Housing and Work Responsibility Act of 1998"**. To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals, who are neither, may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare his or her status once. Assistance will not be delayed, denied, or terminated while verification of status is pending, except that assistance to applicants may be delayed while a HABC hearing is pending.

E. AGE OF VERIFICATIONS

- Verified information used to determine eligibility and Voucher issuance must be no more than sixty days old;
- Verified information obtained at reexamination must be no more than 120 days old on the effective date.
- Verified information not subject to change, such as birth dates need not be re-verified at reexamination.

CHAPTER 8

Factors in Determining Housing Assistance Payments

A. VOUCHER SIZE

HUD guidelines require that HABC establish standards for the determination of voucher size and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding.

HABC does not determine who shares a bedroom/sleeping room. All subsidy standards in this section relate to the number of bedrooms on the Voucher, not the family’s housing unit size.

B. SUBSIDY STANDARDS

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

HABC allocates one bedroom for each two persons, except under the following circumstances:

- Persons of different generations, of the opposite sex, and unrelated adults, other than spouse, co-head or child under age 6 will be allocated an additional bedroom.
- Live-in aides will be allocated one additional bedroom. No additional bedrooms are provided for a Live-in aide’s family.

Other factors that affect the Subsidy Standard determination:

- Foster children will be included in determining unit size if they will be in the unit for more than six months or other allowable circumstance.
- Space may be provided for a child who is away at school but who lives with the family during the school recess.
- Unborn child(ren) will be included in determining the subsidy standard.
- Single person families will be allocated one bedroom.

- Space will not be provided for a family member who will be absent most of the time, other than a spouse, such as a member who is away in the military.
- Children who are subject to a joint custody agreement and live with a Family at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which need not run consecutively.

C. EXCEPTION TO THE SUBSIDY STANDARDS

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

Reasons for an exception to the Subsidy Standards may include, but are not limited to:

- An additional bedroom for a live-in aide.
- An additional bedroom due to the size and nature of necessary medical equipment.

Requests for exceptions to the Subsidy Standards will follow the Reasonable Accommodation procedures.

Under-Housed Families

If a unit does not meet HQS space standards due to an increase in family size, HABC will issue a new voucher of the appropriate size and assist the family in locating a suitable unit. This action will coincide with the family's Lease end date and/or annual recertification date, whichever is first.

D. PAYMENT STANDARDS (HUD Docket No. FR-5778-N-01)

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

- The payment standard for the Voucher size; or
- The payment standard for the unit size selected by the family.

Upon the request of a family that includes a person with disabilities, HABC will approve a higher utility allowance, if it is needed as a reasonable accommodation in accordance with HUD's regulations in 24 CFR part 8.

E. OCCUPANCY STANDARDS

The standards allow two persons per living/sleeping room and permit maximum occupancy levels as shown in Chapter 13, paragraph K.

F. RENT BURDEN (24 CFR 982.508)

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

G. UTILITY ALLOWANCE SCHEDULE

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

1. Use of the Utility Allowance Schedule.

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

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

2. Higher Utility Allowance as a Reasonable Accommodation

HABC will approve a higher utility allowance, if requested as a reasonable accommodation by a Family that includes a person with disabilities.

3. Revisions to the Utility Allowance Schedule

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

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

CHAPTER 9

VOUCHER ISSUANCE AND BRIEFINGS

HABC's goals and objectives are designed to assure that families are equipped with the tools necessary to locate an approvable housing unit. When eligibility has been determined, HABC will conduct a mandatory program briefing to ensure that families know how the Housing Choice Voucher program works. The briefing will provide a broad description of housing program rules and will include a briefing packet.

A. VOUCHER ISSUANCE

When funding is available, HABC will issue Vouchers to eligible applicants.

B. BRIEFING AND REQUIRED ATTENDANCE

Initial Applicant Briefing

A full HUD-required briefing session will be conducted for applicant families who are determined eligible for the HCV program. The briefings may be conducted in groups or individually.

Applicants who are unable to attend or miss their first briefing appointment will automatically be scheduled for second briefing session. Applicants who fail to attend two scheduled briefings will be determined ineligible. A denial notice will be mailed, with an opportunity for the applicant to request an Informal Review.

Families with a person with disabilities may request other consideration(s) to this policy, as a reasonable accommodation.

Briefing Packet

The family will be provided the following information and materials:

- "Program Information Sheet" provides a description of the HCV program and the methods used to determine tenant rent, maximum housing assistance payment, utility allowances, portability, term of lease and rent reasonableness.
- Payment Standards

Forms:

- "Housing Voucher" and policy on the term, extension or suspension of the Voucher
- Utility Allowance Schedule
- Sample "Housing Choice Voucher Program Housing Assistance Payments contract" and HUD "Tenancy Addendum"
- "Dwelling Inspection Report"
- Request for Tenancy Approval
- Disclosure of Information on Lead-Based Paint
- Owner Certification Form

Brochures and Information Sheets:

- "A Good Place to Live"
- "Protect Your Family From Lead in Your Home"
- The Family Self Sufficiency Program and its advantages
- "Are You a Victim of Housing Discrimination"
- "Housing Discrimination Information" form
- "Housing Discrimination Complaint" form (HUD 903.1)
- "Family Obligations" form
- A description of "Grounds for Termination of Family Assistance"
- Informal Hearing Procedures
- A list of owners willing to participate under the HCV Program
- A list of neighboring housing agencies
- A list of property management organization that own or operate units outside areas of poverty or minority concentration
- Procedures for notifying HABC of programs abuses such as side payments, violations of tenant rights, and owner failure to repair

C. PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION

Families are encouraged to search for housing in non-impacted areas and HABC will provide assistance to families who wish to do so. HABC will investigate and analyze when Voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration.

Every effort will be made to assist Voucher holders in locating units free from concentration. The assistance provided is as follows:

- Direct contact with owners
- Providing and/or acquiring information about services in various non-impacted areas
- Meeting with renter referral companies or agencies
- Meeting with Fair Housing Groups

D. TERM OF VOUCHER (CFR 982.303)

During the briefing session, each household will be issued a Voucher that represents a contractual agreement between HABC and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program, which occurs when a Housing Assistance Payments contract becomes effective.

1. At initial issuance, the Voucher will be valid for a period of sixty calendar days.
2. If, at the end of sixty days, HABC has not received a Request for Tenancy Approval (RTA) the Voucher will expire, unless the Family has requested and received approval for an extension.
3. A maximum of two thirty-day extensions may be granted.
4. No extensions beyond 120 days will be approved, unless an extension request is verified to be related to a disability which prevented the applicant from using the Voucher sooner.
5. The PHA will suspend the term of the Voucher upon receipt of the Request for Tenancy Approval.
6. Request for Tenancy Approvals are accepted at any time during the term of the Voucher. When a Request for Tenancy Approval is received, the PHA will "stop the clock" on the term of the Voucher, until the time when the PHA approves or denies the request.
7. If the housing unit is approved, a HAP Contract is executed on behalf of the Family.
8. If the housing unit is not approved, the PHA will calculate the number of days that the clock was stopped and the Family will be able to use the days for its housing search, including any approved extensions.

If the Voucher has expired, and has not been extended by HABC or expires after an extension, the family will be denied assistance. The family will not be entitled to a review or hearing. If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

E. FAMILY BREAK UP and SEPARATIONS (982.315)

If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, HABC is bound by the court's determination of which family members continue to receive assistance in the HCV program. Otherwise, HABC has discretion to determine which members of an assisted family continue to receive assistance in the HCV program if the family breaks up.

Barring a court determination, HABC will consider the following factors in making the decision on which new family unit should continue to receive HCV assistance:

1. If the family break-up results from an occurrence of domestic violence, dating violence, or stalking, HABC will ensure that the victim retains assistance
2. The family's agreement on which new family unit should receive the assistance
3. The interest of minor children or of ill, elderly or disabled family members

Documentation of these factors will be the responsibility of the requesting parties.

F. REMAINING FAMILY MEMBER

To be considered the remaining member of the family, the person must be a current household member approved by HABC to be living in the assisted housing unit.

A live-in aide, by definition, is not a member of the family and will not be considered a remaining member of the family.

In order for a minor child to receive assistance as a remaining family member:

- The minor child must be emancipated under state law, or
- A social service agency and/or Juvenile Court has arranged for another adult to be brought into the assisted housing unit to care for the child(ren) for an indefinite period.

The family will be informed that a change in family size may require a change to the Voucher size, this will be implemented, if necessary, at the next annual re-examination.

CHAPTER 10

INCOME & FAMILY SHARE DETERMINATION

(24 CFR Part 5, Subparts E and F; 24 CFR 982)

Determinations of program eligibility and total tenant payment for the Housing Choice Voucher program require that the Family's annual income and household composition be documented and verified. Regulations specify the amounts to be included in the calculation of annual income.

A. DEFINITION OF ANNUAL INCOME (24CFR Part 5, subpart F, § 5.609)

Annual income means all amounts, monetary or not, that go to or are on behalf of, the family head or spouse (even if temporarily absent) or to any other family member, or all amounts anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date. In addition, annual income means all amounts that are not specifically excluded by regulation, in addition to a notice published in the *Federal Register*.

HABC staff will refer to HUD regulations, notices and guidance when:

1. Determining a family's annual income;
2. Excluding income under the Earned Income Disallowance provisions (24 CFR 5.617);
3. Pro-rating housing assistance for Mixed families (24CFR Part 5, Subpart E); and
4. Imposing the minimum rent (24 CFR 5.630).

B. ANTICIPATING ANNUAL INCOME (§5.233 and 5.236)

HABC is mandated to use HUD's Enterprise Income Verification (EIV) System in its entirety as a third party source to confirm/validate employment and income information during mandatory reexaminations.

When anticipating annual income, HABC staff will compare HUD's EIV Income Report with acceptable family-provided documentation; and

1. When the EIV income information differs by **less than \$200/month** from the information submitted by the Family, the acceptable family-provided documentation will be used to calculate annual income;
 - a. Exception: Regarding Social Security benefit information, HABC will use EIV-reported Social Security benefit data, if the family agrees.

2. When EIV income information differs by **more than \$200/month** from the information submitted by the Family, HABC will:
 - a. Determine if a discrepancy exists in conjunction with the latest annual recertification;
 - b. Discuss the income discrepancy with the family; and
 - c. Request that the family provide documentation to confirm or dispute the unreported or underreported income.
 - d. In the event the family is unable to provide acceptable documentation to resolve the income discrepancy, HABC will request verification from the third party source. If the third party source does not respond to the PHA's request for information, the PHA is required to document the family file. The PHA will then pursue lower level verification, in accordance with the verification hierarchy list, located in Chapter 7 – Verifications.
 - e. Once additional income information is obtained, HABC staff will determine the most accurate reflection of anticipated income in order to calculate annualized income.

Acceptable family-provided documentation must be generated by a third party source and dated within the last 60 days of the interview or PHA request date. Examples include, but are not limited to: two current or consecutive pay stubs, payroll summary reports, employer notices of hire/termination, SSA benefit letters, bank statements, child support printouts, welfare benefit letters, and unemployment benefit notices.

Income averaging will be used for those families whose income fluctuates from month to month. If there are bonuses or overtime, which the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used.

In addition, HUD authorizes HABC to use other than current circumstances to anticipate income when verification forms indicate an imminent change (e.g., an anticipated pay raise).

If HABC staff determines that a violation to a family obligation occurred due to unreported or underreported income, appropriate action will be taken, as described in Chapters 20 and 21 of this Plan.

C. EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES

The Earned Income Disallowance (EID) applies to an eligible adult family member who is a person with disabilities. For implementation of EID, HABC will follow HUD regulations as prescribed by 24 CFR 5.617.

The disallowance applies to family member(s) already participating in the HCV program under the following circumstances:

- Only earnings of the individual with a disability will be excluded from annual income; and
- The individual with a disability must have been unemployed for at least 12 months prior to employment. “Unemployed” means that the person earned less than what he or she could earn working for 10 hours per week for 50 weeks at minimum wage; or
- The individual with a disability must have earnings while participating in an economic self-sufficiency or job training program; or
- An individual with a disability in a household that received at least \$500 in TANF assistance within 6 months of either going to work or increasing earnings.

D. PRORATION OF ASSISTANCE FOR “MIXED” FAMILIES (24CFR Part 5, Subpart E)

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

HABC will prorate assistance by calculating the amount of assistance payable if all family members are eligible and multiplying by the percent of the family members who actually are eligible. Calculations for each housing program are performed on the HUD 50058 form.

E. MINIMUM RENT and HARSHIPS (24 CFR 5.630)

1. HABC establishes a minimum rent of \$50.
2. HABC will grant an exemption from payment of this minimum rent if the Family is unable to pay that rent as a result of financial hardship, as described below.

Hardship Requests for an Exemption to Minimum Rent.

HABC recognizes that in some circumstances the Minimum Rent may create a financial hardship for families.

As set forth by the Quality Housing and Work Responsibility Act of 1998, HABC will review all relevant circumstances regarding financial hardship to determine whether the family qualifies for an Exemption.

Criteria for Hardship Exception

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

- The family has lost eligibility or is awaiting eligibility determination for Federal, State, or Local assistance;
- The family would be evicted as a result of the imposition of the minimum rent requirement;
- The income of the family has decreased because of changed circumstances, including:
 - Loss of employment
 - Death in the family

In addition to HUD hardships, HABC has added this hardship qualification:

- Adult family member responsible for 50% of the family income leaves the household for longer than 3 months.

Notification to Families of Right to Hardship Exception

HABC will notify all families subject to minimum rents of their right to request a minimum rent hardship exception. "Subject to minimum rent" means the minimum rent was the greatest figure in the calculation of the greatest of 30% of monthly-adjusted income, 10% of monthly income, minimum rent or welfare rent.

HABC will notify families that hardship exception determinations are subject to HABC review and hearing procedures.

All requests for rent hardship exceptions must be made in writing and documentation of financial hardship is required.

HABC's standard verification procedures will be used to verify circumstances, which have resulted in financial hardship.

Suspension of Minimum Rent

If a family requests a financial hardship exemption, HABC will suspend the minimum rent requirement beginning the first of the month following the family's request for a hardship exemption. The suspension will continue until the responsible entity determines whether there is a qualifying financial hardship, and whether such hardship is temporary or long-term.

