

## ATTACHMENT J

### Changes to the Public Housing ACOP and Section 8 Administrative Plans

The following are the changes to the Public Housing ACOP and Section 8 Administrative Plans for the Housing Authority of the City of San Buenaventura. The changes, completed in partnership with Nan McKay, were an extensive update to ensure compliance with current HUD regulations. In order to conserve paper, the changes appear in strikeout/underline format with full chapters at the front desk of each office (Riverside St. and Snapdragon St.) for public review, and a summary of the proposed changes appears here (in summary, underline format). The Section 8 Administrative Plan summary of changes begins on page 57.

### Changes to the Public Housing ACOP

#### Chapter 2

#### FAIR HOUSING AND EQUAL OPPORTUNITY

#### PART I: NONDISCRIMINATION

##### 2-I.B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes. State and local requirements, as well as PHA policies, can prohibit discrimination against additional classes of people.

The PHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (called “protected classes”).

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

##### HACSB Policy

The HACSB shall not discriminate because of race, color, sex, religion, familial status, age, disability, national origin, marital status, ancestry, source of income, sexual orientation, age or arbitrary physical characteristics.

The PHA will not use any of these factors to:

- [Discriminate in the provision of residential real estate transactions](#)
- [Discriminate against someone because they are related to or associated with a member of a protected class](#)
- [Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class](#)

#### PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

## **2-II.A. OVERVIEW**

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

The PHA must ensure that persons with disabilities have full access to the PHA's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the public housing program [24 CFR 8].

The PHA must provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation of a handicap of a household member, including reasonable accommodation so that the tenant can meet lease requirements or other requirements of tenancy [24 CFR 966.7(b)].

### HACSB Policy

HACSB will ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the HACSB, by including the following language:

[“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact your property manager or the Public Housing Director.”](#)

## **2-II.B. DEFINITION OF REASONABLE ACCOMMODATION**

A “reasonable accommodation” is a change, exception, or adjustment to a policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]

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

### **Types of Reasonable Accommodations**

When it is reasonable (see definition above and Section 2-II.E), the PHA shall accommodate the needs of a person with disabilities. Examples include but are not limited to:

- Permitting applications and reexaminations to be completed by mail

- [Conducting home visits](#)
- [Permitting a higher utility allowance for the unit if a person with disabilities requires the use of specialized equipment related to the disability](#)
- [Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability](#)
- Installing a ramp into a dwelling or building
- [Installing grab bars in a bathroom](#)
- Installing visual fire alarms for hearing impaired persons
- Allowing a PHA-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the support of the person with disabilities, and would not be otherwise living in the unit.
- [Providing a designated handicapped-accessible parking space](#)
- Allowing an assistance animal
- [Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with PHA staff](#)
- [Displaying posters and other housing information in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair](#)

## **2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS**

HUD regulations require the PHA to take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to the PHA's programs and services [24 CFR 8.6].

At the initial point of contact with each applicant, the PHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

### HACSB Policy

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be available.

[To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with HACSB staff, one-on-one assistance will be provided upon request.](#)

Additional examples of alternative forms of communication are sign language interpretation; using emails for communications, having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

## **2-II.G. PHYSICAL ACCESSIBILITY**

The PHA must comply with a variety of regulations pertaining to physical accessibility, including the

following.

- Notice PIH 2006-13
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

The PHA's policies concerning physical accessibility must be readily available to applicants and resident families. They can be found in three key documents.

- This policy, the Admissions and Continued Occupancy Policy, describes the key policies that govern the PHA's responsibilities with regard to physical accessibility.
- Notice PIH 2006-13 summarizes information about pertinent laws and implementing regulations related to non-discrimination and accessibility in federally-funded housing programs.
- [The PHA Plan provides information about self-evaluation, needs assessment, and transition plans.](#)

The design, construction, or alteration of PHA facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the public housing program.

## Chapter 3

### ELIGIBILITY

#### PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

##### 3-I.C. FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY

###### Family Break-up

###### HACSB Policy

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will continue to be assisted.

If a court determines the disposition of property between members of the applicant or resident family in a divorce or separation decree, the HACSB will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, the HACSB will determine which family retains their placement on the waiting list, or will continue in occupancy taking into consideration the following factors: (1) the interest of any minor children, including custody arrangements, (2) the interest of any ill, elderly, or disabled family members, (3) any possible risks to family members as a result of domestic violence or criminal activity, and (4) the recommendations of social service professionals.

### **3-I.J. GUESTS [24 CFR 5.100]**

A *guest* is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near PHA premises [24 CFR 966.4(f)].

#### HACSB Policy

A resident family must notify HACSB in writing when overnight guests will be staying in the unit for more than 3 days. A guest may visit in the unit no more than 14 cumulative calendar days during any 12 month period.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 20 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Former residents who have been evicted are not permitted as overnight guests.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above.

An individual is considered to be an overnight guest if:

- Sleeping in the unit anytime of the day or night;
- Allowed to bathe in the unit;
- Allowed to prepare multiple meals in the unit;
- Does laundry inside the unit or uses building laundry facilities;
- Has been given the key or key card to access the unit or building.

Guests who represent the unit address as their residence address for receipt of benefits or other purposes will be considered unauthorized occupants. This includes, but is not limited to, those individuals:

- Using the unit address to receive mail or correspondence;
- Using the unit address for court, law enforcement, probation, or parole reporting purposes;
- Using the unit address for reporting to any government agency, including SSA, Human Services Agency, and State Unemployment/Disability offices; or
- Using the unit address for any other purposes.

In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease and may lead to subsequent eviction and/or fraud prosecution.

### **3-I.L. ABSENT FAMILY MEMBERS**

Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment, and illness.

#### **Definitions of Temporarily and Permanently Absent**

##### HACSB Policy

Generally an individual who is or is expected to be absent from the public housing unit for 90 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the public housing unit for more than 90 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

#### **Absent Students**

##### HACSB Policy

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the HACSB indicating that the student has established a separate household or the family declares that the student has established a separate household.

#### **Absences Due to Placement in Foster Care [24 CFR 5.403]**

Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

##### HACSB Policy

If a child has been placed in foster care, the HACSB will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member. This also applies to minor children who are in detention facilities, such as juvenile hall.

### **3-I.M. LIVE-IN AIDE**

*Live-in aide* means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the persons, (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].

The PHA must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by a family member with disabilities.

A live-in aide is a member of the household, not the family, and the income of the aide is not considered in income calculations [24 CFR 5.609(c)(5)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

#### HACSB Policy

A family's request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional of the family's choosing, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member. [For continued approval, the family must submit a new, written request—subject to HACSB verification—at each annual reexamination.](#)

## **PART II: BASIC ELIGIBILITY CRITERIA**

### **3-III.B. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]**

PHAs are required to establish standards that prohibit admission of an applicant to the public housing program if they have engaged in certain criminal activity or if the PHA has reasonable cause to believe that a household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

Where the statute requires that the PHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, the PHA may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c)(3)(ii)].

HUD requires the PHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity. HUD permits but does not require the PHA to admit an otherwise-eligible family if the household member has completed a PHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g. the person involved in the criminal activity no longer lives in the household).

#### HACSB Policy

The HACSB will deny assistance if any member of the household has been evicted from federally-assisted housing in the last [5 years](#) for drug-related criminal activity.

The HACSB will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past 5 years for drug-related criminal activity, if the HACSB is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by the PHA and provides proof acceptable to HACSB of program completion, or the person who committed the crime is no longer living in the household.

- The PHA determines that any household member is currently engaged in the use of illegal drugs. *Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. *Currently engaged in the illegal use of a drug* means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member [24 CFR 960.205(b)(1)].

### **3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION**

HUD permits, but does not require PHAs to deny admission for reasons discussed in this section.

#### **Criminal Activity [24 CFR 960.203 (b) and (c)]**

Under the Public Housing Assessment System (PHAS), PHAs that have adopted policies, implemented procedures and can document that they successfully screen out and deny admission to certain applicants with unfavorable criminal histories receive points.

The PHA is responsible for screening family behavior and suitability for tenancy. In doing so, the PHA may consider an applicant's history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

#### HACSB Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities within the past five years, the family will be denied admission:

*Drug-related criminal activity*, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

*Violent criminal activity*, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or welfare of other tenants [24 CFR 960.203(c)(3)].

Criminal activity that may threaten the health or safety of PHA staff, contractors, subcontractors, or agents.

Criminal sexual conduct, including but not limited to sexual assault, incest, lewd conduct, or child abuse.



Program fraud related to any federal or state assistance programs.

Criminal activity taking place on federally-assisted premises.

Families will be denied assistance for 1 year after any household member has completed all parole or probation requirements for any drug-related or violent criminal activity.

HACSB imposes a lifetime ban on individuals convicted of murder, arson, or intentional violence against another person resulting in the victim's impairment of any kind.

Evidence of such criminal activity includes, but is not limited to any record of convictions, arrests, or evictions for suspected drug-related or violent criminal activity of household members within the past 5 years. A conviction for such activity will be given more weight than an arrest or an eviction.

In making its decision to deny assistance, the HACSB will consider the factors discussed in Sections 3-III.E and 3-III.F. Upon consideration of such factors, the HACSB may, on a case-by-case basis, decide not to deny assistance.

### **3-III.D. SCREENING**

#### **Screening for Eligibility**

PHAs are authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the public housing program. This authority assists the PHA in complying with HUD requirements and PHA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records the PHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

#### **Screening for Suitability as a Tenant [24 CFR 960.203(c)]**

The PHA is responsible for the screening and selection of families to occupy public housing units. The PHA may consider all relevant information. Screening is important to public housing communities and program integrity, and to ensure that assisted housing is provided to those families that will adhere to lease obligations.

##### HACSB Policy

The HACSB will consider the family's history with respect to the following factors:

Payment of rent and utilities

Caring for a unit and premises, including housekeeping

Respecting the rights of other residents to the peaceful enjoyment of their housing

Criminal activity that is a threat to the health, safety, or property of others

Behavior of all household members as related to the grounds for denial as detailed in Sections 3-III. B and C

Compliance with any other essential conditions of tenancy

## **Resources Used to Check Applicant Suitability [PH Occ GB, pp. 47-56]**

PHAs have a variety of resources available to them for determination of the suitability of applicants. Generally, PHAs should reject applicants who have recent behavior that would warrant lease termination for a public housing resident.

### HACSB Policy

In order to determine the suitability of applicants the HACSB will examine applicant history for the past five years. Such background checks will include:

#### *Past Performance in Meeting Financial Obligations, Especially Rent*

PHA and landlord references for the past five years, gathering information about past performance meeting rental obligations such as rent payment record, late payment record, whether the PHA/landlord ever began or completed lease termination for non-payment, and whether utilities were ever disconnected in the unit. PHAs and landlords will be asked if they would rent to the applicant family again.

Utility company references covering the monthly amount of utilities, late payment, disconnection, return of a utility deposit and whether the applicant can get utilities turned on in his/her name. (Use of this inquiry will be reserved for applicants applying for units where there are tenant-paid utilities.)

If an applicant has no rental payment history the HACSB will check court records of eviction actions and other financial judgments, [and credit reports](#). A lack of credit history will not disqualify someone from becoming a public housing resident, but a poor credit rating may.

Applicants with no rental payment history will also be asked to provide the HACSB with [personal references](#). The references will be requested to complete a verification of the applicant's ability to pay rent if no other documentation of ability to meet financial obligations is available.

If previous landlords or the utility company do not respond to requests from the HACSB, the applicant may provide other documentation that demonstrates their ability to meet financial obligations (e.g. rent receipts, cancelled checks, etc.)

### **3-III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING [24 CFR Part 5, Subpart L]**

[The Violence against Women Reauthorization Act of 2005 \(VAWA\) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking. Specifically, Section 607\(2\) of VAWA adds the following provision to Section 6 of the U.S. Housing Act of 1937, which lists contract provisions and requirements for the public housing program:](#)

Every contract for contributions shall provide that . . . the public housing agency shall not deny admission to the project to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

### **Definitions [24 CFR 5.2003]**

As used in VAWA:

- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
- The term *stalking* means:
  - To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
  - To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
  - In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.
- The term *immediate family member* means, with respect to a person –
  - A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
  - Any other person living in the household of that person and related to that person by blood and marriage.

### **Notification**

## HACSB Policy

The HACSB acknowledges that a victim of domestic violence, dating violence, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under the HACSB's policies. Therefore, if the HACSB makes a determination to deny admission to an applicant family, the HACSB will include in its notice of denial:

A statement of the protection against denial provided by VAWA

A description of HACSB confidentiality requirements

A request that an applicant wishing to claim this protection submit to the HACSB documentation meeting the specifications below with her or his request for an informal hearing (see section 14-1.B)

## **Documentation**

### **Victim Documentation**

#### HACSB Policy

An applicant claiming that the cause of an unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, or stalking must provide documentation (1) demonstrating the connection between the abuse and the unfavorable history and (2) naming the perpetrator of the abuse. The documentation may consist of any of the following:

A statement signed by the victim certifying that the information provided is true and correct and that it describes bona fide incident(s) of actual or threatened domestic violence, dating violence, or stalking

A police or court record documenting the domestic violence, dating violence, or stalking

Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical or other knowledgeable professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

### **Perpetrator Documentation**

#### HACSB Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the public housing unit

Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

### **Time Frame for Submitting Documentation**

#### HACSB Policy

The applicant must submit the required documentation with her or his request for an informal hearing (see section 14-1.B) or must request an extension in writing at that time. If the applicant so requests, the HACSB will grant an extension of 10 business days and will postpone scheduling the applicant's informal hearing until after it has received the documentation or the extension period has elapsed. If, after reviewing the documentation provided by the applicant, the HACSB determines that the family is eligible for assistance, no informal hearing will be scheduled, and the HACSB will proceed with admission of the applicant family.

### **PHA Confidentiality Requirements [24 CFR 5.2007(a)(1)(5)]**

All information provided to the PHA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

#### HACSB Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the HACSB will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

## **Chapter 4**

### **APPLICATIONS, WAITING LIST AND TENANT SELECTION**

#### **PART I: THE APPLICATION PROCESS**

##### **4-1.B. APPLYING FOR ASSISTANCE**

Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b)(2)(ii), 24 CFR 960.202(a)(2)(iv), and PH Occ GB, p. 68]. HUD permits the PHA to determine the format and content of its applications, as well how such applications will be made available to interested families and how applications will be accepted by the PHA. However, the PHA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the PHA's application [Notice PIH 2009-36].

### HACSB Policy

A two-step process will be used when families apply for assistance.

Step one; HACSB will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list.

Step two occurs when the family is selected from the waiting list. At that time, the family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay.

Families may obtain application forms from the HACSB's office during normal business hours. Applicants may also obtain the application form from HACSB's website: [www.hacityventura.org](http://www.hacityventura.org).