During the minimum rent suspension period, the family will not be required to pay a minimum rent and the Housing Assistance Payment (HAP) will be increased accordingly.

If HABC determines that the minimum rent is not approved, a minimum rent, including payment for minimum rent from the time of suspension, will be imposed.

Temporary Hardship

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

HABC will offer a repayment agreement to the family for any such rent not paid during the temporary hardship period.

Long Term Duration Hardships

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

F. MINIMUM INCOME

There is no minimum income requirement. Families claiming to have no income will be required to execute verification forms to determine that income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

HABC will run a credit report if information is received that the family has unreported income source(s).

Families will be required to provide documentation to support their current means of subsistence, such as food, utilities, transportation, etc.

If the family's expenses exceed their known income, HABC will make inquiry of the nature of the family's accessible resources.

HABC will advise the family to apply for TANF and use this anticipated income on a provisional status, requiring that the family undergo interim re-examination (every 90 days).

G. FAMILY ABSENCE FROM UNIT (§982.312)

HCV regulations permit a PHA to determine whether or when a Family may be absent from their housing unit, and for how long. The Family may be absent from the housing unit for brief periods of time up to 180 consecutive calendar days. For clarification purposes, "Absence from Unit" is defined as "No member of the family is residing in the housing unit".

HABC Policy:

Families that find it necessary to be absent from the housing unit for more than thirty consecutive calendar days will be required to notify the owner and HABC in writing of their absence and the date by which they expect to return.

Temporary Absence: It is HABC's policy to permit a temporary absence from the housing unit up to 90 consecutive calendar days. Housing Assistance Payments will continue during a temporary absence. If the Family does not return to the housing unit within the temporary absence period, the HAP contract, lease and Housing Assistance Payments will terminate.

As a reasonable accommodation for a person with a disability, an extension may be granted that does not go beyond the HUD allowed 180 consecutive calendar days. **HABC will extend, resume or readmit assistance for a Family, under the following conditions:**

- b. The Family is approved for an extension as a reasonable accommodation;
- c. Funding is available; and
- d. The absence period was within 180 consecutive calendar days.

Permanent Absence: If the family is absent for longer than the maximum period permitted, the HAP contract, lease and Housing Assistance Payments will terminate. Notices will be sent to the owner and the Family. In addition, the Family's notice will include an opportunity to request an Informal Hearing. Once the Family's participation in the HCV program has terminated, there will be no readmission or resumption of assistance.

H. ABSENCE OF FAMILY MEMBER(S)

HABC must compute all applicable income for every household member, including those who are temporarily absent. In addition, HABC must count the income of the spouse or the head of household if that person is temporarily absent. Temporary absence is defined as away from the housing unit for up to 90 days.

Permanent absence is defined as away from the housing unit for 90 days or more. The income of persons permanently absent from the housing unit will not be included in total household income. In addition, the member will not be included on the lease and will not be included for the determination of the Voucher size.

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

It is the responsibility of the head of household to report changes in family composition.

Absence of Any Member

Family members who are away from the housing unit for a period of 90 days or more will be considered permanently absent.

Exception: A full time student, other than the head of household or spouse, who does not reside in the assisted housing unit while attending school may, at the family's choice, be considered either temporarily or permanently absent.

Absence Due to Incarceration

If HABC receives a report that a household member is/was incarcerated, a review will be conducted as to the reason for the incarceration and action will be taken for any program violations. A household member that is incarcerated for more than 90 consecutive days, will be considered permanently absent.

Voucher Size

The Voucher size will be evaluated and adjusted, if necessary, at the next annual re-examination.

Caretaker for Children

If neither parent remains in the household and an appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, HABC will treat that adult as a visitor for the first ninety days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the Voucher will be transferred to the caretaker.

HABC Administrative Plan

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

If custody is awarded for a limited time in excess of stated period, HABC will state in writing that the transfer of the Voucher is for that limited time or as long as they have custody of the children. The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

HABC may transfer the voucher to the caretaker, in the absence of a court order, if the caretaker has been in the unit for a maximum of 180 days and it is reasonable to expect that custody will be granted.

Should HABC approve a person to reside in the unit as caretaker, the income should be counted pending a final decision. HABC will work with the appropriate service agencies and the owner to provide a smooth transition in these cases.

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

Visitors

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

- Statements from neighbors and/or owners will be considered in making a determination.
- The use of the unit address as the visitor's current residence shall be construed as permanent residence.
- The burden of proof that the individual is a visitor rests on the family. In the absence of any proof, the individual will be considered an unauthorized member of the household and HABC will start terminate assistance, based on the family's failure to report a change in family composition.

Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to sixty days per year without being considered a member of the household.

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

I. UTILITY REIMBURSEMENT PAYMENTS

The amount of the utility reimbursement is the amount by which the HAP payment exceeds the rent to the owner. When there is a utility reimbursement, HABC will pay the full amount of the rent to the owner and send the utility reimbursement to the family or the utility company.

Utilities must be in the name of the head or co-head of household for the entire period of the family receives housing assistance. The utility reimbursement payment will be made payable directly to utility vendor.

Where families are responsible to pay utilities on a commercial account, HABC will provide utility reimbursement payments payable to the owner/ owner representative. The head of the household must supply a copy of utility bill within 30 days from effective date of contract.

CHAPTER 11

LEASING POLICIES

HABC's administration of the HCV program is designed to utilize resources in a manner that is efficient and provides eligible families timely assistance based on the Public Housing Agency's budget authority. HABC's objectives include maximizing HUD funds by providing assistance to as many eligible families as the budget will allow.

After families are issued a Voucher, they may search for a unit anywhere within the jurisdiction of HABC or outside of HABC's jurisdiction through an inter-local agreement with the San Antonio Housing Authority. Families may relocate outside the County of Bexar after the initial term of the lease through portability. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments contract.

A. REQUEST FOR TENANCY APPROVAL (RFTA)

When a current Voucher holder locates a unit which is suitable for their needs, a Request for Tenancy Approval (RFTA) form and other HABC required documents must be submitted.

The family will contact the HABC Inspection Department for an appointment. Both the owner and the Voucher holder must sign all required documents. HABC will not permit the family to submit more than one RFTA at a time.

The Housing Quality Standards (HQS) Coordinator will review the proposed lease and Request for Tenancy Approval documents to determine whether or not they are approvable. The Request and all other documents will be approved and forwarded to inspection if:

- All documents are signed and completed;
- The family's share of rent plus utilities does not exceed 40 percent of the monthly-adjusted income;
- The unit is an eligible type of housing;
- The proposed rent determined reasonable;
- The Security Deposit does not exceed one month's contract rent;
- The proposed lease complies with HUD requirements;
- The owner is acceptable and there are no conflicts of interest as discussed in the "Owner Disapproval" section of this Plan.

The Request for Tenancy Approval will be forwarded to the Inspector for completion, if the unit meets HQS, both the owner and family are notified in writing of the approved lease date. The documents are then forwarded to the HCV Specialists for Contract Execution.

Disapproval of Request for Tenancy Approval (RFTA)

If HABC determines that the Request cannot be approved for any reason, the owner and the family will be notified in writing. HABC will instruct the owner and family of what is necessary to approve the Request.

If for any reason the RFTA is disapproved, HABC will furnish another RFTA form to the family so they may continue to search for eligible housing, providing that there is still time on their Voucher.

B. ELIGIBLE HOUSING TYPES

HABC will approve any of the following types of housing for the Housing Choice Voucher program:

- All structure types can be utilized
- Manufactured homes where the family leases the mobile home and the pad
- Group Homes
- Congregate families (only the shelter rent is assisted)
- Single Room Occupancy
- Units owned (but not subsidized) by HABC (following HUD-prescribed requirements)

A family can own a rental unit but cannot reside in it while being assisted. A family may lease in and have an interest in a cooperative housing development.

C. LEASE REVIEW

HABC will review the lease for compliance with regulations and State and local law. The family also must have legal capacity to enter into a lease. Responsibility for utilities, appliances and optional services must correspond to those provided on the Request for Tenancy Approval form.

The HUD prescribed tenancy addendum must be included in the lease word-for-word before the lease is executed, or be included as an attachment to the lease.

House Rules of the owner may be attached to the lease as an addendum, provided they are approved by HABC to ensure they do not violate any fair housing provisions and do not conflict with the tenancy addendum.

D. SEPARATE AGREEMENTS

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

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

Owners and families may execute separate written agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease if the agreement is approved by HABC.

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

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

All agreements for special items or services must be attached to the lease approved by HABC. Separate agreements are not allowed or accepted after contract execution.

The PHA will not approved separate agreements for modifications to the unit for persons with disabilities. The modifications are usually within the dwelling and are critical to the use of the dwelling.

E. INITIAL INSPECTIONS

HABC is required to conduct unit inspections before execution of the Housing Assistance Payments contract to ensure that the unit is in compliance with the Housing Quality Standards or HUD approved variations. (See Chapter 13).

F. RENT LIMITATIONS

HABC will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease in the private unassisted market.

G. DISAPPROVAL OF PROPOSED RENT

When the proposed gross rent is not reasonable, at the family's request; HABC will negotiate with the owner to reduce the rent to a reasonable rent.

At the family's request, HABC will negotiate with the owner to reduce the rent or include some or all of the utilities in the rent to owner.

If the rent can be approved after negotiations with the owner, HABC will process the Request for Approval of Tenancy and Lease. If the revised rent involves a change in the provision of utilities, the owner/family must submit a new Request for Approval of Tenancy.

If the owner does not agree on the Rent to Owner after HABC has tried and failed to negotiate a revised rent, HABC will inform the family and owner that the lease is disapproved.

H. INFORMATION TO OWNERS

HABC's policy on providing information to the owner will be included in the family's briefing packet.

HABC has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before HABC approval of the tenancy, HABC must inform the owner that screening and selection for tenancy is the responsibility of the owner. HABC must also inform the owner or manager or their responsibility to comply with VAWA.

HABC must provide the owner with the family's current and prior address (as shown in HABC records); and the name and address (if known to HABC) of the owner at the family's current and prior address.

HABC is permitted, but not required, to offer the owner other information in HABC possession about the family's tenancy.

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

I. CHANGE IN FAMILY SHARE PRIOR TO HAP EFFECTIVE DATE

When the family reports changes in factors that will affect the Total Family Share prior to the effective date of the HAP Contract at admission, the information will be verified and the Total Family Share will be recalculated.

J. OWNER DOCUMENTATION

All new owners must provide the following:

1. Proof of ownership (e.g. copy of warranty deed, property tax bill);
2. A completed Internal Revenue Service (IRS) W-9 form;
3. Property management companies must provide a copy of the management agreement;
4. A copy of the proposed lease;
5. A completed Request for Tenancy Approval form (HUD-52517); and
6. A Lead-Based Paint Disclosure, if applicable.

K. HOUSING ASSISTANCE PAYMENTS CONTRACT

The Housing Assistance Payments contract will be prepared and executed in accordance with §982.451. Once HABC has determined that the dwelling meets HQS and all other requirements have been met, housing staff will prepare a Housing Assistance Contract.

PHA penalties for late payment are not applicable for the first two calendar months of the HAP contract term. This is outlined in the Housing Assistance Payments contract, paragraph 7.a (3).

CHAPTER 12

RENT REASONABLENESS AND PAYMENT STANDARDS

A. RENT TO OWNER

Rent reasonableness and other factors limit the Rent to Owner. HABC must demonstrate that the Rent to Owner is reasonable in comparison to rent for other comparable unassisted units.

The only other limitation on rent is the maximum rent standard at initial occupancy (24 CFR §982.508). At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is a new admission or a move to a different unit, the family share may not exceed 40 percent of the family's monthly-adjusted income.

During the initial term of the lease, the owner may not raise the rent.

B. HAP PAYMENT TO OWNER

Once the HAP contract is executed, HABC will authorize payment to the owner. A HAP register will be used as a basis for monitoring the accuracy and timeliness of payments. Checks are disbursed by HABC's Finance department to the owner.

Excess Payments

The total of rent paid by the family and the Housing Assistance Payment to the owner may not be more than the rent to owner. The owner must immediately return any excess Housing Assistance Payment to HABC. Unreturned payments will be subject to penalties outlined in Chapter 16.

C. RENT REASONABLENESS DETERMINATIONS

HABC will determine rent reasonableness in accordance with 24 CFR 982.507.

1. HABC must determine that an owner's proposed rent is reasonable and does not exceed the rent charged for comparable, unassisted units in the same market area.

HABC Administrative Plan

HABC will determine rent reasonableness as follows:

- a. *Before entering into a HAP Contract.* The PHA will not execute a HAP Contract until it has documented that the charged rent is reasonable.
 - b. *Before any increase in the rent to owner.* The PHA will determine whether the proposed rent is reasonable compared to similar units in the marketplace and not higher than those paid by unassisted tenants on the premises.
 - c. *Five percent decrease in the published FMR.* If there is a five percent decrease in the published FMR in effect sixty days before the contract anniversary date, as compared with the FMR in effect the previous year.
 - d. *If directed by HUD.* The PHA will conduct rent reasonableness reviews on all or a portion of its units, if directed by HUD.
 - e. *PHA initiated.* The PHA may also determine rent reasonableness at any other time, to ensure that the rent to the owner does not exceed the most recently determined or re-determined reasonable rent amount.
2. The PHA may request owners to provide information on rents charged for unassisted units on the premises (projects with more than four units) and/or rental units within the same zip code.
 3. Requests for rents adjustments must be submitted at least sixty days prior to the effective date of the increase.
 4. The PHA reserves the right to suspend processing owner requests for rent adjustments when funds are insufficient to cover the cost of such adjustments.
 5. The PHA will use the following methods to determine that the rent to owner is a reasonable rent:
 - a. *Market Survey.* The PHA will conduct a survey of private market rents in its jurisdiction.
 - b. *Comparability.* The PHA will consider the location, quality, size, unit type, year built, amenities, housing services, maintenance and utilities the owner will provide under the lease.
 - c. *Documentation.* The PHA will document its decision and the basis for it in the Family's file.

The market areas for rent reasonableness may be zip codes, census tracts and/or neighborhoods. Subject units within a defined housing market area will be compared to similar units within the same area.

D. PAYMENT STANDARDS

1. Payment standards are based on fair market rents (FMR) published annually by HUD, and are used to calculate the monthly Housing Assistance Payment for a Family.
2. Generally, the PHA will set the payment standards between 90% and 110% of the HUD-published Fair Market Rent (FMR). Within this range, the PHA may set higher or lower payment standards for certain areas within the jurisdiction, as appropriate. The payment standards will be based on information collected by the PHA regarding rents in each area, and the rent burdens incurred by program participants.
3. The payment standards shall be determined annually following the publication of the final Fair Market Rents (FMRs) by HUD. The payment standards shall be made effective the first of the month after sixty days have passed from the date of the board resolution.
4. The PHA shall determine the payment standard with the following criteria and/or objectives:
 - a. consider the amount received from HUD in its Annual Contributions Contract;
 - b. avoid concentration of HCV Families in high poverty areas.
 - c. seek to provide housing opportunities in all areas of its jurisdiction with particular emphasis on non-poverty areas; and
 - d. ensure that the majority of Families are not paying more than 40% of their income for housing costs.

HABC may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities. For these instances, HUD guidance and regulations will be used to determine the payment standard.

E. EXCEPTION PAYMENT STANDARDS

If the dwelling unit is located in an area that is approved by HUD for an exception payment standard, HABC will use the appropriate payment standard, in accordance with regulation 24 CFR 982.503.

CHAPTER 13

HOUSING QUALITY STANDARDS AND INSPECTIONS

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

A. GUIDELINES/TYPES OF INSPECTIONS

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

There are four types of inspections HABC will perform:

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

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

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

B. INITIAL HQS INSPECTION

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

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

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

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

The Initial Inspection will be conducted to:

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

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

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

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

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

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As permitted by HUD [Docket No. FR-5778-N-01], housing staff will conduct biennial housing quality standards inspections in lieu of annual inspections. HABC will also utilize alternative inspection methods to demonstrate that housing units meet HQS requirements, when applicable.

Alternative inspection methods will not be used in lieu of the initial unit or any interim inspection. HABC will conduct an initial inspection prior to entering into a new HAP contract. HABC will also conduct an interim HQS inspection if a family or government official notifies HABC of a housing unit's failure to comply with HQS.

When necessary, HABC will comply with HQS and perform inspections as needed to insure that quality standards are met for housing units where deficiencies were noted during the initial inspection or most recent HQS inspection.

The owner must correct HQS deficiencies, which cause a housing unit to fail, unless it is a fail for which the family is responsible.

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

Inspections will be conducted on business days only between the hours of 8:00 a.m. and 5:00 p.m.

HABC will notify the family in writing or by phone at least 24 hours prior to the inspection.

If the family does not contact HABC to reschedule an inspection, or if the family misses two inspection appointments, HABC will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in this Plan. The family is allowed to miss two appointments without violating a family obligation.

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

Time Standards for Repairs

Emergency items which endanger the family's health or safety must be corrected within 24 hours of notification.

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

For major repairs, the Executive Director may approve an extension beyond 30 days.

D. SPECIAL/COMPLAINT INSPECTIONS

If at any time the family or owner notifies HABC in writing that the unit does not meet Housing Quality Standards, HABC will conduct an inspection.

HABC may also conduct a special inspection based on information from third parties such as neighbors or public officials. The Inspector will check only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If the annual/biennial inspection is within 120 days of a special inspection, and all items are inspected that are included in an annual/biennial inspection, the special inspection will be categorized as an annual/biennial inspection as well.

E. QUALITY CONTROL INSPECTIONS

Per SEMAP, Quality Control Inspections will be randomly performed. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in the application of the HQS.

The sampling of files will include recently completed inspections (within the prior 3 months) and a cross-section of neighborhoods.

F. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS

HABC adheres to the acceptability criteria in the program regulations and local codes with the additions described below:

HABC has implemented the following policy to ensure that units meet the Interior Air Quality requirements that "the unit must have adequate air circulation.

Units that have not been provided air conditioning units or evaporative coolers by the owner will be required to have screens on exterior doors and windows at the time of their initial inspection.

Walls:

In areas where plaster or drywall is sagging, severely cracked or otherwise damaged, it must be repaired or replaced.

Any exterior or interior surfaces with peeling or chipping paint must be scraped and painted with two coats of unleaded paint or other suitable material.

Windows:

All window sashes must be in good condition, solid and intact, and fit properly in the window frame. Damaged or deteriorated sashes must be replaced.

Windows must be weather-stripped as needed to ensure a watertight seal.

Window screens must be in good condition. (Applies only if screens are present)

Any room for sleeping must have a window.

Doors:

All exterior doors must be weather-tight to avoid any air or water infiltration, be lockable, have no holes, have all trim intact, and have a threshold.

All interior doors must be able to open without the use of a key. All interior doors must have trim intact and be free of damages that include holes, peeling paint or any other deterioration.

All exit doors will be required to have a door viewer (peephole) or window.

Double cylinder locks must be replaced with a single key dead bolt.

All exit doors will be required to have two (2) working locks. A single key dead bolt and a privacy lock.

All sliding glass doors must have a pin lock zero to 48 inches from the floor, and if the manufacture's lock to the sliding door is inoperable, there must be an additional security bar on the lock.

Floors:

All wood floors must be sanded to a smooth surface and sealed. Any loose or warped boards must be re-secured and made level. If they cannot be leveled, they must be replaced.

All floors must be in a finished state (no plywood).

All floors should have some type of baseboards, trim, or sealing for a "finished look." Vinyl baseboards may be used for kitchens and bathrooms.

Sinks:

All sinks and commode water lines must have shut off valves, unless faucets are wall mounted.

All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.

All sinks must have functioning stoppers.

Security:

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

Owners are responsible for providing and replacing old batteries for battery powered units. Families will be instructed not to tamper with smoke detectors or remove batteries.

Bedrooms:

Bedrooms in basements or attics are not allowed unless they meet local code requirements and must have adequate ventilation and emergency exit capability.

Minimum bedroom ceiling height is 7'6" or local code, whichever is greater, sloping ceilings may not slope to lower than five feet in the 70 square foot area.

Modifications

Modifications or adaptations to a unit due to disability must meet all applicable HQS and building codes.

Extension for repair items not required by HQS will be granted for modifications/adaptations to the unit if agreed to by the family and owner. HABC will allow execution of the HAP contract if unit meets all requirements and the modifications do not affect the livability of the unit.

G. EMERGENCY REPAIR ITEMS

The following items are considered of an emergency nature and must be corrected by the owner or family (whoever is responsible) within 24 hours of notice by the inspector.

- Lack of security for the unit
- Waterlogged ceiling in imminent danger of falling
- Major plumbing leaks or flooding
- Natural gas leak or fumes
- Electrical problem which could result in shock or fire
- Utilities not in service
- No running hot water
- Broken glass where someone could be injured
- Obstacle which prevents family's entrance or exit
- Lack of functioning toilet (when the unit only has one toilet)
- Lack of heat (when outside temperature is below 50 degrees Fahrenheit)

HABC will give an extension of not more than 12 hours when the responsible party cannot be notified or it is impossible to correct the repair within the 24-hour period.

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by HABC.

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

If the emergency repair item(s) are not corrected in the time period required by HABC and it is an HQS breach, which is family obligation, HABC will terminate the assistance to the family.

Smoke Detectors

Inoperable smoke detectors are a serious health threat and will be treated by HABC as an emergency (24-hour) fail item.

If the smoke detector is not operating properly HABC will contact the owner by phone and request the owner to repair the smoke detector within 24 hours. HABC will re-inspect the unit the following day.

If HABC determines that the family has purposely disconnected the smoke detector (by removing batteries or other means), the family will be required to repair the smoke detector within 24 hours and HABC will re-inspect the unit the following day.

HABC will issue a written warning to any family determined to have purposely disconnected the unit's smoke detector. Warning will state that deliberate disconnection of the unit's smoke detector is a health and fire hazard and is considered a violation of the HQS.

H. OWNER RESPONSIBILITIES

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

Abatement

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

No retroactive payments will be made to the owner for the period of time the housing assistance abated. The family is not responsible for HABC's portion of rent that is abated. The family is responsible to continue to pay their portion of rent to the owner.

HABC will grant an extension in lieu of abatement in the following cases:

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

The extension will be made for a period of time not to exceed 30 days. At the end of that time, and at HABC discretion, if the work is not completed, HABC will begin the abatement.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a HAP Contract Proposed Termination Notice. Prior to the effective date of the termination, the abatement will remain in effect.

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

I. DETERMINATION OF RESPONSIBILITY

Certain HQS deficiencies are considered the responsibility of the family:

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

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

The owner is responsible for all other HQS violations.

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

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

If the family is responsible but the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family’s file will be noted.

J. CONSEQUENCES IF FAMILY IS RESPONSIBLE

If HQS violations are determined to be the responsibility of the family, HABC will require the family make any repair(s) or corrections. If the repair(s) or correction(s) are not made in this time period, HABC will terminate assistance to the family, after providing an opportunity for an informal hearing. The Executive Director must approve extensions in these cases.

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

K. OCCUPANCY STANDARDS

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

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

CHAPTER 14

RE-EXAMINATIONS

At least annually, HABC will conduct a re-examination of Family information, in accordance with HUD regulations. Families will be provided accurate annual and interim rent adjustments. Re-examinations and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases.

A. ANNUAL ACTIVITIES

HABC will maintain a re-examination tracking system. Families will be mailed an application packet that will include a re-examination interview date to meet with a HABC housing staff member.

HABC will also mail the notice to a third party, if requested as a reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

Requirements to Attend

The head, spouse and all adult members 18 years of age and older are required to attend a re-examination interview. Adult family members who are unable to attend the interview, are required to schedule and attend a subsequent re-examination interview at HABC office within 10 working days of the original re-examination interview.

If the family fails to attend a re-examination interview, and has not rescheduled or made prior arrangements with HABC, a second appointment will be scheduled.

If the family fails to appear a second re-examination interview, and has not rescheduled or made prior arrangements, HABC will initiate program termination, in accordance with HUD regulations, and described in Chapter 20 of this Plan.

The Executive Director may make exceptions to these policies for those families with a documented emergency situation and/or approved reasonable accommodation request.

Documents Required from the Family

The re-examination notice to the family will include instructions for the family to bring in the following documentation along with their Application and Request for Continuation forms:

- Documentation of all assets (if applicable)
- Documentation of any deductions/allowances
- Documentation to support all income sources for all family members 18 years of age and older.

HABC will follow the verification procedures and guidelines described in this Plan. Verifications for re-examinations must be less than 120 days old.

Subsidy Standards. The family's household composition will be reviewed and the Voucher size will be adjusted if required, per HABC's Subsidy Standards.

Criminal Background Checks. A criminal background check will be performed for household members who have reached the age of 18 (and have not had one) at the next reexamination.

B. REPORTING INTERIM CHANGES

A family must report changes in family composition, in accordance with HUD requirements, 24 CFR 982.551(h).

The family obligations require the family to request HABC and Owner approval to add any other family member as an occupant of the unit and to inform HABC of the birth, adoption or court-awarded custody of a child.

If a family member leaves the household, the family must report this change to HABC. HABC must conduct an interim re-examination for any additions or deletions to the household and evaluate if these changes will affect the Total Tenant Payment.

Program participants must report all changes in household composition to HABC between annual re-examinations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain HABC approval prior to all other additions to the household.

Interim Re-examination Policy for Income Changes

As allowed by HUD and referenced in the HCV Guidebook, Chapter 12.6, effective immediately, HABC will no longer **require** participants to report interim changes of income. Exceptions would be:

1. Participants who have incurred a change and are requesting to have their income reviewed;
2. In cases of fraud as determined by the Executive Director or his designee.

If an administrative calculation error was made at admission or annual re-exam, an interim re-examination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

C. INCOME CHANGES DUE TO WELFARE PROGRAM REQUIREMENTS

- Quality Housing and Work Responsibility Act (QHWRA)

HABC will not reduce the family share of rent for families whose welfare assistance is reduced specifically because of:

- fraud; or
- failure to participate in an economic self-sufficiency program; or
- non-compliance with a work activity requirement

However, HABC will reduce the rent if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where the family has complied with welfare program requirements but cannot or has not obtained employment

HABC will notify affected families that they have the right to an informal hearing regarding these requirements. Move to notification section

HABC has taken a proactive approach to culminating an effective working relationship with the Texas Department of Human Services for the purpose of targeting economic self-sufficiency programs throughout the community that are available to HCV participants. HABC and TDHS have mutually agreed to exchange information regarding any economic self-sufficiency and/or other appropriate programs or services that would benefit HCV participants.

D. NOTIFICATION OF RECERTIFICATION RESULTS

HABC will electronically transmit the required HUD form 50058 to MTCS (Multi Tenant Characteristic System).

The Notice of Rent Change is mailed to the owner and the family. Signatures are not required by HABC. If the family disagrees with the rent adjustments, they may request an informal hearing.

HABC will notify the family and owner of any change in the Housing Assistance Payment to be effective according to the following guidelines:

- Increases in the Tenant Rent are effective on the first of the month, following at least thirty days notice, if the family reported timely and submitted documentation timely.
- Decreases in the Tenant Rent are effective the first of the month following month in which the change is reported.

The change may be implemented based on documentation provided by the family, pending third party written verification.

Procedures when the Change is Not Reported by the Family in a Timely Manner.

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

- Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to make a lump sum payment. Ref repayment agreement section.
- Decrease in Tenant Rent will be effective on the first of the month following the month that the change was reported.

E. MISREPRESENTATION OF FAMILY CIRCUMSTANCES

If any participant deliberately misrepresents the information on which eligibility or tenant rent is established, HABC will terminate assistance and may refer the family file/record to the proper authorities for appropriate disposition.

CHAPTER 15

MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

Families may move with continued assistance to another housing unit, as described in this chapter.

A. ALLOWABLE MOVES

A family may move to a new unit with continued assistance if:

1. The assisted lease was terminated by mutual agreement of the owner and family or the HAP contract was terminated by HABC for owner breach.
2. The owner has given the family 30 to 60 day written notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family.
3. The family has given proper written notice of lease termination (and if the family has a right to terminate the lease).