Families may also request – by telephone or by mail – that a form be sent to the family via first class mail.

Completed applications must be returned to the HACSB by mail, fax, or submitted in person during normal business hours. Applications must be complete in order to be accepted by the HACSB for processing. If an application is incomplete, the HACSB will notify the family of the additional information required.

#### **4-I.D. PLACEMENT ON THE WAITING LIST**

The PHA must review each completed application received and make a preliminary assessment of the family's eligibility. The PHA must place on the waiting list families for whom the list is open unless the PHA determines the family to be ineligible. Where the family is determined to be ineligible, the PHA must notify the family in writing [24 CFR 960.208(a); PH Occ GB, p. 41]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

#### **Eligible for Placement on the Waiting List**

##### HACSB Policy

For families being placed on the waiting list, HACSB will provide written notice acknowledging receipt of their application. This acknowledgement may be provided when the family delivers their application directly to the office. If not, it will be mailed within 10 business days of receiving a completed application.

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. A final determination of eligibility and qualification for preferences will be made when the family is selected from the waiting list.

Applicants will be placed on the waiting list according to HACSB preference(s) and the date and time their complete application is received by the HACSB.

The HACSB will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to HACSB standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.

## **PART II: MANAGING THE WAITING LIST**

### **4-II.A. OVERVIEW**

The PHA must have policies regarding the type of waiting list it will utilize as well as the various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how the PHA may structure its waiting list and how families must be treated if they apply for public housing at a PHA that administers more than one assisted housing program.

### **4-II.B. ORGANIZATION OF THE WAITING LIST**

The PHA's public housing waiting list must be organized in such a manner to allow the PHA to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

#### HACSB Policy

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

Name and social security number of head of household

Unit size required (number of family members)

[Amount of annual income](#)

Accessibility requirement, if any

Date and time of application

Household type (family, elderly, disabled)

Admission preference, if any

Race and ethnicity of the head of household

### **4-II.D. FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]**

The PHA should conduct outreach as necessary to ensure that the PHA has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that the PHA is affirmatively furthering fair housing and complying with the Fair Housing Act.

Because HUD requires the PHA to serve a specified percentage of extremely low income families, the PHA may need to conduct special outreach to ensure that an adequate number of such families apply for public housing.

PHA outreach efforts must be designed to inform qualified families about the availability of units under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

#### [HACSB Policy](#)

[HACSB will monitor the characteristics of the population being served and the characteristics of the population as a whole in the HACSB's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.](#)

### **PART III: TENANT SELECTION**

#### **4-III.A. OVERVIEW**

The PHA must establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. The PHA must not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. The PHA must not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin for purposes of segregating populations [24 CFR 1.4(b)(1)(iii) and 24 CFR 903.2(d)(1)].

The order in which families will be selected from the waiting list depends on the selection method chosen by the PHA and is impacted in part by any selection preferences that the family qualifies for. The availability of units also may affect the order in which families are selected from the waiting list.

[The PHA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to the PHA's selection policies \[24 CFR 960.206\(e\)\(2\)\]. The PHA's policies must be posted any place where the PHA receives applications. The PHA must provide a copy of its tenant selection policies upon request to any applicant or tenant. The PHA may charge the family for providing a copy of its tenant selection policies \[24 CFR 960.202\(c\)\(2\)\].](#)

#### [HACSB Policy](#)

[When an applicant or resident family requests a copy of the HACSB's tenant selection policies, the HACSB will provide copies to them free of charge.](#)



#### 4-III.B. SELECTION METHOD

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use.

##### **Local Preferences [24 CFR 960.206]**

PHAs are permitted to establish local preferences and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources [24 CFR 960.206(a)].

##### HACSB Policy

HACSB will select families from the waiting list as follows:

1. Families who are permanently displaced due to local (within HACSB's jurisdiction) government action will be selected first from the waiting list.
2. Families of federally declared disasters who are Section 8 voucher holders or public housing residents in another jurisdiction will be selected second from the waiting list.
3. Families that have been terminated from HACSB's HCV program due to insufficient funding will be selected third from the waiting list.

After families identified above are selected from the waiting list, HACSB will select families based on the total number of points families receive when the following preferences are applied. Families with the highest number of points will be selected first. Among families with equal points, families with the earliest date and time of application will be selected first. A family can earn no more than a maximum of 3 points.

Applicant families consisting of one individual who is elderly or disabled in the HACSB's jurisdiction will be given a selection priority over all "other Single" applicants

One (1) point will be given to a family that is:

- An Elderly Family (head of household, spouse, or co-head is 62 years of age or older); or,
- A family that contains a disabled family member; or,
- A family whose head of household is a U.S. Veteran (unless they received a dishonorable discharge); or,
- A family whose head of household is a surviving spouse of a Veteran; or
- A family with minor children.

One (1) point will be given to families who qualify for the Residency Preference.

In order to qualify for the residency preference, the head of household, spouse, or co-head must:

- Hold legal residence within HACSB's jurisdiction; or

- Work within HACSB's jurisdiction; or
- Have been hired to work within HACSB's jurisdiction.

One (1) point will be given to families who qualify for the Working Preference.

In order to qualify for the working preference, the head of household, spouse, or co-head must meet one of the following criteria:

- Be currently working, and have worked a minimum of 20 hours a week for the last three months; or
- Be currently enrolled and fully participating in the educational program as a full-time student in school or in a qualified training program; or
- Be currently working and have worked a minimum of 16 hours a week for the last three months AND be currently enrolled at least part-time in school or in a qualified training program.

*The HACSB defines training program as "a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period to time. It is designed to lead to a higher level of proficiency, and it enhances the individual's ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education" [expired Notice PIH 98-2, p. 3].*

- Be a qualified and approved participant in the California Work Opportunity and Responsibility to Kids (CALWORKS) welfare reform program. Must be an active participant in good standing and in compliance with identified welfare-to-work program requirements.
- Be currently receiving unemployment benefits and actively seeking work
- Be a family where the head of household is either elderly or disabled (if there is no spouse or co-head); or
- Be a family where the head of household and the spouse/cohead is either elderly or disabled (if there is a spouse or co-head).

Example 1: Head of household is elderly and the spouse is elderly. The family would receive benefit of the working preference.

Example 2: The head of household is disabled. The spouse is neither elderly nor disabled. This family would not receive benefit of the working preference. In order to receive such preference, the spouse would need to meet the working or school requirements as outlined above.

**Units Designated for Elderly or Disabled Families [24 CFR 945]**

The PHA may designate projects or portions of a public housing project specifically for elderly or disabled families. The PHA must have a HUD-approved allocation plan before the designation may take place.

Among the designated developments, the PHA must also apply any preferences that it has established. If there are not enough elderly families to occupy the units in a designated elderly development, the PHA may allow near-elderly families to occupy the units [24 CFR 945.303(c)(1)]. Near-elderly family means a family whose head, spouse, or cohead is at least 50 years old, but is less than 62 [24 CFR 5.403].

If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, the PHA must make available to all other families any unit that is ready for re-rental and has been vacant for more than 60 consecutive days [24 CFR 945.303(c)(2)].

The decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse affect on their admission or continued occupancy in public housing or their position on or placement on the waiting list. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area [24 CFR 945.303(d)(1) and (2)].

This protection does apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project [24 CFR 945.303(d)(3)].

#### HACSB Policy

[The HACSB does not have designated elderly or designated disabled public housing at this time.](#)

### **4-III.C. NOTIFICATION OF SELECTION**

When the family has been selected from the waiting list, the PHA must notify the family.

#### HACSB Policy

The HACSB will notify the family by first class mail when it is selected from the waiting list.

The notice will inform the family of the following:

Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview

Who is required to attend the interview?

Instructions on how to fill out the full application packet that must be brought to the interview

Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation

Documents that must be provided at the interview to document eligibility for a preference, if applicable

Other documents and information that should be brought to the interview

If a notification letter is returned to the HACSB with no forwarding address, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents the HACSB from making an eligibility determination; therefore no informal hearing will be offered.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.

When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the HACSB from making an eligibility determination; therefore no informal hearing is required.

#### **4-III.D. THE APPLICATION INTERVIEW**

HUD recommends that the PHA obtain the information and documentation needed to make an eligibility determination through a private interview. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the PHA [Notice PIH 2010-3].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

##### HACSB Policy

Families selected from the waiting list are required to participate in an eligibility interview.

The head of household and the spouse/cohead will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/cohead may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the HACSB.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

[Pending disclosure and documentation of social security numbers, the HACSB will allow the family to retain its place on the waiting list for 14 calendar days. If not all household members have disclosed their SSNs at the next time a unit becomes available, the HACSB will offer a unit to the next eligible applicant family on the waiting list.](#)

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 7). If the family is verified as eligible for the preference, the HACSB will proceed with the interview. If the HACSB determines the family is not eligible for the preference, the interview will not proceed and the family will be placed back on the waiting list according to the date and time of their application.

The family must provide the information necessary to establish the family's eligibility, including suitability, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the HACSB will provide the family with a written list of items that must be submitted and the deadline for submission.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, the HACSB will provide translation services in accordance with the HACSB's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact the HACSB in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the HACSB will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without HACSB approval will have their applications made inactive based on the family's failure to supply information needed to determine eligibility. The second appointment letter will state that failure to appear for the appointment without a request to reschedule will be interpreted to mean that the family is no longer interested and their application will be made inactive. Such failure to act on the part of the applicant prevents the HACSB from making an eligibility determination; therefore the HACSB will not offer an informal hearing.

## **Chapter 5**

### **OCCUPANCY STANDARDS AND UNIT OFFERS**

## **PART II: UNIT OFFERS**

24 CFR 1.4(b)(2)(ii); 24 CFR 960.208

### **5-II.B. NUMBER OF OFFERS**

#### HACSB Policy

The HACSB has adopted a two offer plan for offering units to applicants. Under this plan, the HACSB will determine how many locations within its jurisdiction have available units of suitable size and type in the appropriate type of project. The unit offers will be based on the availability of vacant suitable units.

If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

If that unit is rejected, a second offer will be made for the next available, suitable unit. The second unit offer will be the final offer, unless there is good cause for refusing the offer.

The offers will be made in sequence and the applicant must refuse an offer before another is made.

Offers made by telephone will be confirmed by letter.

### **5-II.C. TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL**

#### HACSB Policy

Applicants must accept or refuse a unit offer within 3 business days of the date of the unit offer.

## **Chapter 6**

### **INCOME AND RENT DETERMINATIONS**

[24 CFR Part 5, Subparts E and F; 24 CFR 960, Subpart C]

#### **PART I: ANNUAL INCOME**

### **6-I.C. ANTICIPATING ANNUAL INCOME**

The PHA is required to count all income “anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date” [24 CFR 5.609(a)(2)]. Policies related to anticipating annual income are provided below.

#### **Basis of Annual Income Projection**

The PHA generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes the PHA to use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected [HCV GB, p. 5-17]
- It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]
- The PHA believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

PHAs are required to use HUD’s Enterprise Income Verification (EIV) system in its entirety as a third party source to verify employment and income information, and to reduce administrative subsidy payment errors in accordance with HUD administrative guidance [24 CFR 5.233(a)(2)].

HUD allows PHAs to use pay-stubs to project income once EIV data has been received in such cases where the family does not dispute the EIV employer data and where the PHA does not determine it is necessary to obtain additional third-party data.

#### HACSB Policy

When EIV is obtained and the family does not dispute the EIV employer data, the HACSB will use current tenant-provided documents to project annual income. When the tenant-provided documents are pay stubs, the HACSB will make every effort to obtain four current and consecutive pay stubs dated within the last 60 days.

The HACSB will obtain written third-party verification form and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following cases:

If EIV or other UIV data is not available,

If the family disputes the accuracy of the EIV employer data, and/or

If the HACSB determines additional information is needed.

In such cases, the HACSB will review and analyze current data to anticipate annual income. In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how the HACSB annualized projected income.

When the HACSB cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the HACSB will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.

Any time current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to the HACSB to show why the historic pattern does not represent the family’s anticipated income.

### **6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]**

#### **Overview**

There is no asset limitation for participation in the public housing program. However, HUD requires that the PHA include in annual income the “interest, dividends, and other net income of any kind from real or

personal property” [24 CFR 5.609(b)(3)]. This section discusses how the income from various types of assets is determined. For most types of assets, the PHA must determine the value of the asset in order to compute income from the asset. Therefore, for each asset type, this section discusses:

- How the value of the asset will be determined
- How income from the asset will be calculated
- Exhibit 6-1 provides the regulatory requirements for calculating income from assets [24 CFR 5.609(b)(3)], and Exhibit 6-3 provides the regulatory definition of *net family assets*. This section begins with a discussion of general policies related to assets and then provides HUD rules and PHA policies related to each type of asset.

## **Types of Assets**

### ***Checking and Savings Accounts***

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero.

#### HACSB Policy

In determining the value of a checking account, the HACSB may require up to six months of bank statements, but will use the average of the starting and ending balance of the most current checking statement.

In determining the value of a savings account, the HACSB may require up to six months of bank statements, but will use the current balance.

Circumstances in which HACSB may require more than one bank statement include:

- Unexplained deposits
- Zero income families at admission and all reexaminations
- In any circumstance where the HACSB has reason to believe that provided information is inaccurate or fraudulent.

In determining the anticipated income from an interest-bearing checking or savings account, the HACSB will multiply the value of the account by the current rate of interest paid on the account.

## **6-I.H. PERIODIC PAYMENTS**

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

### **Periodic Payments Excluded from Annual Income**

Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone) [24 CFR 5.609(c)(2)]. Kinship care payments are considered equivalent to foster care payments and are also excluded from annual income [Notice PIH 2008-40].



### HACSB Policy

The HACSB will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency [HCV GB, p. 5-18].

Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]

Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)]

Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609(c)(17)]

Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)]. *Note:* EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.

Lump sums received as a result of delays in processing Social Security and SSI payments (see section 6-I.J.) [24 CFR 5.609(b)(4)].

Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member [24 CFR 5.609(c)(4)].

### HACSB Policy

When an employed family member participates in an employer-provided medical cafeteria / flex pay plan, and the employer reflects the cost of the medical plan paid by the employer on payment records, including paystubs, that amount is reported on the form HUD 50058 under income code 'E' (medical reimbursement), and then fully excluded.

*Example:* The employer pays \$307 per pay period towards the employee's medical plan costs. This is clearly indicated by a line designation such as 'Flex'. Although included in the gross pay amount, the \$307 is also shown as a before tax deduction. The \$307 will be subtracted from the gross pay before employment income is annualized. The \$307 is then annualized, then reported and excluded on its own line on the form HUD-50058 under income code 'E'.

### **6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]**

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with a tenant family.

#### **Alimony and Child Support**

The PHA must count alimony or child support amounts awarded as part of a divorce or separation agreement.