B. RESTRICTIONS ON MOVES

Families will not be permitted to move during the initial year of assisted occupancy. Families will not be permitted to move more than once in a 12-month period, unless approved at the discretion of the Executive Director.

HABC will deny permission to move if there is insufficient funding for continued assistance thus creating a financial burden on the agency.

HABC will deny permission to move if:

1. The family has violated a Family Obligation.
2. The family has outstanding debts owed to a PHA.
3. The family has moved from their assisted unit in violation of the lease.

The Executive Director may make exceptions to these restrictions if there is an urgent need for the move over which the participant has no control.

C. PROCEDURE FOR MOVES

The family can decide to move to another unit by giving proper notice to the owner and HABC after the first year of the term of the lease, if the family has not violated their voucher, no outstanding debts are owed to any PHA and provided that funding is available.

Issuance of Voucher

Subject to the restrictions on moves, if the family has not been re-examined within the last 12 months, due to PHA error, HABC will issue the voucher to move after conducting the re-examination.

If the family does not locate a new unit, they may remain in the current unit so long as HABC and the owner permits. The owner and family are required to complete and submit a "request for tenancy approval".

If the family locates a new unit, the family will be required to submit another "request for approval of tenancy," and two leases. This means another re-examination will be conducted and a new inspection date will be scheduled.

The annual re-examination date will be changed to coincide with the new lease-up date.

Notice Requirements

Briefing sessions emphasize the family's responsibility to give the owner and HABC proper written notice of any intent to move.

The family must give the owner the proper written notice of their intent to vacate as specified in the lease and must give a copy to HABC simultaneously.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move except that there will be no overlapping assistance.

For a move, assistance stops at the old unit at the end of the month in which the family ceased to occupy, unless prior notice was given to end a lease midmonth. Assistance will start on the new unit on the first of the following month.

D. PORTABILITY

Portability applies to families moving out or into HABC's jurisdiction within the United States and its territories.

E. OUTGOING PORTABILITY

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside HABC's jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a tenant-based program. When a family requests to move outside of HABC's jurisdiction, the request must specify the area to which the family wants to move.

If there is more than one PHA in the area in which the family has selected a unit, HABC will choose the receiving PHA.

Restrictions on Portability

Applicants

If the applicant family did not live within HABC's jurisdiction at the date of their initial application for assistance, the family will not be permitted to exercise portability upon initial issuance of a voucher.

Upon initial issuance of a voucher the family must be income eligible under the receiving PHA income limits during the initial 12-month period after admission to the program.

Participants

After an applicant has leased-up in the jurisdiction of the initial housing agency, they cannot exercise portability during the first year of assisted occupancy, except in the following circumstances:

- The receiving and initial PHA agree to allow the move.
- The family's move relates to an opportunity for education, job training or employment.

F. INCOMING PORTABILITY

Absorption or Administration

HABC will accept a family with a valid Voucher from another jurisdiction and administer or absorb the Voucher. If administering, the family will be issued a "Portable" Voucher by HABC. The term of the voucher will not expire before the expiration date of any eligible unit to the receiving PHA (HABC) during the term of the receiving PHA (HABC) voucher. The receiving PHA (HABC) may grant extensions in accordance with this Administrative Plan. However, if the Family decides not to lease-up in HABC's jurisdiction, they must contact the initial PHA.

Incoming portable vouchers may be absorbed at the discretion of Executive Director.

HABC will administer the Initial PHA's Voucher under the receiving (HABC) policies and procedures.

For admission to the program a family must be income eligible in the area where the family initially leases a unit with assistance under the program.

The receiving PHA does not re-determine eligibility for a portable family that was already receiving assistance in the initial PHA's HCV program.

HABC will issue a "Portability Voucher" according to its own Subsidy Standards. If the Family has a change in family composition, which would change the Voucher size, HABC, will change to the proper size based on its own Subsidy Standards.

Income and Total Tenant Payment of Incoming Portables

As the receiving PHA, HABC will conduct a re-examination interview, but only verify the information provided if the documents are missing or are over 120 days old, whichever is applicable, or there has been a change in the family's circumstances.

Requests for Approval of Tenancy

A briefing will be mandatory for all portability families.

When the Family submits a Request for Approval of Tenancy, it will be processed by HABC's policies. If the Family does not submit a Request for Approval of Tenancy or does not execute a lease, the initial PHA will be notified within 10 working days by HABC.

If the Family leases up successfully, HABC will notify the Initial PHA within 10 working days and the billing process will commence.

HABC will notify the initial PHA if the family fails to submit a request for approval of tenancy for an eligible unit within the term of the voucher.

If HABC denies assistance to the family, HABC will notify the initial PHA within 10 days and the family will be offered a review or hearing.

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

Regular Program Functions

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

- Annual re-examination of family income and composition;
- Annual inspection of the unit; and
- Interim examinations when requested or deemed necessary by HABC.

Terminations

HABC will notify the initial PHA in writing of any termination of assistance within 30 days of the termination. If an informal hearing is required and requested by the Family, the hearing will be conducted by HABC, using the hearing procedures included in this Plan. A copy of the hearing decision will be furnished to the initial PHA.

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

Required Documents

As receiving PHA, HABC will require the documents listed on the HUD Portability Billing Form from the initial PHA.

Billing Procedures

As receiving PHA, HABC will bill the initial PHA the first of each month for Housing Assistance Payments. The billing cycle for other amounts, including Administrative Fees and Special Claims will be monthly unless requested otherwise by the initial PHA.

HABC will bill 100% of the Housing Assistance Payment, 100% of Special Claims and 80% of the Administrative Fee (at the initial PHA's rate) for each "Portability" Voucher leased as of the first day of the month.

HABC will notify the initial PHA of changes in subsidy amounts and will expect the initial PHA to notify HABC of changes in the Administrative Fee amount to be billed.

CHAPTER 16

PROGRAM RESPONSIBILITIES

A. HABC RESPONSIBILITIES

1. Maintains waitlists, conducts program screening, reviews applications and certifies program eligibility;
2. Inspects and certifies that the housing unit meets Housing Quality Standards (HQS) and approves units for leasing and contracts;
3. Determines housing assistance amounts and pays Housing Assistance Payments to the owner on behalf of the family;
4. Explains and provides information about program policies and procedures to current and prospective owners and families;
5. Performs annual and interim examinations of household composition and income;
6. Monitors program performance and compliance of participants and owners; and
7. Abides by all federal, state and local regulations and Fair Housing laws.

B. FAMILY OBLIGATIONS (24 CFR 982.551)

1. The family is responsible under the HCV program for:
 - a. Supplying any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided
 - b. Supplying any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
 - c. Disclosing and verifying social security numbers and signing and submitting consent forms required by the program
2. HQS breach caused by family. The family is responsible for an HQS breach caused by the family as described in 24 CFR 982.404(b).

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- a. The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the family;
 - b. The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the family;
 - c. Any member of the household or guest damages the dwelling unit or premises (damages beyond ordinary wear and tear).
 - d. If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any PHA-approved extension).
 - e. If the family has caused a breach of the HQS, the PHA must take prompt and vigorous action to enforce the family obligations. The PHA may terminate assistance for the family in accordance with 24 CFR 982.552.
3. Allowing PHA inspection. The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.
 4. Violation of lease. The family may not commit any serious or repeated violation of the lease.
 5. Family notice of move or lease termination. The family must notify the PHA and the owner before the family moves out of the unit, or terminates the lease on notice to the owner. (See 24 CFR 982.314(d)).
 6. Owner eviction notice. The family must promptly give the PHA a copy of any owner eviction notice.
 7. Use and occupancy of unit
 - a. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
 - b. The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit. No other person [i.e., nobody but members of the assisted family] may reside in the unit (except for a foster child or live-in aide).

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- c. The family must promptly notify the PHA if any family member no longer resides in the unit.
 - d. If the PHA has given approval, a foster child or a live-in-aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residence by a foster child or a live-in-aide, and defining when PHA consent may be given or denied.
 - e. Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family.
 - f. The family must not sublease or let the unit.
 - g. The family must not assign the lease or transfer the unit.
8. Absence from unit. The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit.
9. Interest in unit. The family must not own or have any interest in the unit.
10. Fraud and other program violation. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the program.
11. Crime by household members. The members of the household may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises (see 24 CFR 982.553).
12. Alcohol abuse by household members. The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
13. Other housing assistance. An assisted family, or members of the family, may not receive Housing Choice Voucher/Section 8 housing assistance while receiving another housing subsidy under any duplicative (in accordance with HUD requirements) federal, State or local housing assistance program.

C. OWNER RESPONSIBILITIES (24 CFR 982.452)

The owner is responsible for performing all of the owner obligations under the HAP contract and the lease.

1. Performing all management and rental functions for the assisted unit, including selecting a voucher-holder to lease the unit, and deciding if the family is suitable for tenancy of the unit.
2. Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance. For provisions on family maintenance responsibilities (see 24 CFR 982.404(a)(4)).
3. Complying with equal opportunity requirements.
4. Preparing and furnishing to the PHA information required under the HAP contract.
5. Collecting from the family:
 - a. Any security deposit.
 - b. The family contribution (the part of rent to owner not covered by the Housing Assistance Payment).
 - c. Any charges for unit damage by the family.
6. Enforcing tenant obligations under the lease.
7. Paying for owner-provided utilities and services.
8. For provisions on modifications to a dwelling unit occupied or to be occupied by a disabled person, see 24 CFR 100.203.

D. COMPLAINTS TO HABC

HABC will promptly respond to complaints from families, owners, employees and members of the public. All complaints must be in writing.

When a family disagrees with an action or inaction of HABC, or owner, the individual will be advised to provide a written complaint to the Executive Management for review and resolution. If the complaint cannot be resolved at that level, it will be referred to the Executive Director for closure.

If an owner disagrees with an action or inaction of HABC or a program participant, the individual will be advised to provide a written complaint to the Executive Management for review and resolution. If the complaint cannot be resolved, it will be referred to the Executive Director for closure.

Complaints from the general public

Complaints or referral from persons in the community in regard to HABC or a program participant are forwarded to the Executive Manager. If not resolved at that level, a referral will be made to the Executive Director.

E. DISAPPROVAL OF AN OWNER

The owner does not have a right to participate in the program. For purposes of this section, "owner" includes a principal or other interested party.

HABC will disapprove the owner for the following reasons:

- HUD or any other agency directly related has informed HABC that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.
- HUD has informed HABC that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such actions pending.
- HUD has informed HABC that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements.
- Unless their lease was effective prior to June 17, 1998, the owner may not be a parent, child, grandparent, grandchild, sister or brother of any family member. HABC will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.
- In cases where the owner and family bear the same last name, HABC at its discretion, will require the owner and family to certify whether they are related to each other in any way.
- The owner has violated obligations under a Housing Assistance Payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
- The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.
- The owner has engaged in drug-related criminal activity or any criminal activity.

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- The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.
- The owner has a history or practice of renting units that fail to meet State or local housing codes.
- The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under the HCV program or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:
 - Threatens the right to peaceful enjoyment of the premises by other residents;
 - Threatens the health or safety of other residents or employees of HABC or of owner employees or other person engaged in management of the housing.
 - Threatens the health or safety, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or
 - Is drug-related criminal activity or violent criminal activity;
 - The owner has not paid State or local real estate taxes, fines or assessments.
- The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD.

F. OWNER RESTRICTIONS AND PENALTIES

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, HABC restricts the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. HABC also terminate some or all contracts with the owner.

Before imposing any penalty against an owner HABC review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

G. CHANGES IN OWNERSHIP

A change in ownership does not require execution of a new contract and lease. HABC may approve the assignment of the HAP contract at the old owner's request.

HABC process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title, recorded deed and the Employee Identification Number or Social Security Number of the new owner.

If the new owner does not want an assignment of the contract, HABC will terminate the contract with the old owner. The new owner may offer the family a new assisted lease. The family may elect to enter into the new lease or move to another unit.

H. OWNER OR FAMILY DEBTS OWED

It is the policy of HABC to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against the family or owner, the file must contain documentation to support HABC's claim that the debt is owed. HABC will make every effort to collect any debts owed. A variety of collection tools will be used to recover any debts including but not limited to:

- Requests for lump sum payments
- Civil suits
- Payment agreements
- Abatements
- Reduction in HAP to owner
- Collection agencies
- Credit bureaus

I. REPAYMENT AGREEMENT FOR FAMILIES

A Repayment Agreement may be used on occasion for persons who owe a debt to HABC.

1. **Repayment Agreement.** Families are required to reimburse the PHA if they were charged less rent than required by HUD's rent formula due to the family's underreporting or failure to report income. The tenant is required to reimburse the PHA for the difference between the tenant rent that should have been paid and the tenant rent that was charged. This rent underpayment is commonly referred to as retroactive rent. If the family refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the PHA **must** terminate the family's tenancy or assistance, or both. HUD does **not** authorize any PHA-sponsored amnesty or debt forgiveness programs.

All repayment agreements must be in writing, dated, signed by both the Head of Household, the Spouse/Co-Head (if any) and the PHA, include the total retroactive rent amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. At a minimum, repayment agreements must contain the following provisions:

- a. Reference to the paragraphs in the HCV information packet whereby the family is in non-compliance and may be subject to termination of tenancy or assistance, or both.
- b. The monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the PHA.
- c. The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.
- d. Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.

PHAs are required to determine retroactive rent amount as far back as the PHA has documentation of family reported income. For example, if the PHA determines that the family has not reported income for a period of five years and only has documentation for the last three years, the PHA is only able determine retroactive rent for the three years for which documentation is available.

The monthly retroactive rent payment plus the amount of rent the family pays at the time the repayment agreement is executed should be affordable and not exceed 40 percent of the family's monthly adjusted income. However, PHAs have the discretion to establish thresholds and policies for repayment agreements in addition to HUD required procedures.

Example:

- Family's monthly adjusted income is \$1,230.
- Family's monthly rent payment is \$369 (30% of the family's monthly adjusted income).
- 40% of the family's monthly adjusted income is \$492.
- The monthly payment for the repayment agreement should not exceed \$123 per month (\$369 monthly rent + \$123 repayment = \$492, 40% of the family's monthly adjusted income.)

Repayment Time Period. The period in which the retroactive rent balance will be repaid is based on the monthly payments and original retroactive balance.

Example: The family agrees to repay \$1,000, by making a monthly payment of \$25 for 40 months.

Repayment Options. Families have the option to repay the retroactive rent balance as follows:

- In a lump sum payment; or
- Monthly installment; or
- A combination of 1 and 2, above

For example, a family may owe \$1,000, make a lump sum payment of \$300 and enter into a repayment agreement for the remaining balance of \$700.

HABC will only accept payments by money order or cashier's check.

HABC will not enter into a repayment agreement under the following circumstances:

- If the family already has a Repayment Agreement in place.
- If the family commits program fraud.

Late Payments

A payment will be considered to be in arrears if:

- The payment has not been received by the close of the business day on which the payment is due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

The agreement will be in default and considered delinquent if not paid by the end of the month and the family will be sent a termination notice for non-compliance. Termination will proceed unless the full amount of the debt owed is paid within 5 business days of the termination notice.

Program participants will not be allowed to move with continued assistance until all debts are paid in full.

If a family owes an amount that equals or exceeds \$1,500.00 as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, HABC will refer the case for criminal prosecution.

J. OWNER DEBTS

If HABC determines that the owner has retained Housing Assistance Payments the owner is not entitled to, HABC will reclaim the amounts from future Housing Assistance Payments through other units under contract.

If future Housing Assistance Payments are insufficient to reclaim the amounts owed, HABC will:

- Enter into a Payment Agreement with the owner for the amount owed.
- Pursue collections through the local court system.
- Restrict the owner from future participation.

K. WRITING OFF DEBTS

Debts will be written off if:

- The debtor is deceased and if their estate has no value

CHAPTER 17

**SPECIAL HOUSING TYPES
24 CFR 982.601**

HABC will permit the use of special housing types not to exceed 5% of the Authority's total allocation.

Special Housing Types will also be permitted when requested as a reasonable accommodation for person with a disability.

Verification of Need for Reasonable Accommodation

Acceptable documentation as verification of the need for reasonable accommodation would be a letter to HABC describing how the special housing type requested provides the accommodation of which the person is in need. The Executive Manager will review the request and documentation. A written response stating approval or disapproval will be sent to the applicant/participant within 5 working days of receipt of the request.

A copy of HABC's response with supporting documentation will be maintained in the applicant/participant's file. The requested housing type must be approved by all other HUD standards and HQS requirements in accordance with 24 CFR 982 Section M - Special Housing Types.

A. SINGLE ROOM OCCUPANCY (24 CFR 982.602, 603, 604)

HABC will use a separate lease and Housing Assistance Payments contract for each assisted person residing in a SRO.

SRO Rent and Housing Assistance Payments

The payment standard for SRO housing is 75% of the zero bedroom FMR.

Voucher Program

HABC SRO payment standard is 75% of the zero bedroom payment standard schedule. For a person residing in an exception area, the payment standard is 75% of the HUD approved zero bedroom exception standard amount. While an assisted person resides in SRO housing, the SRO payment standard must be used to calculate the Housing Assistance Payment.

Utility Allowance

The utility allowance for an assisted person residing in SRO housing is 75% of the zero bedroom utility allowance.

Housing Quality Standards

HABC will ensure that all SRO units approved for the program are in compliance with all of the Housing Quality Standards for SRO's as regulated in 24 CFR 982.605.

B. CONGREGATE HOUSING ACT (24 CFR 982.606, 607)

An elderly person or a person with disabilities may reside in a congregate housing unit.

HABC will approve a live-in aide, if needed as a reasonable accommodation, so that the program is readily accessible to and usable by persons with disabilities.

Congregate Housing Lease and HAP Contract

For congregate housing there will be a separate lease and HAP contract for each assisted family.

Unless there is a live-in aide, the payment standard for a family that resides in a congregate housing unit is the zero bedroom payment standard on HABC payment standard schedule.

However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the payment standard for a family that resides in a congregate housing unit is the one bedroom payment standard amount.

If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

Housing Quality Standards

HABC will ensure that all congregate housing units approved for the program are in compliance with all of the Housing Quality Standards for congregate housing as regulated in 24 CFR 982.609.

C. GROUP HOMES (24 CFR 982.610, 611, 612, 613)

A group home must be licensed, certified or otherwise approved in writing by the State, or the State's licensing department.

An elderly person or a person with disabilities may reside in a State-approved group home. If approved by HABC, a live-in aide may reside with a person with disabilities.

HABC must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. Except for a live-in aide, all residents of a group home must be elderly persons or persons with disabilities.

HABC will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continual medical or nursing care.

No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

Group Home Lease and HAP Contract

There will be a separate HAP contract and lease for each person living in a group home. For a group home the term "pro-rata portion" means that which is derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any HABC approved live-in aide.

Group Home Rent and HAP Contract

The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.

The reasonable rent for a group home is determined in accordance with 982.503. In determining reasonable rent HABC will consider whether sanitary facilities, and facilities for food preparation and service, are common facilities or private.

Maximum Subsidy

Unless there is a live-in aide, the family unit size is zero bedroom. If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

The payment standard for a person who resides in a group home is the lower of the payment standard for the family unit size; or the pro-rata portion of the payment standard amount on HABC payment standard schedule for the group home size.

Utility Allowance

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

Housing Quality Standards

HABC will ensure that all group home units approved for the program are in compliance with all of the Housing Quality Standards for group homes as regulated in 24 CFR 982.614.

D. SHARED HOUSING (24 CFR 982.615)

Occupancy

An assisted family may reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment.

HABC may approve a live-in aide to reside with a family in order to care for a person with a disability. HABC must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by person with disabilities.

Other persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit. The owner of a shared housing unit may reside in the unit.

A resident owner may enter into a HAP contract with HABC. However, housing assistance may not be paid on behalf of an owner. HABC will not approve assistance for a person or family that is related by blood or marriage to a resident owner.

There will be a separate Housing Assistance Payment contract and lease for each assisted family residing in a shared housing unit.

Rent and HAP Contract

For shared housing, the term "pro-rata portion" means the ratio derived by the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five bedroom unit, the ratio would be 3/5.

The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set in the "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

Maximum Subsidy

The payment standard for a family that resides in shared housing will be the lower of HABC's payment standard for the family unit size, or the pro-rata portion of the payment standard for the shared housing unit size.

If HABC approves a live-in aide, the live-in aide will be counted in determining the family unit size.

Utility Allowance

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

Housing Quality Standards

HABC will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards for shared housing as regulated in 24 CFR 982.618.

E. COOPERATIVE HOUSING (24 CFR 982.619)

HABC will approve a family living in cooperative housing if it is determined that assistance under the program will help maintain affordability of the cooperative unit for low-income families. HABC will not approve assistance for a family in cooperative housing until it has been determined that the cooperative has adopted requirements to maintain continued affordability for low-income families after transfer of a cooperative member's interest in a cooperative unit (such as a sale of the resident's share in a cooperative corporation).

The reasonable rent in cooperative housing is determined in accordance with "Owner Rents, Rent Reasonableness, and Payment Standards" chapter. For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.

The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. It includes the member's share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. However, the carrying charge does not include down payments or other payments to purchase the cooperative unit, or to amortize a loan to the family for this purpose. Gross rent is the carrying charge plus any utility.

For a cooperative, rent adjustments are applied to the carrying charge as determined in "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

The lease and other appropriate documents will stipulate the monthly carrying charge is subject to HCV limitations on rent to owner. The Housing Assistance Payment will be determined in accordance with the guidelines in "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

HABC may approve live-in aide to reside with the family to care for a person with disabilities. HABC will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. If HABC approves a live-in aide the live-in aide will be counted when determining the family unit size.

Housing Quality Standards

HABC will ensure that all cooperative housing units approved for the program are in compliance with all of the Housing Quality Standards outlined in the "Housing Quality Standards and Inspections" chapter, and regulated by 24 CFR 982.401.

F. MANUFACTURED HOMES (24 CFR 982.602, 621, 622)

HABC will permit a family to lease a manufactured home and space with assistance under the program. HABC will not provide assistance for a family that owns the manufactured home and leases only the space.

Housing Quality Standards

A manufactured home must meet all the HQS requirements outlined in the "Housing Quality Standards and Inspections" chapter and regulated by 24 CFR 982.401.

In addition the manufactured home also must meet the following requirements:

- A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage.
- A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

CHAPTER 18

PROJECT BASED HOUSING CHOICE VOUCHERS

HABC may use amounts provided under an Annual Contributions Contract to enter into a HAP Contract with respect to providing Project Based Assistance to an existing, newly constructed, or rehabilitated structure.

The Housing Choice Project Voucher Program is consistent with HUD guidelines and rules, HABC's Annual Plan and Strategic Five-Year Plan. In considering a request for project basing the following criteria will be applied:

- HABC has the authority to issue project vouchers with a maximum limitation of up to 20% of the Allocated Budget Authority. HABC serves Bexar County. HABC has the discretion to determine the initial contract terms with the owner up to the maximum of fifteen (15) years. Project Voucher assistance will be offered through a competitive process consistent with 24 CFR 983 final rules.
- HABC will advertise its intent to offer Project Based Vouchers in a newspaper of general circulation, by public notice via Bexar County Public Records office and on HABC website – www.habctx.org. The advertisement will run once a week for two consecutive weeks. In addition, HABC advertisement will clearly state the application deadline (at least 30 days after the last advertisement), and where the full details of the application process and the application can be accessed. Application responses to the advertisement must be submitted, in writing, to the Executive Director of HABC or his designee within the advertised time period and deadline for submission.
- A HAP (Housing Authority Payment) Contract will be executed between HABC and the owner of the development. All HUD Program Forms and Contracts under Implementing Regulation 24 CFR Part 983 will be utilized.
- Once awarded and the HAP contract is signed between Housing Authority of Bexar County and the complex owner, the complex will be required to submit a lease schedule plan for all awarded PBV. In no case will HABC allow the lease-up period to exceed 120 days. Units not leased within the 120 days will revert back to tenant based vouchers.

HOUSING CHOICE VOUCHERS PROJECT SELECTION CRITERIA

HABC may consider some or all of the following project selection criteria in evaluating proposals to Project Based Housing Choice Vouchers (HCV):

1. Housing that serves families with children, consistent with the needs indicated by HABC's public housing and HCV program waiting lists and/or other documented needs;
2. Housing that serves homeless households;
3. Housing that serves households with special needs, including, but not limited to;
 - a. People with mental and or developmental disabilities;
 - b. People with physical and/or sensory disabilities;
 - c. Domestic violence survivors;
 - d. Young adults aging out of foster care.
4. Housing that reduces concentrations of poverty and or need by;
 - a. Serving very-low-income populations within mixed-income developments; or
 - b. Reducing concentration of poverty/need in existing buildings and developments.
5. Housing that provides opportunities to increase the diversity of Bexar County's neighborhoods;
6. Housing that provides an appropriate level of referrals to appropriate local service providers for residents including an on-site office space with telephone service, and an on-site tenant facilitator.
7. Housing that commits to serve extremely low-income households (the higher of the Federal poverty level or 30 percent of the area's median income, as published by HUD adjusted for Family size) for the life of the project;
8. Housing that provides opportunities for clients to reach economic self-sufficiency;
9. Housing that provides access to educational opportunities;
10. Housing that maximizes the use of other funding sources and leverages the use of HCV Program funds;
11. Housing that provides opportunities for historic rehabilitation.

HABC will also give consideration to proposals for tenant-owned and tenant-managed projects that will lead to tenant ownership.

Eligible Owners of Project Based Housing

HABC will consider Project Based HCV program assistance in any counties we serve and in projects owned by:

- Non-profit housing providers;
- For-profit housing providers;
- Public Agencies including HABC

A. Project Selection

HABC will make HCV program funding available to non-profit and for-profit entities through a competitive process such as the RFP and other selection processes described below. HABC may also make funding available to projects in response to a request by, or in collaboration with, local government, philanthropic or other housing entities where they meet the criteria within the Selection Criteria outlined in this chapter.

C. HABC Request for Proposals (RFP) Process

From time to time HABC may, with the availability of HCV funding, issue a formal Request for Proposal (RFP) inviting proposals for projects that seek commitments of Project Based vouchers that meet the goals of HABC' project-basing policy. Specific project selection criteria (from list above) shall be selected by HABC based on its assessment of current needs and opportunities, and shall be described in the RFP, along with numerical weights indicating the priority of each selection criteria chosen.

The RFP process shall include a panel of evaluators representing community partners, HABC staff and other impartial parties with an interest in low-income housing. HABC will establish minimum threshold criteria for sponsors participating in the Project Based program (e.g., minimum standards for most recent audit of sponsoring organization), and a minimum score based on numerically weighted criteria. Each RFP response shall be scored according to the weighted selection criteria identified in the initial RFP, and the projects ranked from highest to lowest score until the budget authority allocated for the RFP is committed.

All projects awarded Project Based HCV subsidy must be developed and operated in a manner consistent with HUD regulations or HABC policies which specifically modify applicable HUD regulations. Awards of Project Based subsidy are subject to approval of HABC Board of Commissioners, funding availability, and based on periodic HAP renewals.

Project Based vouchers allocated for projects will be used for unit's servicing households with incomes at 50 percent of area median income. Current residents of buildings identified for Project Based assistance may have incomes up to 50% of median income, if their income was at or below 30% percent of area median income at the time they moved into the unit identified for Project Based assistance.

Per 983.56 and 983.261, the number of PBV units in any project will be 25% of the total units unless the project meets the "exception" criteria as outlined in CFR 983.56 and CFR 983.261.

New Project Based commitments are subject to the availability of adequate Federal funding for HABC' Housing Choice Voucher Program.

D. Project Based Units in HABC Owned Properties

HABC is authorized to project base HCV's at otherwise non-subsidized units owned by HABC that meet HQS standard. However, HABC must compete in RFP rounds with all applicants. "Non-subsidized" refers to the absence of other operating subsidy (i.e., public housing, Annual Contributions Contract funds), not capital subsidy or subsidy for supportive services.

E. Maximum Gross Rents/Payment Standards

Other Project Based Units Owned by HABC

The maximum gross rent (rent plus utilities) for the HCV Program Project Based subsidy in HABC owned housing will be based on an analysis of the development and operating cost of the project. The payment standard for HABC owned units shall not exceed market rent for comparable unassisted units, unless HABC board approves a higher contract rent.