### HACSB Policy

The HACSB will count court-awarded amounts for alimony and child support unless the HACSB verifies that (1) the payments are not being made and (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments [HCV GB, pp. 5-23 and 5-47].

Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

If the family is receiving alimony or child support payments but payment amounts received are inconsistent, HACSB will average the last three months of payments received and annualize.

However, if a retroactive lump sum payment has been received in the past twelve months, HACSB will anticipate receipt of the full court-awarded amount in calculating income. Should the family not receive the full court-awarded amounts, they may request an interim reexamination, and will be required to provide appropriate documentation.

The retroactive lump sum payment itself will be treated in accordance with *Lump-Sum Receipts* as found in this policy on page 6-19.

## **Chapter 7**

### **VERIFICATION**

[24 CFR 960.259, 24 CFR 5.230, Notice PIH 2010-19]

#### **PART I: GENERAL VERIFICATION REQUIREMENTS**

##### **7-I.C. UP-FRONT INCOME VERIFICATION (UIV)**

Up-front income verification (UIV) refers to the PHA's use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to the PHA.

There may be legitimate differences between the information provided by the family and UIV-generated information. If the family disputes the accuracy of UIV data, no adverse action can be taken until the PHA has independently verified the UIV information and the family has been granted the opportunity to contest any adverse findings through the PHA's informal review/hearing processes. (For more on UIV and income projection, see section 6-I.C.)

##### **Upfront Income Verification Using Non-HUD Systems (Optional)**

In addition to mandatory use of the EIV system, HUD encourages PHAs to utilize other upfront verification sources.

[HACSB Policy](#)

[The HACSB will inform all applicants and residents of its use of the following UIV resources during the admission and reexamination process:](#)

[HUD's EIV system](#)

### The Work Number

The HACSB will inform all applicants and residents of its use of the following UIV resources during the admission and reexamination process for **zero income families**:

### Credit Reports

#### **7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION**

HUD's current verification hierarchy defines two types of written third-party verification. The more preferable form, "written third-party verification," consists of an original document generated by a third-party source, which may be received directly from a third-party source or provided to the PHA by the family. If written third-party verification is not available, the PHA must attempt to obtain a "written third-party verification form." This is a standardized form used to collect information from a third party.

#### **Written Third-Party Verification [Notice PIH 2010-19]**

Written third-party verification documents must be original and authentic and may be supplied by the family or received from a third-party source.

Examples of acceptable tenant-provided documents include, but are not limited to: pay stubs, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

The PHA is required to obtain, at minimum, two current and consecutive pay stubs for determining annual income from wages.

The PHA may reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible.

#### HACSB Policy

Third-party documents provided by the family must be dated within 60 days of the HACSB request date.

If the HACSB determines that third-party documents provided by the family are not acceptable, the HACSB will explain the reason to the family and request additional documentation.

As verification of earned income, the HACSB will request pay stubs covering the 60-day period prior to the HACSB's request.

## **PART II: VERIFYING FAMILY INFORMATION**

#### **7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and Notice PIH 2010-3]**

The family must provide documentation of a valid social security number (SSN) for each member of the household, with the exception of individuals who do not contend eligible immigration status.

Exemptions also include, existing residents who were at least 62 years of age as of January 31, 2010, and had not previously disclosed an SSN.

The PHA must accept the following documentation as acceptable evidence of the social security number:

An original SSN card issued by the Social Security Administration (SSA)

An original SSA-issued document, which contains the name and SSN of the individual

An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual, along with other identifying information of the individual

Such other evidence of the SSN as HUD may prescribe in administrative instructions

The PHA may only reject documentation of an SSN provided by an applicant or resident if the document is not an original document, if the original document has been altered, mutilated, or is not legible, or if the document appears to be forged.

#### HACSB Policy

The PHA will explain to the applicant or resident the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the HACSB within 90 days.

When the resident requests to add a new household member who is at least 6 years of age, or who is under the age of 6 and has an SSN, the resident must provide the complete and accurate SSN assigned to each new member at the time of reexamination or recertification, in addition to the documentation required to verify it. The PHA may not add the new household member until such documentation is provided.

When a resident requests to add a new household member who is under the age of 6 and has not been assigned an SSN, the resident must provide the SSN assigned to each new child and the required documentation within 90 calendar days of the child being added to the household. A 90-day extension will be granted if the PHA determines that the resident's failure to comply was due to unforeseen circumstances and was outside of the resident's control. During the period the PHA is awaiting documentation of the SSN, the child will be counted as part of the assisted household.

#### HACSB Policy

The HACSB will grant one additional 90-day extension if needed for reasons beyond the resident's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

Social security numbers must be verified only once during continuously-assisted occupancy.

#### HACSB Policy

The HACSB will verify each disclosed SSN by:

Obtaining documentation from applicants and residents that is acceptable as evidence of social security numbers

Making a copy of the original documentation submitted, returning it to the individual, and retaining a copy in the file folder

Once the individual's verification status is classified as "verified," the PHA should remove and destroy copies of documentation accepted as evidence of social security numbers by no later than the next reexamination.

[HACSB Policy](#)

[Once an individual's status is classified as "verified" in HUD's EIV system, the HACSB will remove and destroy copies of documentation accepted as evidence of social security numbers by no later than the next reexamination.](#)

## **7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]**

### **Overview**

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. See the Eligibility chapter for detailed discussion of eligibility requirements. This chapter (7) discusses HUD and PHA verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously-assisted occupancy [24 CFR 5.508(g)(5)]

### **U.S. Citizens and Nationals**

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors.

The PHA may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

[HACSB Policy](#)

[Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless the HACSB receives information indicating that an individual's declaration may not be accurate.](#)

## **7-II.H. VERIFICATION OF PREFERENCE STATUS**

The PHA must verify any preferences claimed by an applicant.

[HACSB Policy](#)

[Preferences are described in Section 4-III.B.](#)

[Verification requirements for each preference are described below.](#)

- Families who are permanently displaced due to local (within HACSB's jurisdiction) government action must provide proof of that action or documentation will be obtained through the involved government agency.
- a. Families of federally declared disasters who are Section 8 voucher holders or public housing residents in another jurisdiction must provide verification of their assistance status and agency contact information. HACSB will verify the existence of the federally declared disaster.
- b. HACSB will verify that a family qualifies for a preference due to having been terminated from HACSB's HCV program due to insufficient program funding using the HACSB's termination records.
- c. Verification of Elderly Family status will be conducted through verifying that the head of household, spouse, or co-head is 62 years of age or older.
- d. Verification that an individual is disabled (including that a family qualifies as a Disabled Family) will be conducted as stated in 7-II.F of this Chapter.
- e. The HACSB may verify that the family qualifies for the veterans/surviving spouse preference based on the family's submission of an original DD-214.
- f. HACSB will verify a family is a family with minor children through verifying in accordance with age, relationships and identification verification requirements as stated in this chapter.
- g. HACSB may verify that the family qualifies for the residency family preference based on the family's submission of:
  - a. For families whose head of household/spouse resides within HACSB's jurisdiction:
    - i. One of the following
      1. A current, valid lease, or
      2. Document from a homeless facility or services provider stating the individual was homeless with HACSB's jurisdiction within the past three months,
    - ii. Or, at least two of the following current documents verifying residence:
      1. Home utility bill (gas, electric, water, sewer, landline telephone)
      2. Children's school records documenting all residential addresses within the past 12 months
      3. Automobile registration/insurance
      4. W-2
      5. County, State, Federal Correspondence, such as: Human Service Agency, Child Support Division, and Social Security Administration
  - b. For families who qualify due to the head of household or spouse working within HACSB's jurisdiction:
    - i. A current letter from the employer stating employment and work location
    - ii. Current paystubs identifying the name and address of the employer to allow a third party written form to be sent to the employer
  - c. For families whose head of household or spouse has been hired to work within HACSB's jurisdiction:

- i. A current job offer letter from the employer stating date employment will begin and the work location
  - h. HACSB will verify that families qualify for the Working Preference as follows:
    - a. For families where the head of household, spouse, or cohead are currently working, and have worked a minimum of 20 hours a week for the last three months:
      - i. Paystubs for the last three months; or
      - ii. A third party verification form completed by the employer; or
      - iii. A combination of the above, as long as the requirements are fully verified.
    - b. For families where the head of household, spouse, or cohead are currently enrolled and fully participating in the educational program as a full-time student in school or in a qualified training program:
      - i. A third party verification form completed by the educational institution or training program
        - 1. The verification form will include the definition of a qualified training program as stated in Section 4-III.B.
    - c. For families where the head of household, spouse, or cohead are currently working and have worked a minimum of 16 hours a week for the last three months **and** are currently enrolled at least part-time in school or in a qualified training program:
      - i. Paystubs for the last three months; or
      - ii. A third party verification form completed by the employer; or
      - iii. A combination of the above, as long as the requirements are fully verified, **and**
      - iv. A third party verification form completed by the educational institution or training program.
    - d. For families where the head of household, spouse, or co-head are currently participating in CALWORKS welfare reform program:
      - i. A third party verification form completed by the Human Services Agency
    - e. For families where the head of household, spouse, or co-head are currently receiving unemployment benefits and actively seeking work:
      - i. Original current EDD check stub and/or benefit notification letter
      - ii. A third party verification form complete by EDD, if necessary

## **Chapter 8**

### **LEASING AND INSPECTIONS**

[24 CFR 5, Subpart G; 24 CFR 966, Subpart A]

## PART I: LEASING

### 8-I.B. LEASE ORIENTATION

#### HACSB Policy

After unit acceptance but prior to occupancy, a HACSB representative will provide a lease orientation to the family. The head of household or spouse is required to attend.

#### Orientation Agenda

#### HACSB Policy

When families attend the lease orientation, they will be provided with:

A copy of the lease

A copy of HACSB's grievance procedure

A copy of the resident handbook, which includes HACSB's schedule of maintenance charges

A copy of the pamphlet *Protect Your Family From Lead in Your Home*

[A copy of "Is Fraud Worth It?" \(form HUD-1141-OIG\), which explains the types of actions a family must avoid and the penalties for program abuse](#)

A copy of "What You Should Know about EIV," a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19

#### Topics to be discussed will include:

- Applicable deposits and other charges
- Review and explanation of lease provisions
- Unit maintenance and work order procedure information
- The HACSB's reporting requirements
- Explanation of occupancy forms
- Community service requirements
- Family choice of rent
- Reasonable Accommodation and Harassment Policies
- [Pet Policy](#)
- [Guest Policy](#)

### 8-I.E. SECURITY DEPOSITS [24 CFR 966.4(b)(5)]



At the option of the PHA, the lease may require security deposits. The amount of the security deposit cannot exceed one month's rent or a reasonable fixed amount as determined by the PHA. The PHA may allow for gradual accumulation of the security deposit by the family, or the family may be required to pay the security deposit in full prior to occupancy.

#### HACSB Policy

Residents must pay a security deposit to HACSB at the time of admission. The amount of the security deposit will be equal to the greater of \$200 or the family's total tenant payment at the time of move-in. [If the family requests in writing, HACSB will allow the family to make up to three monthly payments in order to pay the security deposit in full. If so approved, the family must sign a payment agreement and make payments in a timely manner](#)

HACSB will hold the security deposit for the period the family occupies the unit in a non-interest bearing account. The HACSB will not use the security deposit for rent or other charges while the resident is living in the unit.

Within 21 days of move-out, HACSB will refund to the resident the amount of the security deposit, less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear and tear, and other charges due under the lease.

If the resident transfers to another unit, HACSB will charge a new security deposit on the new unit. The tenant will be billed for any maintenance or other charges due for the "old" unit.

## **PART II: INSPECTIONS**

### **Attendance at Inspections**

Residents are required to be present for move-in inspections [24 CFR 966.4(i)]. There is no such requirement for other types of inspections.

#### HACSB Policy

Except at move-in inspections, the resident is not required to be present for the inspection. The resident may attend the inspection if he or she wishes.

[If no one is at home, the inspector will enter the unit, conduct the inspection and leave a door hanger informing of the inspection. The Property Manager will then follow up on any necessary housekeeping and/or repair issues with the tenant.](#)

### **8-II.D. INSPECTION RESULTS**

The PHA is obligated to maintain dwelling units and the project in decent, safe and sanitary condition and to make necessary repairs to dwelling units [24 CFR 966.4(e)].

#### ***Housekeeping***

#### HACSB Policy

Residents whose housekeeping habits pose a non-emergency health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease. In these instances, the HACSB will provide proper notice of a lease violation.

A re-inspection will be conducted within 30 days to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a reinspection is considered a violation of the lease and may result in termination of tenancy in accordance with Chapter 13.

Notices of lease violation will also be issued to residents who purposely disengage the unit's smoke detector, and a \$50 fine will be assessed. Only one warning will be given. A second incidence could result in lease termination.

Notices of the \$50 fine will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 30 calendar days after billing. If the family requests a grievance hearing within the required timeframe, HACSB may not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of the \$50 fine charges is a violation of the lease and is grounds for eviction.

## Chapter 9

### REEXAMINATIONS

[24 CFR 960.257, 960.259, 966.4]

#### **PART I: ANNUAL REEXAMINATIONS FOR FAMILIES PAYING INCOME BASED RENTS [24 CFR 960.257]**

##### **9-I.B. SCHEDULING ANNUAL REEXAMINATIONS**

The PHA must establish a policy to ensure that the annual reexamination for each family paying an income-based rent is completed within a 12 month period [24 CFR 960.257(a)(1)].

##### HACSB Policy

Generally, HACSB will schedule annual reexaminations to coincide with the family's anniversary date. The HACSB will begin the annual reexamination process approximately 90 days in advance of the scheduled effective date.

Anniversary date is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission).

If the family transfers to a new unit, the HACSB will conduct an annual reexamination with the move.

HACSB may also schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.

#### **Notification of and Participation in the Annual Reexamination Process**

The PHA is required to obtain information needed to conduct annual reexaminations. How that information will be collected is left to the discretion of the PHA. However, PHAs should give tenants who were not provided the opportunity the option to complete Form HUD-92006 at this time [Notice PIH 2009-36].

#### HACSB Policy

Families generally are required to participate in an annual reexamination interview, which must be attended by the head of household, spouse, or cohead. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact HACSB to request a reasonable accommodation.

Notification of annual reexamination interviews will be sent by first-class mail and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview.

If the family is unable to attend a scheduled interview, the family should contact HACSB in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend the scheduled interview HACSB will send a second notification with a new interview appointment time.