Payment Standard for SRO Units

The payment standard for Project Based SRO (Single Room Occupancy) units shall be the lower of the payment standard for studio units, or the market rent for comparable unassisted units as determined by HABC.

Utility Allowances

In general, HABC shall use the same utility allowance in the Project Based Program as it uses for tenant-based assistance. When utility allowance schedules are updated, the rent to owner will be adjusted so as to maintain the same gross rent under contract. HABC will implement the new rate at the next regularly scheduled review.

Impact of lower payment standards in the tenant-based program on contract rent for Project Based units

Owners of operating properties with Project Based assistance shall continue to have the most recent payment standard in effect for their contract units should there be a basis for HABC changing the payment standards in the tenant-based program.

F. Uses of Subsidy

Project Based Housing Choice Voucher subsidy may be used to pay:

1. Normal operating expenses of the property;
2. Project debt service incurred for acquisition, development, and capital improvements of the property; and
3. All other reasonable costs associated with the operation of the property, including the costs of referral services per HABC Plan necessary to assist individuals participating in the Project Based voucher program.

An owner may use the revenue provided by the Project Based HCV for any purpose consistent with its organizational mission.

G. Contract Term

The initial contract term shall be negotiated for each Project Based on the project's needs, within the general framework of 5 to 15 years. Contracts may be renewed incrementally for periods not to exceed 5 years per extension. All contracts are subject to availability of adequate funds.

H. Annual Rent Increases

Non-profit and for-profit owners of units assisted by HABC Project Based HCV assistance may request an annual rent adjustment at least 60 days before contract anniversary date. The owner shall submit a specific request in writing for a rent increase and documentation supporting the request including operating costs and budget. HABC shall base rent increases on the same limits in maximum gross rent/payments standards described above for different categories of units, subject always to rent reasonableness.

The effective date of the rent increase shall be the date of renewal. When the utility allowance schedule is revised, HABC will apply the new rates to coincide with the effective date of the contract rent increase.

I. Vacancy Loss and Damage Claims

HABC will not make payments to the owner for any damages to the unit, vacancy loss, or for any other amounts owed by a family under the family's lease.

J. Exit Vouchers

Family's right to move: HABC shall not provide tenant-based rental assistance to families who move out of Project-Based units within the first year of tenancy. Families may elect to move after the first year of tenancy. HABC will offer the family the opportunity for continued tenant-based rental assistance. If a voucher or other comparable tenant-based assistance is not immediately available upon termination of the family's lease in the PBV unit, HABC will give the family priority to receive the next available opportunity for continued tenant-based assistance, assuming that the family has continued to be in compliance with program procedures.

If the original residents in a building participate in the TBRA program and wish to continue living in the building, they must surrender their tenant-based voucher when the owner executes a contract to project-base a voucher for their unit. The family will be offered a tenant-based voucher at the point it moves out of the Project Based building provided it is still eligible for the HCV Program. If a voucher or other comparable tenant-based assistance is not immediately available upon termination of the family's lease in the PBV unit, HABC will give the family priority to receive the next available opportunity for continued tenant-based assistance, depending on funding availability.

This provision applies only to original residents of a building who are assisted by a voucher at the time a contract is first executed for Project Based assistance including their unit. Families assisted by vouchers who choose to move into a Project Based property must surrender their tenant-based voucher at the time they move-in, and the surrendered voucher will not be restored to them when they move out.

K. Tenant Selection: Waiting Lists

Non-HABC-Owned Project Based Units and HABC-Owned Units

HABC will maintain site-specific waiting lists for all Project Based units. HABC will establish the marketing and waiting list procedure for each Project Based property in a written management plan, which covers the property.

L. Lease Terms for Residents of Project-Based Properties

The lease terms will be for one year (12 months). Participants will not be offered a Section 8 (HCV) Program voucher unless they have lived at the property for a period of one year.

M. Minimum Occupancy Requirements

HABC shall make payments to owners of Project Based properties based on the subsidy standards criteria used for tenant-based units. If a family's occupancy drops below the minimum subsidy standard, (e.g. a single person family in a two bedroom unit) HABC may reduce the Housing Assistance Payment to the payment standard correlating to the family's new subsidy standard. The owner may require the family to pay the difference if the minimum occupancy requirements are spelled out in the family's lease.

N. Tenant Selection: Admissions Criteria

General Eligibility Requirements

Applicants for Project Based assistance must meet the same eligibility requirements as applicants for HCV tenant-based assistance as outlined in other sections of the Administrative Plan, unless otherwise stated below.

Criminal History

HABC shall not deny admission to Project Based units to applicants based on criminal history provided the household meets the requirements for eligibility for federal assistance (24CFR 982.553).

Owners shall screen and select tenants using their own standards for criminal history. HABC shall review applicant criminal history to ensure that applicants are eligible for subsidy under Federal regulations.

Consistent with the provisions in the regulations for "evidence of rehabilitations," and in order to accommodate individuals with disabilities, HABC may give the property owner flexibility to accept residents for subsidized units who have a disability and a related criminal history which could otherwise disqualify them for assistance. Tenant screening flexibility will be given to project sponsors with demonstrated expertise in serving people with mental illness and/or chemical addictions, and the capacity to provide the needed services. Tenant screening flexibility does not extend to applicants who are sex offenders subject to a registration requirement, for the duration of the registration requirement.

Owners must submit their tenant screening and support services plan to HABC to qualify for additional screening flexibility, and may be required to document for an applicant the reasons why the owner feels the applicant is likely to live successfully in the Project Based unit without serious re-offense, despite serious criminal history.

Owners may allow admission to convicted sex offenders who are Class B and Class C felons subject to time-limited registration requirements, who do not, in the opinion of the owner of the subsidized units, constitute a threat to other residents, the surrounding community, or to the public at large.

Other Criteria for Admission

For an applicant who has been previously assisted under the program and was terminated for violating a family obligation in the last three years, HABC will allow admission to the Project Based program when the applicant has case management services which will increase the likelihood of successful program participation. This does not apply to program violations where fraud or deception relating to income or household circumstances was a factor in the termination of assistance.

Debt Owed to HABC or other Public Housing Agency

Applicants for Project Based units who owe money to HABC or housing authority must repay the amounts owed before their application will be approved. However, HABC will consider on a case by case basis entering into a repayment agreement for amounts owed to HABC. If the repayment agreement is not fulfilled, the applicant will be terminated from the voucher program.

O. Housing Quality Standards: Inspections

All housing units - as well as the common areas and exterior of buildings in which they are located - that receive Project Based operating subsidy must meet HUD's Housing Quality Standards (HQS) unless HABC receives a special HUD waiver of HQS standards.

HABC shall conduct an initial inspection for HQS and rent reasonableness prior to the commencement of subsidy for a newly contracted project or unit and (for substituted units in an existing contract).

HABC shall conduct annual inspections of all units at least once every 12 months, prior to the 1-year anniversary of the previous annual inspection; or as required by changes in HUD regulations.

HABC requires that owners certify that a unit meets HQS standards as of the date of initial occupancy by a new tenant.

All other procedures and requirements relating to HQS in this Administrative Plan apply to the Project Based program.

HABC-Owned Units shall be inspected by an independent inspector/inspection service in accordance with Housing Quality Standards.

P. Rent Calculations for Tenants

Minimum Rent. The Minimum Rent policy described in this Administration Plan shall apply to residents of units assisted by Project Based vouchers, with the following exceptions:

1. Residents of assisted living facilities subsidized by Medicaid are exempt from the minimum rent policy, and
2. Residents of buildings that provide highly supportive housing and services to the chronically homeless and/or disabled individuals are exempt from the minimum rent policy unless the building owner elects to impose the minimum rent policy on its own residents, in which case the building owner may impose a minimum rent of up to \$50 toward rent and utilities.

Maximum Total Tenant Payment. Total Tenant payment may not exceed 40% of their adjusted annual income.

Q. Unit Transfers

Under HCV regulations a transfer from one unit to another is subject to all the requirements and processes of an initial lease-up.

R. Over or Under Housed

If it is determined that a family is over/under housed, HABC may ask the family to move with an offer of continued assistance, as follows:

1. Project-based voucher assistance in an appropriate size unit in the same building or in another building;
2. Other Project-based housing assistance, e.g. a public housing unit;
3. Tenant-based rental assistance under the HCV program;
4. Other comparable public or private tenant-based assistance, e.g. the HOME program.

If the family does not accept the offer of another form of continued housing assistance, does not move out of the PBV unit within two calendar months, or both, HABC must terminate the Housing Assistance Payments for the wrong-sized unit within 90 days of the last HAP paid.

S. Release of Health-Related Information

HABC shall not release any health-related information for an assisted resident to a property owner without a specific release from the resident.

T. Protection of Revenue in the Event of Reduction in Federal Funds

Funding shall continue based on these priorities in responding to federal cuts in HABC' HCV budget authority:

1. Current participants in the tenant-based voucher program, including funds needed to increase payment standards appropriately to keep pace with market rents;
2. Project Based units under contract with HABC or which have written commitments from HABC to provide Project Based assistance, as of the date that HABC notifies the building owner of anticipated funding shortfalls in the HCV program; and
3. All other new units.

In the event that HABC anticipates or is informed of federal appropriations reductions in Housing Choice Vouchers that would affect HABC' allocation, HABC will seek to convene a meeting with affordable housing stakeholders to inform them of potential consequences and to receive input on any additional strategies to adapt to a reduced appropriation level.

U. Supportive Services

Property owners will be required to verify annually that the family is receiving supportive services. Supportive services may include FSS support services, ROSS support services or private/non-profit service providers.

V. Contract Language Takes Precedence

In the event of a discrepancy between the language of this Administrative Plan and the language of a HAP contract in effect for an assisted property, the HAP Contract language will take precedence.

W. PBV Monitoring

Waiting lists, rent determination, vacancies, and HQS inspections will be monitored at least annually.

CHAPTER 19

SPECIAL PROGRAMS - HUD VASH

INTRODUCTION

The U.S. Department of Housing and Urban Development (HUD) and the Veterans Administration (VA) have combined rental assistance from HUD and the VA to create the VASH Program in order to target and serve chronically homeless Veterans in Bexar County.

A. Housing Authority of Bexar County (HABC) Policy

HUD VASH Program - HABC will administer the HUD Veterans Affairs Supportive Housing Voucher (VASH) with 24 CFR part 982, along with any provision of any statute or regulation deemed necessary for effective delivery and administration as authorized by the HUD Secretary.

B. Family Eligibility and Requirements

1. The Veteran Affairs Medical Center (VAMC) will determine homelessness and clinical eligibility of a VASH applicant. The VAMC service provider will refer HUD-VASH eligible families to HABC for voucher issuance.
2. HABC will accept all Veteran Affairs Medical Centers (VAMC) HUD-VASH eligible family referrals for determination of income eligibility and screen for lifetime sex-offender registrants. Written documentation will be maintained in the family files by HABC.
3. HABC shall not deny HUD-VASH applicants for any grounds listed in 24 CFR 982.552 or 24 CFR 982.553 with the exception of 24 CFR 982.553 (a)(2)(i), which requires the denial of sex offenders who have a life time registration requirement.
4. All grounds for denial of participation including denial due to lack of citizenship, the family having committed fraud, owing money to any PHA and related are not applicable to ***applicants*** to the HUD-VASH program.
5. All requirements for ***participants*** in assisted housing programs and all grounds from termination of participant families remain in effect.
6. If a family member other than the Veteran is subject to a lifetime registration requirement under a state sex offender registration program, the Veteran's family must agree to remove this family member from the household composition to receive rental assistance.
7. 24 CFR Section 982.551 (h)(2) applies when a family member is added to the assisted HUD-VASH household after initial occupancy. Other than birth, adoption or court-awarded custody of a child, any other family member must be approved by HABC in accordance with its policies.

C. Authority to Terminate for Failure to Participate

As a condition of HCV rental assistance in the HUD-VASH program, a HUD-VASH family must receive case management services from a (VAMC). A HUD-VASH participant's family's assistance must be terminated for failure to participate in case management services without good cause as verified by VAMC.

D. When Case Management Is No Longer Needed

1. A VAMC determination that a participant HUD-VASH family no longer requires case management services is not grounds for termination of HUD-VASH assistance. So long as the family remains in compliance with other program regulations, it may receive continued assistance under the HUD-VASH program.
2. At the sole discretion, HABC may offer a HUD-VASH family that the VAMC certifies no longer needs case management services continued housing choice voucher (HCV) assistance through one of its regular vouchers in order to free up the HUD-VASH voucher for another HUD-VASH eligible family.
3. Under such circumstances, HABC shall conduct a full criminal history check to determine whether the family should be admitted to the regular housing choice voucher program in accordance with the requirements of Chapter 15 - Denial or Termination of Assistance, of this Administrative Plan. *The family must meet citizenship and other requirements to be admitted to the regular housing choice voucher program.*

E. Waiting List and Preferences

HABC does not have the authority to maintain a waiting list or apply admission preferences for HUD-VASH vouchers. The HUD Secretary has waived 24 CFR sections 982.202, 982.204, and 982.207 relating to applicant selection from the waiting list, cross listing of the waiting list and opening and closing of the waiting list. 24 CFR sections 982.203, 982.205 and 982.206 regarding special admissions, cross-listing and opening and closing the waiting list also do not apply.

HABC will serve the HUD-VASH clients as a category of families under this chapter (Chapter 19 - Special Program-HUD VASH).

F. Reasonable Accommodation and Civil Rights

HABC HUD-VASH program will be administered in accordance with Fair Housing Requirements. If a VASH recipient is a disabled veteran, HUD's reasonable accommodation standards will apply.

G. Income Eligibility

1. HABC will determine income eligibility in accordance with CFR 982.201. Income targeting requirements of section 16(b) of the USHA of 1937, as well as 24 CFR 982.201 (b)(2), do not apply to HUD-VASH families.
2. As in the regular voucher program, HABC will determine whether a family is income eligible prior to the provision of the HUD-VASH assistance (applicant). If the family is over income based on the most recent published income limits for family size, the family will be ineligible for HCV assistance. After admission, income limits do not apply (participant).
3. No HUD-VASH family who owes money to HABC in conjunction with the HCV or Public Housing Program will be denied.
4. Income targeting requirements of 24 CFR 982.201(b)(2) do not apply for HUD-VASH families. HABC may choose to include the admission of extremely low income HUD-VASH families in its income targeting numbers for the fiscal year in which these families are admitted to the HUD-VASH program.

H. Initial Term of Voucher and Extension of Voucher

1. Chapter 8-F, Terms of Voucher shall not apply to the HUD-VASH program. HUD-VASH vouchers must have an initial search term of 120 days, or such other number of days as may be designated by the Secretary of Housing and Urban development for the HUD-VASH program. 24 CFR 982.303(a) which states that the initial search term of a voucher must be at least 60 days shall not apply since the initial search term of the voucher must be 120 days.
2. Except where required as a reasonable accommodation, the HUD-VASH voucher will expire after the initial 120 days.

I. Initial Lease Term

Initial lease term will be for 12 months. However, in order to provide opportunity for greater range opportunities for HUD-VASH voucher holders, initial leases may be for periods of less than 12 months. The HUD Secretary has waived 24 CFR 982.309(a)(2)(ii).

J. Units On Grounds of a Medical, Mental or Similar Public or Private Institution

HUD-VASH families will be permitted to live on the grounds of a VAMC in units owned by the VA. The HUD Secretary has waived 24 CFR 982.352(a)(5) for this purpose only.

K. Portability of HUD-VASH Vouchers

1. If the family initially leases up, or moves under portability provision, but the initial Public Housing Authority (in this case HABC) partnering VAMC will still be able to provide the necessary case management services due to the proximity to the partnering VAMC, the receiving PHA must process the move in accordance with the Portability procedures of 24 CFR 982.355 and those in Chapter 13 - Moves with Continued Assistance/Portability, of this Administrative Plan. However, the receiving PHA must bill the initial PHA to comply with the record keeping requirements established above. The receiving PHA does not have the option to absorb the HUD-VASH family.
2. When the receiving PHA completes the HUD 50058 under the scenario above, the action type that must be recorded on line 2a is "1" for new admission (a Family that is new to the HCVP) or "4" for a portability move-in (A Family that was [previously leased up in the jurisdiction of the initial PHA). Whether the Family is a new admission or a portability move-in, in Section 12 of the HUD-50058, line 12d is marked "Y", 12e must have an amount recorded and 12f must include the initial PHA's code.
3. If a Family moves where it not will not be possible for the initial PHA's partnering VAMC local servicer to provide case management services, the VAMC must first determine whether the HUD-VASH Family could be served by another VAMC that is participating in the program and the receiving PHA must have a HUD-VASH voucher for this Family. If the above conditions are met, the Families must be absorbed by the receiving PHA either as a new admission (upon initial participation in the HUD-VASH Program) or as a portability move-in (after initial leasing in the initial PHA's jurisdiction). Upon absorption, the initial PHA's HUD-VASH voucher will be available to lease to a new HUD-VASH eligible Family as determined by the partnering VAMC service provider and the absorbed Family will count towards the number of HUD-VASH slots awarded to the receiving PHA.
4. When the receiving PHA completes HUD 50058 under the scenario above, the action type that must be recorded on line 2a is "1" for new admission (a Family that is new to the HCVP) or "4" for a portability move-in (a Family that was previously leased up in the jurisdiction of the initial PHA). Whether the Family is a new admission or portability move in, in Section 12 of the HUD 50058, line 12d is marked "Y", 12e must be 0 since the family must be absorbed, and 12f must be left blank.

L. Case Management Requirement

The VAMC Service Provider's responsibilities include:

- Screening of the homeless Veterans to determine eligibility for the HUD-VASH Program as established by the Veteran's Affairs national office;
- Providing appropriate treatment and supportive services to potential HUD-VASH Program participants, if needed, prior to PHA issuance of rental vouchers;
- Providing housing search assistance to HUD-VASH voucher holders;
- Identifying the social service and medical needs of HUD-VASH participants and providing, or ensuring the provision of regular ongoing case management, outpatient health services, hospitalization, and other supportive services as needed throughout this initiative;
- Maintaining records and providing information for evaluation purposes, as required by HUD and the Veterans Affairs.
- Participation Contingent on Case Management - As a condition of assistance, the HUD-VASH participant in case management services without good cause, is grounds for termination. HUD-VASH participants will be required to acknowledge on an annual basis that housing assistance is conditioned on participation in case services. The case management requirement will be an addition to the Family Obligations described in Chapter 15-C of this Administration Plan.
- It is not grounds for termination if the VAMC determines that the Family no longer requires case management.

M. Transfer from HUD-VASH to Tenant-Based Assistance

If the VAMC Service Provider no longer requires case management or the Veteran will no longer reside with the Family, HABC may offer the family a regular tenant-based voucher, if available, in the tenant-based program to free up the HUD-VASH voucher for another Family. The offer of a tenant-based voucher is subject to the eligibility requirements set forth in Chapter 2 - Eligibility for Admission, of this Administrative Plan.

N. Project-Based Assistance

HABC may consider on a case by case basis, request (with the support of VAMC Service Provider) to transfer a HUD-VASH Family to a project-based/Public Housing unit in accordance with 24 CFR part 983.

O. Informal Reviews and Informal Hearings

1. If a HUD-VASH family is denied assistance or has its assistance terminated it is entitled to an informal review or hearing respectively. Families are entitled to this review in accordance with 24 CFR 982.554 or 982.555 as applicable. This includes denial of admission due to the limited reasons noted in the Operating Requirements (over-income and the homeless veteran is a sex offender subject to lifetime registration under state law) and termination of assistance for failure to comply with program requirements including compliance with case management as determined by the VAMC Service Provider.
2. If an applicant is denied, HABC must inform the applicant, VAMC, HUD D.C. that the applicant is not eligible.

P. Additional Requirements:

- If a homeless Veteran dies, the voucher will continue with the remaining members of the tenant family. HABC will issue its own voucher, if available. If a regular voucher is not available, the family would continue utilizing the HUD-VASH voucher.
- If there is a case of separation or divorce, the voucher must remain with the Veteran. This, in effect overrides HABC policies on how to determine who remains in the program if a family breaks up (24 CFR 982.54 (d)(11)).
- Any homeless veteran family that is low income (i.e. families with income at or below 80% of the area median income may qualify for VASH) per 924 CFR 5.603 (2007).
- VAMC service provider will provide HABC with records and information necessary to evaluate the program. The only reporting form mentioned/utilized is the HUD 50058.
- If the VA service provider verifies to HABC that the family has failed to participate in services without good cause, then HABC must terminate the voucher.
- If HABC determines an applicant is not eligible, HABC will provide the applicant family with denial reason and applicant has an opportunity for an Informal Review if they provide a request within 14 calendar days.

CHAPTER 20

DENIALS & INFORMAL REVIEWS

An applicant may be denied assistance under the HCV program for program violations that are identified as grounds for denial of assistance. Denial of assistance includes:

- Denial of listing on the PHA waiting list;
- Denial or withdrawal of a voucher;
- Refusal to enter into a HAP contract or approve a unit; and
- Refusal to process or provide assistance through portability.

A. INFORMAL REVIEW PROCEDURES

Reviews are provided for applicants who are denied eligibility from becoming program participants. However, applicants denied assistance due to ineligible citizenship/immigration status are not entitled to an informal hearing.

Upon determination of ineligibility, the family will be notified in writing by certified mail within thirty (30) calendar days from the date of the determination. The notice will contain the reason(s) for denial and provide the applicant with the opportunity to request an informal review if the applicant does not agree the decision of HABC.

The applicant will be required to request the Informal Review in writing within ten (10) business days from the date of the denial letter.

The person who made or approved the decision under review may not conduct the Informal Review. The review will be conducted by the Executive Director or the Director's designee.

The applicant will be given the option of presenting oral or written objection to the decision. Both the applicant and HABC may present evidence and witnesses. The applicant may use an attorney or other representative to assist them at their own expense.

A notice of the Review decision will be provided in writing 15 business days after the review. It will include an explanation of the reasons for the decision.

All requests for review, supporting documentation and results will be retained in the applicant's file.

Informal Reviews are not required for established policies and procedures and HABC's determinations, such as:

- Discretionary administrative determinations by HABC;
- General policy issues or class grievances;
- A determination of the family's Voucher size;
- Refusal to extend or suspend a Voucher;
- HABC's determination not to grant approval of a tenancy;
- Determination that unit is not in compliance with HQS;
- Determination that unit is not in accordance with HQS due to family size or composition.

B. PREFERENCE DENIALS

When HABC denies a preference to an applicant, the family will be notified in writing of the reason for the denial and offered the opportunity for a meeting to dispute HABC's decision.

C. GROUND FOR DENIAL

Admission will automatically be denied to the following:

1. Applicant households who fail to meet the eligibility criteria in Chapter 6 of this Plan.
2. Applicant households who fail to sign required consent forms and/or submit requested documents.
3. Persons who have been evicted within the last three (3) years from federally-assisted housing due to drug-related criminal activity. This may be waived by the PHA if:
 - a) The person demonstrates successful completion of a rehabilitation program approved by the PHA;
 - b) Circumstances leading to the eviction no longer exist, e.g., the individual involved in the drug-related activity is no longer in the household because the person has died or is imprisoned.
4. Persons engaging in illegal use of a drug, if:
 - a) The PHA determines that any household member is currently engaging in illegal use of a drug ("currently engaged in" means recent enough to justify a reasonable belief that the behavior is current);

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- b) The PHA determines that it has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- 5. Persons convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing (permanently prohibited from admission).
- 6. Persons subject to a lifetime registration requirement under a State sex offender registration program (permanently prohibited from admission).
- 7. Persons who have demonstrated a pattern of alcohol abuse that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- 8. Persons who have committed fraud, bribery, or any other corruption in connection with any federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from.

CHAPTER 21

TERMINATIONS & INFORMAL HEARINGS

To preserve the integrity of the housing choice voucher program, it is important that families abide by their family obligations and lease agreements. It is also essential that owners comply with their obligations under the terms of the HAP contract. This chapter discusses PHA, owner, and family responsibilities in terminations of tenancy, terminations of assistance, and terminations of the HAP contract under the HCV program.

HABC may deny or terminate assistance for a family because of action or inaction by the family.

A. GROUNDINGS FOR PROGRAM TERMINATION

If HCV program termination is based upon behavior resulting from a disability, HABC will delay the denial or termination in order to determine if there is an accommodation, which would negate the behavior resulting from the disability.

Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a tenancy
- Terminating Housing Assistance Payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures

Mandatory Denial and Termination

HABC will terminate assistance for participants:

- If any member of the family fails to sign and submit HUD or HABC required consent forms for obtaining information.
- If no member of the family is an U.S. citizen or eligible immigrant.
- If the family is under contract and 180 days have elapsed since HABC's last Housing Assistance Payment.
- Deny assistance to applicants and terminate the assistance of persons convicted of manufacturing or producing methamphetamine in violation of any Federal or State law.

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- If any member of the family has been evicted from federally assisted housing for a serious violation of the lease, HABC will deny admission for 5 years after the eviction occurred.
- Terminate program assistance for a family evicted from housing assisted under the program for a serious violation of the lease.
- Deny admission to the program for an applicant or terminate program assistance for a participant if any member of the family fails to sign and submit consent forms for obtaining information in accordance with Part 5, subparts B and F.
- Deny admission or terminate assistance when required under the regulations to establish citizenship or eligible immigration status.

HABC will deny program assistance for an applicant or terminate program assistance for a participant, as follows:

- The family violates any family obligation under the program (24 CFR 982.551).
- Any member of the family has ever been evicted from public housing.
- A PHA has terminated assistance under the program for any member of the family.
- If any member of the family commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- The family currently owes a debt to a PHA in connection with the HCV or public housing program under the 1937 Act.
- The family breaches an agreement with a PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA. The PHA at its discretion may offer the family the opportunity to enter into a repayment agreement. HABC will prescribe the terms of the agreement.
- The family participating in an FSS program fails to comply, without good cause, with the family's FSS contract of participation.
- If the family fails to fulfill its obligation under the HCV welfare-to-work program.

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- The family has engaged in/or threatened abusive or violent behavior toward HABC personnel. This includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language that is used to insult or intimidate, may be cause for termination or denial.
- Oral or written threats or physical gestures that communicate an intent to abuse or commit violence.
- Actual physical abuse or violence will always be cause for termination.
- Prohibit admission of any household that includes a person subject to a lifetime registration under a state Sex Offender Program.
- The PHA may terminate for violent or drug-related criminal activity regardless of whether the family member is arrested or convicted.
- Any member of the family whose drug or alcohol abuse interferes with the health, safety or peaceful enjoyment of others - Crime by Family Member (see One Strike policy below).
- If any member of the family commits drug-related criminal activity, or violent criminal activity. (see One Strike policy below and 24 CFR 982.553).
- Other criminal activity which may threaten the health or safety of the owner, property management, or persons performing a contract administration function or responsibility on behalf of HABC (including an HABC employee or contractor, subcontractor or agent).
- If any family member commits fraud, bribery, or any other corrupt or criminal act in connection with any federal program.

B. "ONE STRIKE" POLICY. HABC's policy is designed to:

- Help create and maintain a safe and drug-free community;
- Keep our program participants free from the threats to their personal and family safety;
- Support parental efforts to instill values of personal responsibility and hard work;
- Help maintain an environment where children can live safely, learn and grow up to be productive citizens;

- Assist families in their vocational/educational goals in the pursuit of self-sufficiency.

Administration

All screening and termination of assistance procedures are administered fairly and in such a way as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, sexual orientation or other legally protected groups.

To the maximum extent possible, HABC will involve other community and governmental entities in the promotion and enforcement of this policy.

This policy is posted in the lobby and copies made readily available to applicants and participants upon request.

Screening of Applicants

Drug-related activity is defined as the “illegal manufacture, sale distribution, use or possession with intent to manufacture, sell distribute or use a controlled substance”. Drug-related criminal activity relates to on or near the premises.

Violent criminal activity is defined as “criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and being engaged in by any family member”.