If a family fails to attend two scheduled interviews without HACSB approval, the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

[An advocate, interpreter, or other assistant may assist the family in the interview process.](#)

### **PART III: INTERIM REEXAMINATIONS [24 CFR 960.257; 24 CFR 966.4]**

#### **9-III.D. PROCESSING THE INTERIM REEXAMINATION**

##### **Method of Reporting**

#### HACSB Policy

[The family may notify HACSB of changes either orally or in writing. If the family provides oral notice, HACSB may also require the family to submit the changes in writing. HACSB will require the changes submitted in writing if the change will result in a decrease of tenant rent.](#)

[Generally, the family will not be required to attend an interview for an interim reexamination. However, if HACSB determines that an interview is warranted, the family may be required to attend.](#)

Based on the type of change reported, HACSB will determine the documentation the family will be required to submit. The family must submit any required information or documents within 10 business days of receiving a request from HACSB. This time frame may be extended for good cause with HACSB approval. The HACSB will accept required documentation by mail, by fax, or in person.

## Chapter 10

### PETS

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

#### PART III: PET DEPOSITS AND FEES IN ELDERLY/DISABLED DEVELOPMENTS

##### 10-III.C. OTHER CHARGES

###### Pet Waste Removal Charge

The regulations do not address the PHA's ability to impose charges for house pet rule violations. However, charges for violation of PHA pet rules may be treated like charges for other violations of the lease and PHA tenancy rules.

###### HACSB Policy

A separate pet waste removal [charge of \\$50.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.](#)

Notices of pet waste removal charges will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 30 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the HACSB may not take action for nonpayment of the charge until the conclusion of the grievance process.

Charges for pet waste removal are not part of rent payable by the resident.

#### PART IV: PET DEPOSITS AND FEES IN GENERAL OCCUPANCY DEVELOPMENTS

##### 10-IV.D. OTHER CHARGES

###### Pet Waste Removal Charge

The regulations do not address the PHA's ability to impose charges for house pet rule violations. However, charges for violation of PHA pet rules may be treated like charges for other violations of the lease and PHA tenancy rules.

###### HACSB Policy

A separate pet waste [removal charge of \\$50.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.](#)

Such charges will be due and payable 14 calendar days after billing.

Charges for pet waste removal are not part of rent payable by the resident.

## Chapter 11

### COMMUNITY SERVICE

#### PART I: COMMUNITY SERVICE REQUIREMENT

## 11-I.B. REQUIREMENTS

Each adult resident of the PHA, who is not exempt, must [24 CFR 960.603(a)]:

- Contribute 8 hours per month of community service; or
- Participate in an economic self-sufficiency program (as defined in the regulations) for 8 hours per month; or
- Perform 8 hours per month of combined activities (community service and economic self-sufficiency programs).

### Definitions

#### ***Community Service [24 CFR 960.601(b), Notice PIH 2009-48]***

*Community service* is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

Eligible community service activities include, but are not limited to, work at:

- Local public or nonprofit institutions such as schools, head start programs, before or after school programs, child care centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult day care programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing)
- Nonprofit organizations serving PHA residents or their children such as: Boy or Girl Scouts, Boys or Girls Club, 4-H clubs, Police Assistance League (PAL), organized children's recreation, mentoring or education programs, Big Brothers or Big Sisters, garden centers, community clean-up programs, beautification programs
- Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels
- Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods, or performing arts
- PHA housing to improve grounds or provide gardens (so long as such work does not alter the PHA's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board
- Care for the children of other residents so parent may volunteer

PHAs may form their own policy in regards to accepting community services at profit-motivated entities, acceptance of volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based work.

[HACSB Policy](#)

[HACSB will accept community services at profit-motivated entities, volunteer work performed at](#)

[homes or offices of general private citizens, and court-ordered or probation-based work as eligible community service activities.](#)

### **11-I.C. DETERMINATION OF EXEMPTION STATUS AND COMPLIANCE [24 CFR 960.605(c)(3)]**

The PHA must review and verify family compliance with service requirements annually at least thirty days before the end of the twelve month lease term. The policy for documentation and verification of compliance with service requirements may be found at Section 11-I.D., Documentation and Verification.

#### HACSB Policy

[Where the lease term does not coincide with the effective date of the annual reexamination, HACSB will change the effective date of the annual reexamination to coincide with the lease term. In making this change, HACSB will ensure that the annual reexamination is conducted within 12 months of the last annual reexamination.](#)

### **Change in Status between Annual Determinations**

#### HACSB Policy

#### Exempt to Nonexempt Status

If an exempt individual becomes nonexempt during the twelve month lease term, it is the family's responsibility to report this change to the HACSB within 10 business days.

Within 10 business days of a family reporting such a change, or HACSB determining such a change is necessary, HACSB will provide written notice of the effective date of the requirement, as well as a documentation form on which the family member may record the activities performed and number of hours contributed.

[The effective date of the community service requirement will be the first of the month following 30 day notice unless the family failed to report in a timely manner. In this situation, the effective date of the community service requirement will be retroactive to the date for which the requirement would have been required had timely notification been given. The individual may be required to perform additional community service hours to make up for any time period lost due to late reporting.](#)

### **11-I.E. NONCOMPLIANCE**

#### **Initial Noncompliance**

The lease specifies that it is renewed automatically for all purposes, unless the family fails to comply with the community service requirement. Violation of the service requirement is grounds for nonrenewal of the lease at the end of the twelve month lease term, but not for termination of tenancy during the course of the twelve month lease term [24 CFR 960.603(b)].

If the tenant or another family member has violated the community service requirement, the PHA may not renew the lease upon expiration of the twelve-month term of the lease, unless the tenant and any other noncompliant family member enter into a written agreement with the PHA. Under this agreement

the tenant or noncompliant family member must agree to cure the noncompliance by completing the additional hours of community service or economic self-sufficiency needed to make up the total number of hours required, over the twelve-month term of the new lease. In addition, all other members of the family who are subject to the service requirement must be currently complying with the service requirement or must no longer be residing in the unit [24 CFR 960.607(c), Notice PIH 2009-48].

***Notice of Initial Noncompliance [24 CFR 960.607(b)]***

If the PHA determines that there is a family member who is required to fulfill a service requirement, but who has failed to comply with this obligation (noncompliant resident), the PHA must notify the tenant of this determination.

The notice to the tenant must briefly describe the noncompliance. The notice must state that the PHA will not renew the lease at the end of the twelve-month lease term unless the tenant, and any other noncompliant resident, enter into a written agreement with the PHA to cure the noncompliance, or the family provides written assurance satisfactory to the PHA that the tenant or other noncompliant resident no longer resides in the unit.

The notice must also state that the tenant may request a grievance hearing on the PHA's determination, in accordance with the PHA's grievance procedures, and that the tenant may exercise any available judicial remedy to seek timely redress for the PHA's nonrenewal of the lease because of the PHA's determination.

HACSB Policy

[The notice of initial noncompliance will be sent at least 30 days prior to the end of the lease term.](#)

The family will have 10 business days from the date of the notice of noncompliance to enter into a written agreement to cure the noncompliance over the 12 month term of the new lease, provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before HACSB will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the family member that previously resided with them.

If the family does not request a grievance hearing, or does not take either corrective action required by the notice of noncompliance within the required 10 business day timeframe, HACSB will terminate tenancy in accordance with the policies in Section 13-IV.D.

**Chapter 12**

**TRANSFER POLICY**

**PART I: EMERGENCY TRANSFERS**

### **12-I.B. EMERGENCY TRANSFERS**

If the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, the PHA must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

#### HACSB Policy

The following is considered an emergency circumstance warranting an immediate transfer of the tenant or family:

Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours.

Examples of such unit or building conditions include but are not limited to: a gas leak; no water; and serious water leaks, damage to the unit that creates a dangerous living situation, or other situations where a family member's life or safety is severely threatened.

Such immediate, verifiable threats will be classified as emergencies on a case-by-case basis.

All such situations must be verified before an immediate transfer will take place.

### **12-I.D. COSTS OF TRANSFER**

#### HACSB Policy

The HACSB will bear the reasonable costs of temporarily accommodating the tenant and of long term transfers, if any, due to emergency conditions. The reasonable cost of transfers includes the cost of packing, moving, and unloading.

The HACSB will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading. To establish typical costs, the HACSB will collect information from companies in the community that provide these services.

The HACSB will reimburse the family for eligible out-of-pocket moving expenses up to the HACSB's established moving allowance.

## **PART II: PHA REQUIRED TRANSFERS**

### **12-II.D. COST OF TRANSFER**

#### HACSB Policy

The HACSB will bear the reasonable costs of transfers that the HACSB requires, except that residents will be required to bear the cost of occupancy standards transfers. If the resident is offered the opportunity to stay in the unit to which they transferred or to return to the unit



from which they transferred, and the resident chooses to return, the resident will bear the costs of transfer.

The reasonable costs of transfers include the cost of packing, moving vans, and unloading.

The HACSB will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading. To establish typical costs, the HACSB will collect information from companies in the community that provide these services.

HACSB will reimburse the family for eligible out-of-pocket moving expenses up to the HACSB's established moving allowance.

### **PART III: TRANSFERS REQUESTED BY TENANTS**

#### **12-III.B. TYPES OF RESIDENT REQUESTED TRANSFERS**

##### HACSB Policy

The types of requests for transfers that the HACSB will consider are limited to requests for transfers to alleviate a serious or life threatening medical condition, transfers due to a threat of physical harm, reasonable accommodation, and transfers to a different unit size as long as the family qualifies for the unit according to the HACSB's occupancy standards. No other transfer requests will be considered by the HACSB.

The HACSB will consider the following as high priority transfer requests:

When a transfer is needed to alleviate verified medical problems of a serious or life-threatening nature

When there has been a verified threat of physical harm. Such circumstances may, at the HACSB's discretion, include an assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, a hate crime, or domestic violence, dating violence, sexual assault, or stalking.

When a family requests a transfer as a reasonable accommodation. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer to a first floor unit for a person with mobility impairment, or a transfer to a unit with accessible features

The HACSB will consider the following as regular priority transfer requests:

When a family requests a larger bedroom size unit even though the family does not meet the HACSB's definition of overcrowded, as long as the family meets the HACSB's occupancy standards for the requested size unit

Transfers requested by the tenant are considered optional for the tenant.

#### **12-III.C. ELIGIBILITY FOR TRANSFER**

Transferring residents do not have to meet the admission eligibility requirements pertaining to income or preference. However, the PHA may establish other standards for considering a transfer request [PH

Occ GB, p. 150].

HACSB Policy

Except where reasonable accommodation is being requested, the HACSB will only consider transfer requests from residents that meet the following requirements:

Have not engaged in criminal activity that threatens the health and safety of residents and staff

Owe no back rent or other charges

Have no history of damaging property

Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities)

Can provide documentation that all non-exempt family members are current on community service requirements

Are not currently on a monthly housekeeping inspection schedule and/or have no current housekeeping standards violations

Exceptions to the good record requirement may be made when it is to the HACSB's advantage to make the transfer.

If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit for a period of two years from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

### **12-III.F. HANDLING OF REQUESTS**

HACSB Policy

Residents requesting a transfer to another unit or development will be required to submit a written request for transfer.

In case of a reasonable accommodation transfer, the HACSB will encourage the resident to make the request in writing using a reasonable accommodation request form. However, HACSB will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

HACSB will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family.

If the family does not meet the "good record" requirements under Section 12-III.C., the manager will address the problem and, until resolved, the request for transfer will be denied.

HACSB will respond within ten (10) business days of the submission of the family's request. If HACSB denies the request for transfer, the family will be informed of its grievance rights.

## **PART IV: TRANSFER PROCESSING**

### **12-IV.B. TRANSFER LIST**

#### HACSB Policy

The HACSB will maintain a centralized transfer list to ensure that transfers are processed in the correct order and that procedures are uniform across all properties.

Emergency transfers will not automatically go on the transfer list. Instead emergency transfers will be handled immediately, on a case by case basis. If the emergency will not be finally resolved by a temporary accommodation, and the resident requires a permanent transfer, that transfer will be placed at the top of the transfer list.

Transfers will be processed in the following order:

1. Emergency transfers (hazardous maintenance conditions)
2. High-priority transfers (verified medical condition, threat of harm or criminal activity, and reasonable accommodation)
3. Transfers to make accessible units available
4. Demolition, renovation, etc.
5. Occupancy standards
6. Other PHA-required transfers
7. Other tenant-requested transfers

Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date.

With the approval of the CEO, HACSB may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to address the immediate need of a family in crisis.

Demolition and renovation transfers will gain the highest priority as necessary to allow HACSB to meet the demolition or renovation schedule.

Transfers will take precedence over waiting list admissions unless HACSB is experiencing serious unit vacancy issues at which time only emergency and reasonable accommodation transfers will take precedence over waiting list admissions.

### **12-IV.C. TRANSFER OFFER POLICY**

#### HACSB Policy

Residents will receive one offer of a transfer.

When the transfer is required by the HACSB, refusal of that offer without good cause will result in lease termination.

When the transfer has been requested by the resident, refusal of that offer without good cause will result in the removal of the household from the transfer list and the family must wait six months to reapply for another transfer.

#### **12-IV.D. GOOD CAUSE FOR UNIT REFUSAL**

##### HACSB Policy

Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

Inaccessibility to source of employment, education, or job training, children's day care, or an educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.

The family demonstrates to the HACSB's satisfaction that accepting the offer will place a family member's life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.

The unit is inappropriate for the resident's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

HACSB will require documentation of good cause for unit refusals.

#### **12-IV.F. REEXAMINATION POLICIES FOR TRANSFERS**

##### HACSB Policy

The reexamination date will be changed to the first of the month in which the transfer took place.

## **Chapter 13**

### **LEASE TERMINATIONS**

#### **PART II: TERMINATION BY PHA – MANDATORY**

**13-II.D. FAILURE TO DISCLOSE AND DOCUMENT SOCIAL SECURITY NUMBERS [24 CFR 5.218(c), 24 CFR 960.259(a)(3), Notice PIH 2010-3]**

The PHA must terminate assistance if a participant family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number.

However, if the family is otherwise eligible for continued program assistance, and the PHA determines that the family's failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the family's control, the PHA may defer the family's termination and provide the opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date the PHA determined the family to be noncompliant.

#### HACSB Policy

The HACSB will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the participant's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency, if there is a reasonable likelihood that the participant will be able to disclose an SSN by the deadline.

See Chapter 7 for a complete discussion of documentation and certification requirements.

### **13-II.H. DEATH OF A SOLE FAMILY MEMBER [Notice PIH 2010-3]**

The PHA must immediately terminate program assistance for deceased single member households.

## **PART III: TERMINATION BY PHA – OTHER AUTHORIZED REASONS**

### **13-III.B. MANDATORY LEASE PROVISIONS [24 CFR 966.4(l)(5)]**

This section addresses provisions for lease termination that must be included in the lease agreement according to HUD regulations. Although the provisions are required, HUD does not require PHAs to terminate for such violations in all cases, therefore PHA policies are needed.