In an effort to prevent future drug-related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, HABC will screen all applicants thoroughly and fairly as possible for drug-related and violent criminal behavior. Such screening will apply to any member of the household who is 18 years of age or older.

HABC will deny participation in the program to applicants and terminate assistance to participants in cases where HABC determines there is reasonable cause to believe that the person is illegally using a controlled substance or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where HABC determines that there is a pattern of illegal use of a controlled substance or pattern of alcohol abuse for a minimum of five (5) years.

HABC will consider the use of a controlled substance or alcohol to be a pattern if there is more than one incident during the previous six-month period.

“Engaged in or engaging in” violent criminal activity means any act within the past three years by applicants or participants, household members, or guests which involved criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person of another, which resulted in the arrest and/or conviction of the applicant or participant, household members, or guests.

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

In evaluating evidence of negative past behavior, HABC may give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

Termination of Assistance for Drug-Related or Violent Criminal Activity

Ineligibility if Evicted for Drug-Related Activity:

Persons evicted from public housing, Indian Housing, Section 23 or any HCV program because of drug-related criminal activity are ineligible for admission to the HCV program for a three-year period beginning on the date of such eviction.

Applicants will be denied assistance if they have been:

- Evicted from a unit under the Housing Act of 1937 due to violent criminal activity within the last three years that resulted in a conviction, prior to the date of the certification interview.

Participants will be terminated who have been:

- Evicted from a unit assisted under the Housing Act of 1937, due to drug-related or violent criminal activity within the last year of participation, that resulted in a conviction, prior to the date of the notice to terminate assistance, and whose activities have created a disturbance in the building or neighborhood.

If the family violates the lease for drug-related or violent criminal activity, HABC will terminate assistance.

HABC may permit the family to continue receiving assistance provided that family members determined to have engaged in the prescribed activities will not reside in the unit. If the violating member is a minor, HABC may consider individual circumstances with the advice of Juvenile Court officials.

Termination of Assistance for Participants

If the family violates the lease for drug-related or violent criminal activity, HABC will terminate assistance.

HABC may permit the family to continue receiving assistance provided that family members determined to have engaged in the prescribed activities will not reside in the unit. If the violating member is a minor, HABC may consider individual circumstances with the advice of Juvenile Court officials.

C. NOTICE OF TERMINATION OF ASSISTANCE

In any case where HABC decides to terminate assistance, written notice will be given to the family which states:

- The reason(s) for the proposed termination;
- The effective date of the proposed termination;
- The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.
- The family will have ten (10) business days from receipt of the certified letter by which to request an informal hearing.

HABC will simultaneously provide written notice of contract termination to the owner to coincide with the Termination of Assistance.

Required Evidence

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

Credible evidence may be obtained from police, court records, and may include testimony from neighbors when combined with other evidence. HABC will pursue fact-finding efforts as needed to obtain credible evidence.

Confidentiality of Criminal Records

HABC will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

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All criminal reports, while needed, will be housed in a locked file with access limited to upper management for screening and determining eligibility for initial and continued assistance.

Misuse of the above information by any employee will be grounds for termination of employment.

If the family is determined eligible for initial or continued assistance, the criminal report will be shredded when the information is no longer needed.

If the family's assistance is denied or terminated, the criminal record information shall be shredded immediately upon completion of the review or hearing procedures and a final decision has been made.

The PHA will document in the family's file the circumstances of the criminal report and the date the report was destroyed.

Housing Authority Discretion

In deciding whether to deny or terminate assistance due action or failure to act by members of the family, HABC has discretion to consider all of the circumstances in each case. HABC will review the length of time since the violation occurred and the family's more recent history and record of compliance, and the effects that denial or termination of assistance may have on other family members.

HQS Breach

The Executive Manager will determine if an HQS breach is identified in 24 CFR 982.404(b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by the Executive Director based on the recommendation of the Executive Manager and Housing Inspector.

Lease Violations

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

- If the owner terminates tenancy through court action for serious or repeated violation of the lease.
- If the owner notifies the family of termination of tenancy assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and HABC determines that the cause is a serious or repeated violation of the lease based on available evidence.

HABC Administrative Plan

- If there are police reports, neighborhood complaints or other third party information, that has been verified by HABC.
- Nonpayment of rent is considered a serious violation of the lease.

In each case, HABC will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

D. INFORMAL HEARING GUIDELINES and PROCEDURES

HABC shall give a participant in the HCV program, an opportunity for an informal hearing to consider whether decisions relating to the individual circumstances of the family are in accordance with law, HUD regulations, and HABC's Administrative Plan in the following cases:

1. A determination of the amount of the total tenant payment or tenant rent (not to include determinations of the Utility Allowance Schedule).
2. A decision to deny or terminate assistance on behalf of the participant.
3. In the case of an assisted family which wants to move to another dwelling unit with continued participation, the determination of the number of bedrooms entered on the Housing Voucher.
4. Determination to terminate a family's FSS Contract, withhold supportive services, or propose forfeiture of the family's escrow account.
5. Determination to pay an owner a claim for damages unpaid rent or vacancy loss.

HABC must always provide the opportunity for an informal hearing before termination of assistance.

An Informal Hearing is not required for established policies and procedures and HABC's determination, such as:

1. To review HABC's determination that a unit does not comply with Housing Quality Standards, that the owner has failed to maintain or operate a housing unit (including services, maintenance and utilities required under the lease), or that the contract unit is not decent, safe and sanitary due to a change in family composition.
2. To review a decision by HABC to exercise any remedy against the owner under an outstanding contract, including the termination of Housing Assistance Payments to the owner.

3. To review HABC's decision not to approve a family's request for an extension of the term of the housing voucher issued to an assisted family which wants to move to another dwelling with continued participation in the HCV Program.
4. Discretionary administrative determinations by HABC.
5. General Policy issues or class grievances.

HABC will give the family prompt notice of such determinations as follows:

- The proposed action or decision of HABC;
- The date the proposed action or decision will take place;
- The family right to an explanation of the basis of the decision;
- The procedures for requesting a hearing if the family disputes the action or decision;
- The time limit for requesting the hearing;
- To whom the hearing request should be addressed;
- A copy of HABC's hearing procedures.

Notification of Hearing

It is HABC's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, HABC will ensure that applicants and participants will receive all of the protections and rights afforded by the law and regulations.

Upon receipt of the informal hearing request, HABC will schedule the informal hearing within fifteen (15) business days. The notification of the hearing will contain:

- The date and time of the hearing;
- The location where the hearing will be held;
- The family's right to bring evidence, witnesses, legal or other representation at the family's expense;
- The right to review documents or evidence which HABC based the proposed action, and, at the family's expense to obtain a copy of such documents prior to the hearing. Requests for such documents must be received no later than 5 days prior to the hearing date.

Hearing Procedures

The program participant may reschedule only upon showing “good cause” which is defined as an unavoidable conflict, which seriously affects the health, safety or welfare of the family.

If the family does not appear at the scheduled time, and did not make arrangements in advance, HABC will automatically proceed with the informal hearing, make a determination on the grounds inaction by the family and terminate the assistance.

Families have the right to:

- Present written or oral objections to HABC’s determination;
- Examine the documents in the file, which are the basis for HABC’s action, and all documents submitted to the Hearing Officer;
- Copy any relevant documents at their expense;
- Present any information or witnesses pertinent to the issue of the hearing;
- Request that HABC be available or present at the hearing to answer questions pertinent to the case; and
- Be represented by legal counsel, advocate, or other designated representative at their own expense.

In no case will the family or family representative(s) be allowed to remove the family file from HABC’s office.

In addition to other rights contained in this Chapter, HABC has a right to:

- Present evidence and any information pertinent to the issue of the hearing;
- Be notified if the family intends to be represented by legal counsel, advocate, or another party;
- Examine and copy any documents to be used by the family prior to the hearing;
- Have its attorney present; and
- Have staff persons and other witnesses familiar with the case present.

The Informal Hearing shall be conducted by the Executive Director (Hearing Officer) who must not be the person who made or approved the decision.

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of the evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.

All requests for a hearing, supporting documentation and a copy of the final decision will be retained in the family's file.

E. HEARING and APPEAL PROVISIONS DUE TO IMMIGRATION STATUS

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the HABC hearing is pending but assistance to an applicant may be delayed pending HABC hearing.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, HABC will notify the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with HABC either in lieu of or subsequent to the INS appeal.

The request for an HABC hearing must be made within fourteen days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in this chapter. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members HABC will:

- Deny the applicant family; or
- Terminate the participant if the family.

If there are eligible members in the family, HABC will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

- If any family member fails to provide documentation or certification, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.

- Participants whose assistance is pro-rated are entitled to a hearing based due to the determination of Total Tenant Payment.
- Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

**F. MITIGATING CIRCUMSTANCES FOR APPLICANTS/
PARTICIPANTS WITH DISABILITIES**

When applicants are denied placement on the waiting list or assistance is terminated for participants, they will be informed that presence of a disability may be considered as a mitigating circumstance.

Mitigating circumstances are defined as:

1. A person with a cognitive disorder may not have understood the requirement to report increases in income;
2. A person may not understand the need to make regular repayments on a promissory note;
3. Minor criminal records for public drunkenness may be due to medication; prior incarcerations for being disorderly may be emotional disorder.

G. PROCEDURES FOR NON-CITIZENS

Denial due to Ineligible Immigration Status

Applicant families in which all members are neither U.S. citizens nor eligible immigrants will be determined ineligible for the HCV program and offered an opportunity for an Informal Hearing.

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

False or Incomplete Information

When HABC has clear, concrete, or substantial documentation (such as permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual will be given an opportunity to present relevant information.

If the individual is unable to verify their citizenship, HABC will not give him/her an opportunity to provide a new declaration as an eligible immigrant or an opportunity to elect not to contend their status.

HABC will then verify eligible status, deny, terminate, or prorate as applicable. HABC will deny or terminate assistance based on the submission of false information or misrepresentation.

Procedure for Denial or Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with HABC either after the INS appeal or in lieu of the INS appeal.

After HABC has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

H. TERMINATION DUE TO MISREPRESENTATION

If the family misrepresented any facts that caused an overpayment of housing assistance, HABC may choose not to terminate and may offer a repayment agreement in order to continue assistance.

I. MISREPRESENTATION IN COLLUSION WITH OWNER

If the family intentionally, willingly, and knowingly commits fraud or is involved in any other illegal scheme with the owner, HABC will deny or terminate assistance.

In making this determination, HABC will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

J. MISSED APPOINTMENTS and DEADLINES

It is a Family Obligation to supply information, documentation, and certification as needed for HABC to fulfill its responsibilities. HABC schedules appointments and sets deadlines in order to obtain required information. The Obligations also require that the family allows HABC to inspect the housing unit, and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply required information by a deadline, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information or for failure to allow the agency to inspect the housing unit.

The family will be given information about the requirement to keep appointments and the number of times appointments will be rescheduled, as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

- Eligibility for Admissions
- Verification Procedures
- Voucher Issuance and Briefings
- Housing Quality Standards and Inspections
- Re-examinations
- Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are:

- Medical emergency
- Incarceration
- Family emergency

Procedure when appointments are missed or information not provided:

For most purposes in this Plan, the family will be given two appointments before being issued a notice of termination or denial for breach of a family obligation.

If the family offers to correct the breach within the time allowed to request a hearing, the notice may be rescinded if the family offers to cure the breach and the family does not have a history of non-compliance.

K. HOUSING ASSISTANCE PAYMENTS (HAP) CONTRACT TERMINATION

The Housing Assistance Payments (HAP) contract is the contract between the owner and the PHA that defines the responsibilities of both parties. The term of the HAP Contract is the same as the term of the lease. HABC or the owner may terminate the Contract between the owner and HABC.

HABC Administrative Plan

HABC may terminate the HAP contract for the following reasons:

1. Families who are guilty of program abuse or fraud in any federal housing assistance program.
2. Families who have violated one of their family obligations as listed on the voucher.
3. Families must pay their outstanding balance prior to the issuance of a voucher or execution of a HAP Contract (they will be allowed to remain in their current unit under their same contract).
4. Families whose total tenant payment is sufficient to pay the full gross rent and 180 days (6 months) have elapsed since HABC's last HAP payment on their behalf.
5. Families whose appropriate members do not provide their Social Security information and documentation within the time required and specified by HABC.
6. Owner committed fraud or misrepresentation in connection with the HCV Program.
7. If the owner is the parent, child, grandparent, sister or brother of any member of the family.
8. Owner's failure to correct HQS items and the abatement period has passed.
9. If the owner or family terminates the lease, in accordance with the terms of the lease.
10. If the family moves out of the unit at any time.

No Housing Assistance Payments will be made on behalf of the family to the owner after the month in which the Contract is terminated, and the owner must reimburse HABC for any payments made for any period after the contract termination date.

If the family continues to occupy the unit after the HAP contract is terminated, the family is responsible for the full rent due to the owner.

HABC must continue making Housing Assistance Payments to the owner in accordance with the HAP contract, as long as the family continues to occupy the unit and the contract is not violated. By endorsing the monthly check from HABC, the owner certifies that the family is still in the unit, the rent is reasonable and they are in compliance with the contract.

L. TERMINATION OF THE CONTRACT BY PHA

The term of the HAP contract terminates, when the lease terminates, when HABC terminates program assistance for the family, and/or due to an owner breach of the HAP contract.

HABC may also terminate the contract if:

- The family is required to move from a unit when the unit does not meet HQS space standards.
- Funding is no longer available under the ACC.
- If 180 days have passed since the last Housing Assistance Payment to the owner.

M. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS

If the owner wishes to terminate the lease, the owner is required under the lease, to provide proper notice as stated in the lease.

During the term of the lease, the owner may not terminate the tenancy except for the grounds stated in HUD regulations.

During the term of the lease the owner may only evict for:

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

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

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

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

HABC requires that the owner specify the section of the lease that was violated and cite some or all of the ways in which the tenant violated that section as documentation for the decision to terminate housing assistance.

HABC Administrative Plan

Housing Assistance Payments are paid to the owner under the terms of the HAP contract. If the owner has begun eviction and the family continues to reside in the unit, HABC will continue to make Housing Assistance Payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

HABC will continue Housing Assistance Payments until the family moves or is evicted from the unit.

If the action is finalized in court, the owner must provide HABC with the documentation, including notice of the lockout date.