#### **Illegal Use of a Drug [24 CFR 966.4(l)(5)(i)(B)]**

The lease must provide that a PHA may evict a family when the PHA determines that a household member is illegally using a drug or that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

#### HACSB Policy

HACSB will terminate the lease when the HACSB determines that a household member is illegally using a drug or the HACSB determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

A pattern is considered present after 2 occurrences during tenancy.

The HACSB will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs.

In making its decision to terminate the lease, the HACSB will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the HACSB may, on a case-by-case basis, choose not to terminate the lease.

### **13-III.E. CRITERIA FOR DECIDING TO TERMINATE TENANCY**

A PHA that has grounds to terminate a tenancy is not required to do so, except as explained in Part II of this chapter, and may consider all of the circumstances relevant to a particular case before making a decision.

#### **Consideration of Circumstances [24 CFR 966.4(l)(5)(vii)(B)]**

Although it is required that certain lease provisions exist for criminal activity and alcohol abuse, HUD provides that the PHA may consider all circumstances relevant to a particular case in order to determine whether or not to terminate the lease.

Such relevant circumstances can also be considered when terminating the lease for any other reason.

#### HACSB Policy

HACSB will consider the following factors before deciding whether to terminate the lease for any of the HUD required lease provisions or for any other reasons:

The seriousness of the offending action, especially with respect to how it would affect other residents

The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor, a person with disabilities, or (as discussed further in section 13-III.F) a victim of domestic violence, dating violence, or stalking

The effects that the eviction will have on other family members who were not involved in the action or failure to act

The effect on the community of the termination, or of the HACSB's failure to terminate the tenancy

The effect of the HACSB's decision on the integrity of the public housing program

The demand for housing by eligible families who will adhere to lease responsibilities

The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action

The length of time since the violation occurred, the family's recent history, and the likelihood of favorable conduct in the future

[In the case of program abuse, the dollar amount of the underpaid rent and whether or not a false certification was signed by the family](#)

### **13-III.F. PROHIBITION AGAINST TERMINATING TENANCY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING [24 CFR 5.2005]**

The Violence against Women Reauthorization Act of 2005 (VAWA), provides that “criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate family member of the tenant’s family is the victim or threatened victim of that abuse.”

VAWA further provides that incidents of actual or threatened domestic violence, dating violence, or stalking may not be construed either as serious or repeated violations of the lease by the victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence.

#### **Definitions**

For the definitions of *domestic violence*, *dating violence*, *stalking*, and *immediate family member*, see section 3-III.F.

#### **VAWA and Other Laws [24 CFR 5.2009, 24 CFR 5.2005(d)]**

VAWA does not supersede any other federal, state, or local law that provides greater protection to victims of domestic violence, dating violence, or stalking.

Moreover, VAWA does not limit the PHA’s duty to honor court orders issued to protect a victim or to address the distribution of property when a family breaks up.

#### **Limits on VAWA Protections [24 CFR 5.2005(b), 24 CFR 5.2005(e)]**

While VAWA prohibits a PHA from using domestic violence, dating violence, or stalking as the cause for a termination or eviction action against a public housing tenant who is the victim of the abuse, the protections it provides are not absolute. Specifically:

- VAWA does not limit a PHA’s otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, or stalking providing that the PHA does not subject the victim to a more demanding standard than other tenants.
- VAWA does not limit a PHA’s authority to terminate the tenancy of any public housing tenant if the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant’s tenancy is not terminated.

#### **HACSB Policy**

In determining whether a public housing tenant who is a victim of domestic violence, dating violence, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, the HACSB will consider the following, and any other relevant, factors:

Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, or stalking

Whether the threat is a physical danger beyond a speculative threat

Whether the threat is likely to happen within a short period of time

Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location

If the tenant wishes to contest the HACSB's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

### **Victim Notification [Notice PIH 2006-42]**

VAWA requires PHAs to notify tenants of their rights under VAWA and to inform them about the existence of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking. (For general VAWA notification policies, see section 16-VII.) Notice PIH 2006-42 identifies two ways that a PHA may fulfill this requirement in the event of a termination or start of an eviction proceeding:

- It may enclose the form with the termination or eviction notice and direct the family to complete, sign, and return the form, if applicable, by a specified date.
- It may include language discussing the protections provided by VAWA in the termination or eviction notice and request that a tenant come to the PHA office and pick up the form if the tenant believes the VAWA protections apply.

Notice PIH 2006-42 points out that mailing the certification form in response to an incident could place the victim at risk, since the abuser may be monitoring the mail. In such cases, the notice recommends that PHAs work with tenants to make other delivery arrangements.

#### HACSB Policy

HACSB will follow the lease termination notice policy in section 13-IV.D. If the HACSB has reason to suspect that the notice might place a victim of domestic violence at risk, it will attempt to deliver the notice by hand directly to the victim. HACSB will use the same caution if it decides to deliver VAWA information to a victim at any other time following an incident of domestic violence.

### **Victim Documentation [Notice PIH 2006-42]**

VAWA authorizes PHAs responding to incidents of actual or threatened domestic violence, dating violence, or stalking to request in writing that a tenant complete, sign, and submit a HUD-approved certification form (form HUD-50066).

In lieu of a certification form, or in addition to the certification form, a tenant may provide one of the following:

- A federal, state, tribal, territorial, or local police or court record documenting the domestic violence, dating violence, or stalking
- Documentation signed by an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of such abuse,



in which the professional attests under penalty of perjury to the professional's belief that the incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation

A PHA is not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic violence, dating violence, or stalking in order to receive the protections of VAWA. A PHA may, at its discretion, provide assistance to an individual based solely upon the individual's statement or other corroborating evidence.

VAWA specifies that a victim of domestic violence, dating violence, or stalking must provide documentation of abuse within 14 business days after receipt of a written request for such documentation by a PHA. If the victim does not provide the documentation within that time frame, or any extension approved by the PHA, the victim forfeits the protections against termination afforded by VAWA, and the PHA is free to evict or terminate the assistance of the victim in accordance with otherwise applicable law and lease provisions.

## **Chapter 14**

### **GRIEVANCES AND APPEALS**

#### **PART III: GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS**

##### **14-III.A. REQUIREMENTS [24 CFR 966.52]**

PHAs must have a grievance procedure in place through which residents of public housing are provided an opportunity to grieve any PHA action or failure to act involving the lease or PHA policies which adversely affect their rights, duties, welfare, or status.

The PHA grievance procedure must be included in, or incorporated by reference in, the lease.

##### HACSB Policy

The HACSB grievance procedure will be incorporated by reference in the tenant lease.

The PHA must provide at least 30 days notice to tenants and resident organizations setting forth proposed changes in the PHA grievance procedure, and providing an opportunity to present written comments. Comments submitted must be considered by the PHA before adoption of any grievance procedure changes by the PHA.

##### HACSB Policy

Residents and resident organizations will have 30 calendar days from the date they are notified by the HACSB of any proposed changes in the HACSB grievance procedure, to submit written comments to the HACSB.

The PHA must furnish a copy of the grievance procedure to each tenant and to resident organizations.

##### **14-III.E. PROCEDURES TO OBTAIN A HEARING [24 CFR 966.55]**

##### **Escrow Deposits [24 CFR 966.55(e)]**

Before a hearing is scheduled in any grievance involving the amount of rent that the PHA claims is due, the family must pay an escrow deposit to the PHA. When a family is required to make an escrow deposit, the amount is the amount of rent the PHA states is due and payable as of the first of the month preceding the month in which the family's act or failure to act took place. After the first deposit the family must deposit the same amount monthly until the family's complaint is resolved by decision of the hearing officer/panel.

The PHA must waive the requirement for an escrow deposit where the family has requested a financial hardship exemption from minimum rent requirements or is grieving the effect of welfare benefits reduction in calculation of family income [24 CFR 5.630(b)(3)].

Unless the PHA waives the requirement, the family's failure to make the escrow deposit will terminate the grievance procedure. A family's failure to pay the escrow deposit does not waive the family's right to contest the PHA's disposition of the grievance in any appropriate judicial proceeding.

HACSB Policy

[HACSB waives the escrow requirement for grievances involving rent amounts.](#)

#### **14-III.F. SELECTION OF HEARING OFFICER/PANEL [24 CFR 966.55(b)]**

The grievance hearing must be conducted by an impartial person or persons appointed by the PHA, other than the person who made or approved the PHA action under review, or a subordinate of such person.

HACSB Policy

[HACSB grievance hearings will be conducted by a single hearing officer and not a panel. HACSB has designated the following to serve as hearing officers:](#)

- [Independent qualified contractors](#)
- [Qualified staff from neighboring Public Housing Agencies](#)

The PHA must determine the methodology for appointment of the hearing officer and it must be stated in the grievance procedure.

HACSB Policy

HACSB will appoint a person who has been selected in the manner required under the grievance procedure. Efforts will be made to assure that the person selected is not a friend, nor enemy, of the complainant and that they do not have a personal stake in the matter under dispute nor will otherwise have an appearance of a lack of impartiality.

The PHA must consult with resident organizations before a person is appointed as a hearing officer or hearing panel member. Comments from the resident organizations must be considered before making the appointment.

#### **14-III.G. PROCEDURES GOVERNING THE HEARING [24 CFR 966.56]**

**General Procedures [24 CFR 966.56(e), (f), and (g)]**

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the PHA must sustain the burden of justifying the PHA action or failure to act against which the complaint is directed [24 CFR 966.56(e)].

The hearing must be conducted informally by the hearing officer/panel. The PHA and the tenant must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint and question any witnesses. In general, all evidence is admissible and may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings [24 CFR 966.56(f)].

#### HACSB Policy

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

**Oral evidence:** the testimony of witnesses

**Documentary evidence:** a writing which is relevant to the case, for example, a letter written to the HACSB. Writings include all forms of recorded communication or representation, including letters, emails, words, pictures, sounds, videotapes or symbols or combinations thereof.

**Demonstrative evidence:** Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

**Real evidence:** A tangible item relating directly to the case.

*Hearsay Evidence* is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the hearing officer's decision.

If the HACSB fails to comply with the discovery requirements (providing the tenant with the opportunity to examine HACSB documents prior to the grievance hearing), the hearing officer will refuse to admit such evidence.

Other than the failure of the HACSB to comply with discovery requirements, the hearing officer has the authority to overrule any objections to evidence.

The hearing officer/panel must require the PHA, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer/panel to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate [24 CFR 966.56(f)].

The complainant or the PHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript [24 CFR 966.56(g)].

#### HACSB Policy

If the complainant would like the HACSB to record the proceedings by audiotape, the request must be made to HACSB by 12:00 p.m. on the business day prior to the hearing.

HACSB will consider that an audio tape recording of the proceedings is a transcript.

## **Chapter 15**

### **PROGRAM INTEGRITY**

#### **PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE**

##### **15-I.A. PREVENTING ERRORS AND PROGRAM ABUSE**

HUD created the Enterprise Income Verification (EIV) system to provide PHAs with a powerful tool for preventing errors and program abuse. PHAs are required to use the EIV system in its entirety in accordance with HUD administrative guidance [24 CFR 5.233]. PHAs are further required to:

- Provide applicants and residents with form HUD-52675, “Debts Owed to PHAs and Terminations”
- Require all adult members of an applicant or participant family to acknowledge receipt of form HUD-52675 by signing a copy of the form for retention in the family file

##### HACSB Policy

The HACSB anticipates that the vast majority of families and HACSB employees intend to and will comply with program requirements and make reasonable efforts to avoid errors.

To ensure that the HACSB’s program is administered effectively and according to the highest ethical and legal standards, the HACSB will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

HACSB will provide each applicant and resident with a copy of “Is Fraud Worth It?” (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse.

HACSB will provide each applicant and resident with a copy of “What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19. In addition, HACSB will require the head of each household to acknowledge receipt of the guide by signing a copy for retention in the family file.

HACSB will require mandatory orientation sessions for all prospective residents either prior to or upon execution of the lease. The HACSB will discuss program compliance and integrity issues. At the conclusion of all program orientation sessions, the family representative will be required to sign a program briefing certificate to confirm that all rules and pertinent regulations were explained to them.

HACSB will routinely provide resident counseling as part of every reexamination interview in order to clarify any confusion pertaining to program rules and requirements.

HACSB staff will be required to review and explain the contents of all HUD- and PHA-required forms prior to requesting family member signatures.

HACSB will place a warning statement about the penalties for fraud (as described in 18 U.S.C. 1001 and 1010) on key HACSB forms and form letters that request information from a family member.

HACSB will provide each HACSB employee with the necessary training on program rules and the organization's standards of conduct and ethics.

For purposes of this chapter the term *error* refers to an unintentional error or omission. *Program abuse or fraud* refers to a single act or pattern of actions that constitute a false statement, omission, or concealment of a substantial fact, made with the intent to deceive or mislead.

#### **15-I.B. DETECTING ERRORS AND PROGRAM ABUSE**

In addition to taking steps to prevent errors and program abuse, the PHA will use a variety of activities to detect errors and program abuse.

##### **Quality Control and Analysis of Data**

###### HACSB Policy

HACSB will employ a variety of methods to detect errors and program abuse, including:

HACSB routinely will use available sources of up-front income verification, including HUD's EIV system, to compare with family-provided information.

At each annual reexamination, current information provided by the family will be compared to information provided at the last annual reexamination to identify inconsistencies and incomplete information.

HACSB will compare family-reported income and expenditures to detect possible unreported income.

[HACSB also utilizes a Compliance Director to conduct independent reviews of files, data, and other information in order to detect and identify errors and potential program abuse.](#)

## **PART II: CORRECTIVE MEASURES AND PENALTIES**

#### **15-II.A. UNDER- OR OVERPAYMENT**

An under- or overpayment includes an incorrect tenant rent payment by the family, or an incorrect utility reimbursement to a family.

## Corrections

Whether the incorrect rental determination is an overpayment or underpayment, the PHA must promptly correct the tenant rent and any utility reimbursement prospectively.

### HACSB Policy

Increases in the tenant rent will be implemented only after the family has received 30 days notice.

Any decreases in tenant rent will become effective the first of the month following the discovery of the error.

## 15-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE

General administrative requirements for participating in the program are discussed throughout the ACOP. This section deals specifically with errors and program abuse by family members.

An incorrect rent determination caused by a family generally would be the result of incorrect reporting of family composition, income, assets, or expenses, but also would include instances in which the family knowingly allows the PHA to use incorrect information provided by a third party.

### Calculation of Overpayment

#### HACSB Policy

#### Unauthorized persons in the unit

Based on the date HACSB determines the family allowed an unauthorized person to reside in the unit, HACSB will calculate overpayments made on behalf of the family as follows:

The family will be considered as having been ineligible for the program as of the date the violation began.

HACSB will calculate overpayment by subtracting the amount of tenant rent paid from the unit Flat Rent.

Example: The family was admitted to the program 11/1/10. HACSB determined that an unauthorized person moved into the unit at that time. The family's assistance was terminated 2/28/11.

Flat Rent for the unit is \$1,561. The family's tenant rent was \$561. The rent was paid current.

The overpayment was \$4,000 ( $\$1,000 \times 4 = \$4,000$ ).

#### Unreported or Underreported income

Based on the date HACSB determines the family began to receive the unreported or under reported income, HACSB will

1. Calculate the actual amount of tenant rent paid during the period the unreported income was received, then

2. Calculate the amount of tenant rent that should have been paid during the period the unreported income was received, then
3. Calculate the difference between the actual amount paid and the amount that should have been paid. This is the overpayment amount.

Example: The tenant has been paying \$400 in tenant rent since 11/1/10. HACSB finds that a family member began a new job on 12/1/10, and the family failed to report the new job and income. Recalculation of accurate tenant rent based on the new income will include all new income received as of 12/1/10.

The calculation shows that the tenant should have been paying \$900 per month. HACSB adjusts the tenant rent to the \$900 amount effective 4/1/11.

The overpayment was \$2,000 ( $\$500 \times 4 = \$2,000$ ).

## **Chapter 16**

### **PROGRAM ADMINISTRATION**

#### **PART I: SETTING UTILITY ALLOWANCES [24 CFR 965 Subpart E]**

##### **16-I.B UTILITY ALLOWANCES**

The PHA must establish separate allowances for each utility and for each category of dwelling units the PHA determines to be reasonably comparable as to factors affecting utility usage [24 CFR 965.503].

The objective of a PHA in establishing utility allowances for each dwelling unit category and unit size is to approximate a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment [24 CFR 965.505].

Utilities include gas, electricity, fuel for heating, water, sewerage, and solid waste disposal for a dwelling unit. In addition, if the PHA does not furnish a range and refrigerator, the family must be granted a utility allowance for the range and refrigerator they provide [24 CFR 965.505].

Costs for telephone, cable/satellite TV, and internet services are not considered utilities [PH Occ GB, p. 138].

Utility allowance amounts will vary by the rates in effect, size and type of unit, climatic location and sitting of the unit, type of construction, energy efficiency of the dwelling unit, and other factors related to the physical condition of the unit. Utility allowance amounts will also vary by residential demographic characteristics affecting home energy usage [PH Occ GB, p. 138].

Chapter 14 of the *PH Occupancy Guidebook* provides detailed guidance to the PHA about establishing utility allowances.

##### **Air-Conditioning**

“If a PHA installs air conditioning, it shall provide, to the maximum extent economically feasible, systems that give residents the option of choosing to use air conditioning in their units. The design of systems

that offer each resident the option to choose air conditioning shall include retail meters or check meters, and residents shall pay for the energy used in its operation. For systems that offer residents the option to choose air conditioning but cannot be check metered, residents are to be surcharged in accordance with 965.506. If an air conditioning system does not provide for resident option, residents are not to be charged, and these systems should be avoided whenever possible.” [24 CFR 965.505(e)].

#### HACSB Policy

The HACSB has not installed air-conditioning.

### **PART III: FAMILY DEBTS TO THE PHA**

#### **16-III.B. REPAYMENT POLICY**

##### **General Repayment Agreement Guidelines**

##### ***Payment Thresholds***

Notice PIH 2010-19 recommends that the total amount that a family must pay each month—the family’s monthly share of rent plus the monthly debt repayment amount—should not exceed 40 percent of the family’s monthly adjusted income, which is considered “affordable.” Moreover, Notice PIH 2010-19 acknowledges that PHAs have the discretion to establish “thresholds and policies” for repayment agreements with families [24 CFR 982.552(c)(1)(vii)].

#### HACSB Policy

If the family owes \$500 or less, they must pay in 3 equal payment amounts, to be paid monthly so as the debt is fulfilled within 3 months.

If the family owes more than \$500, they must enter into 12 month repayment agreement and must make regular monthly payments.

However, if a family can provide evidence satisfactory to the HACSB that the required monthly payment amount imposes an undue hardship, HACSB may, in its sole discretion, require a lower monthly payment amount, and allow a longer repayment term. HACSB will review the family’s payment status at each annual reexamination. If the family has defaulted on the payments, or otherwise breached the repayment agreement they will be required to pay the debt in full within 30 days or be terminated.

If the family’s income increases or decreases during the term of a repayment agreement, either the HACSB or the family may request that the monthly payment amount be adjusted accordingly.

##### **Rent and Payment Accounting**

#### HACSB Policy

HACSB will apply all payments as follows regardless of how the payment is indicated:

1. Oldest rent balance



2. [Oldest Repayment Agreement balance](#)
3. [All non-rent charges](#)
4. [Remainder will be credited to any open balance](#)

## Section 8 Administrative Plans Changes

### **Chapter 1**

#### **OVERVIEW OF THE PROGRAM AND PLAN**

##### **1-I.D. THE PHA'S PROGRAMS**

The following programs are included under this administrative plan:

###### [HACSB Policy](#)

[The HACSB's administrative plan is applicable to the operation of the Housing Choice Voucher program. Other than for admissions, the administrative plan is also applicable to the Shelter-Plus Care Program and VASH Program.](#)

[All conditions of occupancy apply to Enhanced Vouchers except where requirements are otherwise imposed by HUD \(PIH 2001-41\).](#)

### **Chapter 2**

#### **FAIR HOUSING AND EQUAL OPPORTUNITY**

##### **PART I: NONDISCRIMINATION**

##### **2-I.A. OVERVIEW**

###### [HACSB Policy](#)

[HACSB shall not discriminate based on race, color, sex, religion, familial status, age, disability, national origin, marital status, ancestry, source of income, sexual orientation, age or arbitrary physical characteristics.](#)

##### **2-I.B. NONDISCRIMINATION**

###### [HACSB Policy](#)

[HACSB shall not discriminate based on race, color, sex, religion, familial status, age, disability, national origin, marital status, ancestry, source of income, sexual orientation, age or arbitrary physical characteristics.](#)

## **Discrimination Complaints**

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. 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. In addition, the PHA is required to provide the applicant or participant with information about how to file a discrimination complaint [24 CFR 982.304].

### HACSB Policy

Applicants or participants who believe that they have been subject to unlawful discrimination may notify the HACSB either orally or in writing.

HACSB will attempt to remedy discrimination complaints made against HACSB.

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

## **Chapter 3**

### **ELIGIBILITY**

#### **3-I.J. GUESTS [24 CFR 5.100]**

A *guest* is a person temporarily staying in the unit with the consent of a member of the household who has express or implied authority to so consent.

### HACSB Policy

A participant family must notify HACSB in writing when overnight guests will be staying in the unit for more than 7 days. A guest may visit in the unit no more than 14 cumulative calendar days during any 12 month period.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 20 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Former Public Housing residents who have been evicted from the Public Housing program are not permitted as overnight guests.

If the head of household has signed a HACSB required certification stating that a former household member will not return to the unit nor be allowed to visit as a guest, that individual will not be permitted to be an overnight guest.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they do not live with the family more than 50 percent of the time, are not subject to the time limitations of guests as described above.

An individual is considered to be an overnight guest if:

- Sleeping in the unit anytime of the day or night;
- Allowed to bathe in the unit;
- Allowed to prepare multiple meals in the unit;
- Does laundry inside the unit or uses building laundry facilities; or
- Has been given the key or key card to access the unit or building.

Guests who represent the unit address as their residence address for receipt of benefits or other purposes will be considered unauthorized occupants. This includes, but is not limited to, those individuals:

- Using the unit address to receive mail or correspondence;
- Using the unit address for court, law enforcement, probation, or parole reporting purposes;
- Using the unit address for reporting to any government agency, including SSA, Human Services Agency, and State Unemployment/Disability offices; or
- Using the unit address for any other purposes.

In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease and may lead to subsequent termination of assistance and/or fraud prosecution.

### **3-I.L. ABSENT FAMILY MEMBERS**

Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment, illness, incarceration, and court order.

#### **Definitions of Temporarily and Permanently Absent**

##### HACSB Policy

Generally an individual who is or is expected to be absent from the unit for 90 consecutive days or less is considered temporarily absent and continues to be considered a family member.

Generally an individual who is or is expected to be absent from the unit for more than 90 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

#### **Absences Due to Placement in Foster Care [24 CFR 5.403]**

Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

##### HACSB Policy

If a child has been placed in foster care, the HACSB will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms

that the child has been permanently removed from the home, the child will be counted as a family member.

[This also applies to minor children who are in detention facilities, such as juvenile hall.](#)

### **Absent Head, Spouse, or Co-head**

#### HACSB Policy

An employed head, spouse, or co-head absent from the unit more than [90 consecutive days](#) due to employment will continue to be considered a family member.

### **3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE**

HUD permits, but does not require, the PHA to deny assistance for the reasons discussed in this section.

#### **Criminal Activity [24 CFR 982.553]**

HUD permits, but does not require, the PHA to deny assistance if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

#### HACSB Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities within the past five years, the family will be denied admission:

*Drug-related criminal activity*, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

*Violent criminal activity*, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or welfare of other tenants [24 CFR 960.203(c)(3)].

Criminal activity that may threaten the health or safety of PHA staff, contractors, subcontractors, or agents.

Criminal sexual conduct, including but not limited to sexual assault, incest, lewd conduct, or child abuse.

[Program fraud related to any federal or state assistance programs.](#)

[Criminal activity taking place on federally-assisted premises.](#)

[Families will be denied assistance for 1 year after any household member has completed all parole or probation requirements for any drug-related or violent criminal activity.](#)

[HACSB imposes a lifetime ban on individuals convicted of murder, arson, or intentional violence against another person resulting in the victim's impairment of any kind.](#)

### **Previous Behavior in Assisted Housing [24 CFR 982.552(c)]**

HUD authorizes the PHA to deny assistance based on the family's previous behavior in assisted housing:

#### HACSB Policy

HACSB **will not** deny assistance to an otherwise eligible family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program.

HACSB **will** deny assistance to an applicant family if:

The family does not provide information that HACSB or HUD determines is necessary in the administration of the program.

The family does not provide complete and true information to the HACSB

Any family member has been evicted from federally-assisted housing in the last five years.

Any PHA has ever terminated assistance under the program for any member of the family.

Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

The family owes rent or other amounts to any PHA in connection with the HCV, Certificate, Moderate Rehabilitation or public housing programs, unless the family repays the full amount of the debt [prior to scheduled voucher issuance](#).

If the family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease, unless the family repays the full amount of the debt [prior to scheduled voucher issuance](#).

### **Screening for Eligibility**

PHAs are authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the HCV program. This authority assists the PHA in complying with HUD requirements and PHA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records the PHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

### HACSB Policy

HACSB will perform a criminal background check through local public records, local law enforcement agencies, National Credit Reporting, [and/or Live Scan for every adult household member.](#)

If the results of the criminal background check indicate that there may be past criminal activity, but the results are inconclusive, HACSB may request a fingerprint card and request information from the National Crime Information center (NCIC) [and/or Live Scan.](#)

### **Consideration of Circumstances [24 CFR 982.552(c)(2)]**

HUD authorizes the PHA to consider all relevant circumstances when deciding whether to deny assistance based on a family's past history except in the situations for which denial of assistance is mandated (see Section 3-III.B).

### HACSB Policy

The HACSB will consider the following factors prior to making its decision:

The seriousness of the case, especially with respect to how it would affect other participants

The effects that denial of admission may have on other members of the family who were not involved in the action or failure

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further in section 3-III.F) a victim of domestic violence, dating violence, or stalking.

The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future

Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs

In the case of drug or alcohol abuse, whether the culpable household member [has successfully completed](#) a supervised drug or alcohol rehabilitation program.

The HACSB will require the applicant to submit evidence of the household member's [successful completion](#) of a supervised drug or alcohol rehabilitation program.

## **Chapter 4**

### **APPLICATIONS, WAITING LIST AND TENANT SELECTION**

#### **4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES**

### HACSB Policy

While the family is on the waiting list, the family must inform the HACSB, within 10 business days, of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

[Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.](#)

## **Removal from the Waiting List**

### HACSB Policy

[HACSB will remove applicants from the waiting list if they have requested in writing that their name be removed. In such cases no informal review is required.](#)

## **4-III.C. SELECTION METHOD**

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use [24 CFR 982.202(d)].

### **Local Preferences [24 CFR 982.207; HCV p. 4-16]**

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

### HACSB Policy

[HACSB will select families from the waiting list as follows:](#)

4. [Families who are permanently displaced due to local \(within HACSB's jurisdiction\) government action will be selected first from the waiting list.](#)
5. [Families of federally declared disasters who are Section 8 voucher holders or public housing residents in another jurisdiction will be selected second from the waiting list.](#)
6. [3. Families that have been terminated from HACSB's HCV program due to insufficient funding will be selected third from the waiting list.](#)

[After families identified above are selected from the waiting list, HACSB will select families based on the total number of points families receive when the following preferences are applied. Families with the highest number of points will be selected first. Among families with equal points, families with the earliest date and time of application will be selected first. A family can earn no more than a maximum of 3 points.](#)

[Applicant families consisting of one individual who is elderly or disabled in the HACSB's jurisdiction will be given a selection priority over all "other Single" applicants.](#)

One (1) point will be given to a family that is:

- An Elderly Family (head of household, spouse, or co-head is 62 years of age or older); or,
- A family that contains a disabled family member; or,
- A family whose head of household is a U.S. Veteran (unless they received a dishonorable discharge); or,
- A family whose head of household is a surviving spouse of a Veteran; or
- A family with minor children.

One (1) point will be given to families who qualify for the Residency Preference.

In order to qualify for the residency preference, the head of household, spouse, or co-head must:

- Hold legal residence within HACSB's jurisdiction; or
- Work within HACSB's jurisdiction; or
- Have been hired to work within HACSB's jurisdiction.

One (1) point will be given to families who qualify for the Working Preference.

In order to qualify for the working preference, the head of household, spouse, or co-head must meet one of the following criteria:

- Be currently working, and have worked a minimum of 20 hours a week for the last three months; or
- Be currently enrolled and fully participating in the educational program as a full-time student in school or in a qualified training program; or
- Be currently working and have worked a minimum of 16 hours a week for the last three months AND be currently enrolled at least part-time in school or in a qualified training program.

*The HACSB defines training program as "a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual's ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education" [expired Notice PIH 98-2, p. 3].*

- Be a qualified and approved participant in the California Work Opportunity and Responsibility to Kids (CALWORKS) welfare reform program. Must be an active participant in good standing and in compliance with identified welfare-to-work program requirements.



- Be currently receiving unemployment benefits and actively seeking work
- Be a family where the head of household is either elderly or disabled (if there is no spouse or co-head); or
- Be a family where the head of household and the spouse/co-head is either elderly or disabled (if there is a spouse or co-head).

Example 1: Head of household is elderly and the spouse is elderly. The family would receive benefit of the working preference.

Example 2: The head of household is disabled. The spouse is neither elderly nor disabled. This family would not receive benefit of the working preference. In order to receive such preference, the spouse would need to meet the working or school requirements as outlined above.

**Set-a-side Vouchers** – A local preference will be given to applicants that have been referred by the local service agencies partnering with the HACSB and providing services to meet a special need, based on funding availability. All referrals must meet Section 8 Housing guidelines, Chapter 3-111.D. Continued Section 8 assistance is contingent upon maintaining program eligibility which includes, complying with the servicing agency’s specific program requirements. The HACSB has the following Set-a-side voucher preferences:

**Homelessness Preference** -The HACSB has a local preference for homeless families or those at risk of being homeless that are currently living in “transitional” housing and receiving supportive services. Eligibility criteria to be determined by local service agencies partnering with the HACSB and providing services in an effort to address chronic homelessness.

**Family Unification Program (FUP) Preference:** The Family Unification Program is jointly administered by the County of Ventura’s Children and Family Services Division of the Human Services Agency and the Housing Authority All applicants must be referred by Children and Family Services and must be receiving services through Children and Family Services Division at the time of application.

**Farm Worker Housing Preference** – The HACSB has a local preference for farm worker families impacted by overcrowding, overpayment and likely to have greater difficulty in finding decent, affordable housing due to their very limited income and the often-unstable nature of their employment. Eligibility criteria to be determined by local service agencies partnering with the HACSB and providing supportive services to the farm worker families.

**Aged-Out Foster Youth Preference** - The HACSB has a local preference for youth legally emancipated & deemed an adult before they are 18 or “Aged Out” of a foster care program. Eligibility criteria to be determined by local service agencies partnering with the HACSB and providing services to promote self-sufficiency.

**Maximum Number of Local Preferences**

[The HACSB may elect to limit the maximum number of certain local preferences as identified on the following table:](#)

**[Local Preference Limitations for Set-a-side Vouchers](#)**

<a href="#">Type of Local Preference</a>	<a href="#">Maximum Number of Families</a>
<a href="#">Homelessness</a>	<a href="#">28</a>
<a href="#">Family Unification Program (FUP)</a>	<a href="#">15</a>
<a href="#">Farm Worker Housing</a>	<a href="#">5</a>
<a href="#">Aged-Out Foster Youth Preference</a>	<a href="#">3</a>

**Order of Selection**

The PHA system of preferences may select families either according to the date and time of application, or by a random selection process [24 CFR 982.207(c)]. When selecting families from the waiting list PHAs are required to use targeted funding to assist only those families who meet the specified criteria, and PHAs are not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

[HACSB Policy](#)

[Families will be selected from the waiting list based on preference. Applicants either hold a preference \(which may be the residency preference, the Veteran’s preference, or both\), or do not hold a preference.](#)

[Group 1: Applicants holding a preference](#)

[These families will be selected \*\*first\*\*, based on first-come, first-served according to the date and time their complete application is received by the HACSB.](#)

[Group 2: Applicants with no preference](#)

[These families will be selected \*\*next\*\*. Selection will be based on first-come, first-served \(as compared to other non-preference holding applicants\) according to the date and time their complete application is received by the HACSB.](#)

**4-III.D. NOTIFICATION OF SELECTION**

When a family has been selected from the waiting list, the PHA must notify the family.

[HACSB Policy](#)

[The HACSB will notify the family by first class mail when selected from the waiting list.](#)

[The notice will inform the family of the following:](#)

[Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview](#)

[Who is required to attend the interview](#)

[Instructions on how to fill out the full application packet that must be brought to the interview](#)

[Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation](#)

[Documents that must be provided at the interview to document eligibility for a preference, if applicable](#)

[Other documents and information that should be brought to the interview](#)

## Chapter 5

### BRIEFINGS AND VOUCHER ISSUANCE

#### 5-I.B. BRIEFING [24 CFR 982.301]

The PHA must give the family an oral briefing and provide the family with a briefing packet containing written information about the program. Families may be briefed individually or in groups. At the briefing, the PHA must ensure effective communication in accordance with Section 504 requirements (Section 504 of the Rehabilitation Act of 1973), and ensure that the briefing site is accessible to individuals with disabilities. For a more thorough discussion of accessibility requirements, refer to Chapter 2.

[HACSB Policy](#)

[Briefings will be conducted in group meetings. HACSB may decide to schedule individual briefings under special circumstances](#)

#### Briefing Packet [24 CFR 982.301(b)]

##### Additional Items to Be Included in the Briefing Packet

In addition to items required by the regulations, PHAs may wish to include supplemental materials to help explain the program to both participants and owners [HCV GB p. 8-7, Notice PIH 2010-19].

[HACSB Policy](#)

[The PHA will provide the following additional materials in the briefing packet:](#)

[Information on how to fill out and file a housing discrimination complaint form](#)

[“Is Fraud Worth It?” \(Form HUD-1141-OIG\), which explains the types of actions a family must avoid and the penalties for program abuse](#)

[“What You Should Know about EIV,” a guide to the Enterprise Income Verification \(EIV\) system published by HUD as an attachment to Notice PIH 2010-19](#)

[Information regarding VAWA](#)

[List of common HQS fail items](#)

[Directory of area resources](#)

[Reasonable accommodation policy](#)

### **Extensions of Voucher Term [24 CFR 982.303(b)]**

[HACSB Policy](#)

[HACSB will automatically approve up to two 30-day extensions upon written request from the family.](#)

## **Chapter 6**

### **INCOME AND SUBSIDY DETERMINATIONS**

[24 CFR Part 5, Subparts E and F; 24 CFR 982]

#### **6-I.B. HOUSEHOLD COMPOSITION AND INCOME**

##### **Temporarily Absent Family Members**

The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit [HCV GB, p. 5-18].

[HACSB Policy](#)

Generally an individual who is or is expected to be absent from the assisted unit for [90 consecutive days](#) or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than [90 consecutive days](#) is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

## ***Absent Head, Spouse, or Cohead***

### HACSB Policy

An employed head, spouse, or co-head absent from the unit more than 90 consecutive days due to employment will continue to be considered a family member.

## **6-I.C. ANTICIPATING ANNUAL INCOME**

The PHA is required to count all income “anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date” [24 CFR 5.609(a)(2)]. Policies related to anticipating annual income are provided below.

### **Basis of Annual Income Projection**

#### HACSB Policy

When EIV is obtained and the family does not dispute the EIV employer data, the HACSB will use current tenant-provided documents to project annual income. When the tenant-provided documents are pay stubs, the HACSB will make every effort to obtain four current and consecutive pay stubs dated within the last 60 days.

The HACSB will obtain written third-party verification form and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following cases:

If EIV or other UIV data is not available,

If the family disputes the accuracy of the EIV employer data, and/or

If the HACSB determines additional information is needed.

In such cases, the HACSB will review and analyze current data to anticipate annual income. In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how the HACSB annualized projected income.

When the HACSB cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the HACSB will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.

Any time current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to the HACSB to show why the historic pattern does not represent the family’s anticipated income.

### ***Known Changes in Income***

If the HACSB verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

**Example:** An employer reports that a full-time employee who has been receiving \$8/hour will begin to receive \$8.25/hour in the eighth week after the effective date of the reexamination. In such a case the PHA would calculate annual income as follows:  $(\$8/\text{hour} \times 40 \text{ hours} \times 7 \text{ weeks}) + (\$8.25 \times 40 \text{ hours} \times 45 \text{ weeks})$ .

The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases the HACSB will calculate annual income using current circumstances and then require an interim reexamination when the change actually occurs. This requirement will be imposed even if HACSB's policy on reexaminations does not require interim reexaminations for other types of changes.

When tenant-provided third-party documents are used to anticipate annual income, they will be dated within the last 60 days of the reexamination interview date.

EIV quarterly wages will not be used to project annual income at an annual or interim re-examination.

## **Types of Assets**

### ***Checking and Savings Accounts***

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, anticipated income from the account is zero.

#### HACSB Policy

In determining the value of a checking account, the HACSB may require up to six months of bank statements, but will use the average of the starting and ending balance of the most current checking statement.

In determining the value of a savings account, the HACSB may require up to six months of bank statements, but will use the current balance.

Circumstances in which HACSB may require more than one bank statement include:

- Unexplained deposits
- Zero income families at admission and all reexaminations
- In any circumstance where the HACSB has reason to believe that provided information is inaccurate or fraudulent.

In determining the anticipated income from an interest-bearing checking or savings account, the HACSB will multiply the value of the account by the current rate of interest paid on the account.

## **Periodic Payments Excluded from Annual Income**

### HACSB Policy

When an employed family member participates in an employer-provided medical cafeteria / flex pay plan, and the employer reflects the cost of the medical plan paid by the employer on payment records, including paystubs, that amount is reported on the form HUD 50058 under income code 'E' (medical reimbursement), and then fully excluded.

Example: The employer pays \$307 per pay period towards the employee's medical plan costs. This is clearly indicated by a line designation such as 'Flex'. Although included in the gross pay amount, the \$307 is also shown as a before tax deduction. The \$307 will be subtracted from the gross pay before employment income is annualized. The \$307 is then annualized, then reported and excluded on its own line on the form HUD-50058 under income code 'E'.

### **Alimony and Child Support**

The PHA must count alimony or child support amounts awarded as part of a divorce or separation agreement.

### HACSB Policy

The HACSB will count court-awarded amounts for alimony and child support unless the HACSB verifies that (1) the payments are not being made and (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments [HCV GB, pp. 5-23 and 5-47].

Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

If the family is receiving alimony or child support payments but payment amounts received are inconsistent, HACSB will average the last three months of payments received and annualize.

However, if a retroactive lump sum payment has been received in the past twelve months, HACSB will anticipate receipt of the full court-awarded amount in calculating income. Should the family not receive the full court-awarded amounts, they may request an interim reexamination, and will be required to provide appropriate documentation.

The retroactive lump sum payment itself will be treated in accordance with *Lump-Sum Receipts* as found in this chapter.

## **PART II: ADJUSTED INCOME**

### **6-II.A. INTRODUCTION**

#### **Anticipating Expenses**

### HACSB Policy

Generally, the HACSB will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., child care during school and non-school periods and cyclical medical expenses), the HACSB will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, the HACSB will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made.

Example: In an annual reexamination interview held on April 1, the family reports they owe \$1,200 on a medical bill. The family declares they will pay \$100 per month beginning April 15. The annual reexamination will be effective May 1. \$1,100 will be allowed (the period for which the income determination is being made is May 1 through April 30).

Amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. The HACSB may require the family to provide documentation of payments made in the preceding year.

## **Chapter 7**

### **VERIFICATION**

[24 CFR 982.516, 24 CFR 982.551, 24 CFR 5.230]

#### **File Documentation**

The PHA must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that the PHA has followed all of the verification policies set forth in this plan. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

#### HACSB Policy

The HACSB will document, in the family file, the following:

Reported family annual income

Value of assets

Expenses related to deductions from annual income

Other factors influencing the adjusted income

When the PHA is unable to obtain 3rd party verification, the PHA will document in the family file the reason that third-party verification was not available [24 CFR 960.259(c)(1); Notice PIH 2010-19].



## 7-II.H. VERIFICATION OF PREFERENCE STATUS

The PHA must verify any preferences claimed by an applicant.

HACSB Policy

Preferences are described in Section 4-III.B.

Verification requirements for each preference are described below.

- Families who are permanently displaced due to local (within HACSB's jurisdiction) government action must provide proof of that action or documentation will be obtained through the involved government agency.
- i. Families of federally declared disasters who are Section 8 voucher holders or public housing residents in another jurisdiction must provide verification of their assistance status and agency contact information. HACSB will verify the existence of the federally declared disaster.
- j. HACSB will verify that a family qualifies for a preference due to having been terminated from HACSB's HCV program due to insufficient program funding using the HACSB's termination records.
- k. Verification of Elderly Family status will be conducted through verifying that the head of household, spouse, or co-head is 62 years of age or older.
- l. Verification that an individual is disabled (including that a family qualifies as a Disabled Family) will be conducted as stated in 7-II.F of this Chapter.
- m. The HACSB may verify that the family qualifies for the veterans/surviving spouse preference based on the family's submission of an original DD-214.
- n. HACSB will verify a family is a family with minor children through verifying in accordance with age, relationships and identification verification requirements as stated in this chapter.
- o. HACSB may verify that the family qualifies for the residency family preference based on the family's submission of:
  - a. For families whose head of household/spouse resides within HACSB's jurisdiction:
    - i. One of the following
      1. A current, valid lease, or
      2. Document from a homeless facility or services provider stating the individual was homeless with HACSB's jurisdiction within the past three months,
    - ii. Or, at least two of the following current documents verifying residence:
      1. Home utility bill (gas, electric, water, sewer, landline telephone)
      2. Children's school records documenting all residential addresses within the past 12 months
      3. Automobile registration/insurance
      4. W-2

- 5. County, State, Federal Correspondence, such as: Human Service Agency, Child Support Division, and Social Security Administration
- b. For families who qualify due to the head of household or spouse working within HACSB's jurisdiction:
  - i. A current letter from the employer stating employment and work location
  - ii. Current paystubs identifying the name and address of the employer to allow a third party written form to be sent to the employer
- c. For families whose head of household or spouse has been hired to work within HACSB's jurisdiction:
  - i. A current job offer letter from the employer stating date employment will begin and the work location
- p. HACSB will verify that families qualify for the Working Preference as follows:
  - a. For families where the head of household, spouse, or co-head are currently working, and have worked a minimum of 20 hours a week for the last three months:
    - i. Paystubs for the last three months; or
    - ii. A third party verification form completed by the employer; or
    - iii. A combination of the above, as long as the requirements are fully verified.
  - b. For families where the head of household, spouse, or co-head are currently enrolled and fully participating in the educational program as a full-time student in school or in a qualified training program:
    - i. A third party verification form completed by the educational institution or training program
      - 1. The verification form will include the definition of a qualified training program as stated in Section 4-III.B.
  - c. For families where the head of household, spouse, or co-head are currently working and have worked a minimum of 16 hours a week for the last three months **and** are currently enrolled at least part-time in school or in a qualified training program:
    - i. Paystubs for the last three months; or
    - ii. A third party verification form completed by the employer; or
    - iii. A combination of the above, as long as the requirements are fully verified, **and**
    - iv. A third party verification form completed by the educational institution or training program.
  - d. For families where the head of household, spouse, or co-head are currently participating in CALWORKS welfare reform program:

- ii. [A third party verification form completed by the Human Services Agency](#)
  - e. [For families where the head of household, spouse, or co-head are currently receiving unemployment benefits and actively seeking work:](#)
    - i. [Original current EDD check stub and/or benefit notification letter](#)
    - ii. [A third party verification form complete by EDD, if necessary](#)
  - q. [HACSB will require the following from service agencies partnering with the housing authority for the set-a-side voucher preference:](#)
    - a. [If not an agency funded to provide public services that promotes self-sufficiency, health and well-being, etc. verification of 501\(c\)\(3\) status will be required.](#)
      - i. [Copy of the agency's IRS letter of determination to prove 501\(c\) \(3\) tax-exempt status.](#)
    - b. [Description of the program and services provided directly related to the special need as described in the preference.](#)
      - i. [Must include an overall program description](#)
      - ii. [Must include a detailed description of all services provided and program requirements related to the preference](#)
      - iii. [Must include a time period supported services will be provided](#)

## Chapter 8

### HOUSING QUALITY STANDARDS AND RENT REASONABLENESS DETERMINATIONS

[24 CFR 982 Subpart I and 24 CFR 982.507]

#### 8-II.C. ANNUAL HQS INSPECTIONS [24 CFR 982.405(a)]

##### Scheduling the Inspection

Each unit under HAP contract must have an annual inspection no more than 12 months after the most recent inspection.

##### HACSB Policy

If an adult family member cannot be present on the scheduled date, the family should request that HACSB reschedule the inspection. HACSB and family will agree on a new inspection date that generally should take place within [10 business days](#) of the originally-scheduled date. HACSB may schedule an inspection more than [10 business days](#) after the original date for good cause.

##### Re-inspections

##### HACSB Policy

The HACSB will conduct a re-inspection immediately following the end of the corrective period for a life threatening fail.

For non-life threatening fails, the HACSB will schedule a re-inspection upon notice that the fail items have been remedied.

### **8-III.D. PHA RENT REASONABLENESS METHODOLOGY**

#### **How Market Data is Collected**

##### HACSB Policy

HACSB will collect and maintain data on market rents in the HACSB's jurisdiction utilizing the GoSection8.com database. Information sources may include realtors, market surveys, inquiries of owners and other available sources. The data will be maintained by bedroom size and market areas. Market areas may be defined by zip codes, census tract, neighborhood, and identifiable natural or man-made boundaries. The data will be updated on an ongoing basis and rent information that is more than 12 months old will be eliminated from the database.

#### **How Rents are Determined**

##### HACSB Policy

The rent for a unit proposed for HCV assistance will be compared to the rent charged for comparable units in the same market area. HACSB will develop a range of prices for comparable units by bedroom size within defined market areas. Units proposed for HCV assistance will be compared to the units within this rent range. Because units may be similar, but not exactly like the unit proposed for HCV assistance, HACSB may make adjustments to the range of prices to account for these differences.

The adjustment must reflect the local market. Not all differences in units require adjustments (e.g., the presence or absence of a garbage disposal may not affect the rent in some market areas).

Adjustments may vary by unit type (e.g., a second bathroom may be more valuable in a three-bedroom unit than in a two-bedroom).

The adjustment must reflect the rental value of the difference – not its construction costs (e.g., it might cost \$20,000 to put on a new roof, but the new roof might not make any difference in what a tenant would be willing to pay because rents units are presumed to have functioning roofs).

When a comparable project offers rent concessions (e.g., first month rent-free, or reduced rent) reported monthly rents will be adjusted accordingly. For example, if a comparable project reports rents of \$500/month but new tenants receive the first month's rent free, the actual rent for the unit would be calculated as follows:  $\$500 \times 11 \text{ months} = 5500 / 12 \text{ months} = \text{actual monthly rent of } \$488.$

HACSB will notify the owner of the rent HACSB can approve based upon its analysis of rents for comparable units. The owner may submit information about other comparable units in the market area. HACSB will confirm the accuracy of the information provided and may consider this

additional information when making rent determinations. The owner must submit any additional information within 5 business days of the HACSB's request for information or the owner's request to submit information.

## **Chapter 11**

### **REEXAMINATIONS**

#### **PHA-Initiated Interim Reexaminations**

PHA-initiated interim reexaminations are those that are scheduled based on circumstances or criteria defined by the PHA. They are not scheduled because of changes reported by the family.

#### HACSB Policy

HACSB will conduct interim reexaminations in each of the following instances:

For families receiving the Earned Income Disallowance (EID), HACSB will conduct an interim reexamination with every income change, including when the family member first qualifies for the EID, when the Phase-in period is reached, and when EID ends (at the conclusion of the second 12 month exclusion period (50 percent phase-in period or the 48 month time period, whichever comes first).

If the family has reported zero income, HACSB will conduct an interim reexamination every 3 months as long as the family continues to report that they have no income. If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income), the HACSB will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.

If at the time of the annual reexamination, tenant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, HACSB will conduct an interim reexamination.

HACSB may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

## **Chapter 12**

### **TERMINATION OF ASSISTANCE AND TENANCY**

#### ***Family Absence from the Unit [24 CFR 982.312]***

The family may be absent from the unit for brief periods. The PHA must establish a policy on how long the family may be absent from the assisted unit. However, the family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. Absence in this context means that no member of the family is residing in the unit.

#### HACSB Policy

If a family is absent from the public housing unit for more than 90 consecutive days, and the family does not adequately verify that they are living in the unit, the HACSB will terminate assistance. Regardless, if they will be absent for more than 180 consecutive calendar days for any reason, HACSB will terminate assistance. Notice of termination will be sent in accordance with Section 12-II.E.

#### ***Insufficient Funding [24 CFR 982.454]***

The PHA may terminate HAP contracts if the PHA determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

#### HACSB Policy

HACSB will determine whether there is sufficient funding to pay for currently assisted families according to the policies in Part VIII of Chapter 16. If HACSB determines there is a shortage of funding, prior to terminating any HAP contracts, HACSB will determine if any other actions can be taken to reduce program costs. If after implementing all reasonable cost cutting measures there is not enough funding available to provide continued assistance for current participants, HACSB will terminate HAP contracts as a last resort.

Prior to terminating any HAP contracts, HACSB will inform the local HUD field office. HACSB will terminate the minimum number needed in order to reduce HAP costs to a level within the HACSB's annual budget authority.

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

HAP Contracts in place on behalf of HCV program participants who have been on the program the longest will be the first HAP Contracts terminated in the event of insufficient program funding.

In accordance with HUD requirements, YCHA will protect the interests of the near-elderly, elderly, and disabled. These families will not have their HAP Contracts terminated due to insufficient program funding.

## **Chapter 13**

### **OWNERS**

#### **Legal Ownership of Unit**

The following represents PHA policy on legal ownership of a dwelling unit to be assisted under the HCV program.

#### HACSB Policy

HACSB will only enter into a contractual relationship with the legal owner of a qualified unit. No tenancy will be approved without acceptable documentation of legal ownership (e.g., deed of trust, proof of taxes for most recent year).

## Chapter 16

### PROGRAM ADMINISTRATION

#### PART I: ADMINISTRATIVE FEE RESERVE [24 CFR 982.155]

The PHA must maintain an administrative fee reserve for the program to pay program administrative expenses in excess of administrative fees paid by HUD for a PHA fiscal year. If funds in the administrative fee reserve are not needed to cover PHA administrative expenses, the PHA may use these funds for other housing purposes permitted by Federal, State and local law.

If the PHA has not adequately administered any Section 8 program, HUD may prohibit use of funds in the administrative fee reserve, and may direct the PHA to use funds in the reserve to improve administration of the program or to reimburse ineligible expenses. HUD also may prohibit use of the funds for certain purposes.

HUD requires the PHA Board of Commissioners or other authorized officials to establish the maximum amount that may be charged against the administrative fee reserve without specific approval.

#### HACSB Policy

Expenditures from the administrative fee reserve will be made in accordance with all applicable Federal requirements. Expenditures will not exceed \$10,000 per occurrence without the prior approval of the HACSB's Board of Commissioners.

#### **16-IV.B. REPAYMENT POLICY**

##### ***Payment Thresholds***

Notice PIH 2010-19 recommends that the total amount that a family must pay each month—the family's monthly share of rent plus the monthly debt repayment amount—should not exceed 40 percent of the family's monthly adjusted income. However, a family may already be paying 40 per cent or more of its monthly adjusted income in rent. Moreover, Notice PIH 2010-19 acknowledges that PHAs have the discretion to establish "thresholds and policies" for repayment agreements with families [24 CFR 982.552(c)(1)(vii)].

#### HACSB Policy

If the family owes \$500 or less, they must pay in 3 equal payment amounts, to be paid monthly so as the debt is fulfilled within 3 months.

If the family owes more than \$500, they must enter into 12 month repayment agreement and must make regular monthly payments.

However, if a family can provide evidence satisfactory to the HACSB that the required monthly payment amount imposes an undue hardship, HACSB may, in its sole discretion, require a lower monthly payment amount, and allow a longer repayment term. HACSB will review the family's payment status at each annual reexamination. If the family has defaulted on the payments, or otherwise breached the repayment agreement they will be required to pay the debt in full within 30 days or be terminated.

If the family's income increases or decreases during the term of a repayment agreement, either the HACSB or the family may request that the monthly payment amount be adjusted accordingly.

### ***Execution of the Agreement***

HACSB Policy

Any repayment agreement between HACSB and a family must be signed and dated by HACSB and by the head of household and spouse/co-head (if applicable). The repayment agreement will state that the monthly payment is due on the 15th day of the month, paid directly to the HACSB.

### ***Due Dates***

HACSB Policy

All payments are due by the close of business on the 15<sup>th</sup> day of each month. If the 15<sup>th</sup> does not fall on a business day, the due date is the close of business on the first business day after the 15<sup>th</sup>.

### ***No Offer of Repayment Agreement***

HACSB Policy

HACSB generally will not enter into a repayment agreement with a family if there is already a repayment agreement in place with the family or if the HACSB has determined the intent to commit fraud. Incidents of fraud may be reported to the Office of the Inspector General's Office for investigation and/or prosecution.

## **Chapter 17**

### **PROJECT-BASED VOUCHERS**

#### **17-VI.C. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c)]**

The PHA may establish a separate waiting list for PBV units or it may use the same waiting list for both tenant-based and PBV assistance. The PHA may also merge the PBV waiting list with a waiting list for other assisted housing programs offered by the PHA. If the PHA chooses to offer a separate waiting list



for PBV assistance, the PHA must offer to place applicants who are listed on the tenant-based waiting list on the waiting list for PBV assistance.

If a PHA decides to establish a separate PBV waiting list, the PHA may use a single waiting list for the PHA's whole PBV program, or it may establish separate waiting lists for PBV units in particular projects or buildings or for sets of such units.

#### [HACSB Policy](#)

[The HACSB will establish and manage separate waiting lists for individual projects or buildings that are receiving PBV assistance. The HACSB currently has waiting lists for the following PBV projects in the City of Ventura:](#)

#### [Chapel Lane](#)

#### [Rose Garden](#)

#### [TRIAD Properties](#)

#### [SOHO](#)

#### [SHORE Community at the WAV](#)

### **Preferences [24 CFR 983.251(d), FR Notice 11/24/08]**

#### [HACSB Policy](#)

[HACSB will provide a selection preference when required by the regulation \(e.g., eligible in-place families, qualifying families for "excepted units," mobility impaired persons for accessible units\). HACSB will offer additional preferences for families \(including individuals\) interested in the PBV program or particular PBV projects or units where the family is:](#)

- [A family with disabilities that significantly interfere with their ability to obtain and maintain themselves in housing;](#)
- [A family which, without appropriate supportive services, will not be able to obtain or maintain themselves in housing;](#)
- [A family for whom such services cannot be provided in a non-segregated setting;](#)
- [A family receiving supportive services to achieve economic independence and self-sufficiency.](#)
- [A homeless family receiving supportive services to achieve economic independence and self-sufficiency, or](#)
- [A family aged out of a foster care program receiving supportive services to achieve economic independence and self sufficiency](#)

### **Filling Vacancies [24 CFR 983.254(a)]**

The owner must promptly notify the PHA of any vacancy or expected vacancy in a contract unit. After receiving such notice, the PHA must make every reasonable effort to promptly refer a sufficient number

of families for the owner to fill such vacancies. The PHA and the owner must make reasonable efforts to minimize the likelihood and length of any vacancy.

[HACSB Policy](#)

[The owner must notify HACSB in writing \(mail, fax, or e-mail\) within 5 business days of learning about any vacancy or expected vacancy.](#)

[HACSB will make every reasonable effort to refer families to the owner within 12 business days after receiving such notice from the owner.](#)

**17-VII.D. EXCEPTIONS TO THE OCCUPANCY CAP [24 CFR 983.261, FR Notice 11/24/08]**

The PHA may not pay housing assistance under a PBV HAP contract for more than 25 percent of the number of dwelling units in a project unless the units are [24 CFR 983.56]:

- In a single-family building;
- Specifically made available for elderly or disabled families; or
- Specifically made available for families receiving supportive services as defined by the PHA. At least one member must be receiving at least one qualifying supportive service.

If a family at the time of initial tenancy is receiving and while the resident of an excepted unit has received Family Self-Sufficiency (FSS) supportive services or any other service as defined as defined by the PHA and successfully completes the FSS contract of participation or the supportive services requirement, the unit continues to count as an excepted unit for as long as the family resides in the unit.

A family (or remaining members of a family) residing in an excepted unit that no longer meets the criteria for a “qualifying family” in connection with the 25 percent per project cap exception (e.g., the family does not successfully complete supportive services requirements, or due to a change in family composition the family is no longer elderly or disabled), must vacate the unit within a reasonable period of time established by the PHA, and the PHA must cease paying housing assistance payments on behalf of the non-qualifying family.

If the family fails to vacate the unit within the established time, the unit must be removed from the HAP contract unless the project is partially assisted, and it is possible for the HAP contract to be amended to substitute a different unit in the building in accordance with program requirements; or the owner terminates the lease and evicts the family. The housing assistance payments for a family residing in an excepted unit that is not in compliance with its family obligations to comply with supportive services requirements must be terminated by the PHA.

[HACSB Policy](#)

[HACSB will provide PBV assistance for excepted units. Supportive services are defined as follows:](#)

In addition to HACSB Housing Choice Voucher FSS programs, the following types of supportive services can meet the supportive services requirement for an excepted unit:

Case management, Alcohol or drug abuse services, Mental health services, HIV / AIDS related services, Employment training and counseling, Economic self-sufficiency, Post-secondary educational programs, Childcare, Classes on parenting, General education classes (including computer classes), English as a Second Language (ESL) classes, Classes on life skills, Obtaining & retaining government, financial & medical benefits, Behavior assessments, Transportation assistance and services, Financial literacy, Nutrition, Family counseling, Government & community resources, General health care and services, Legal services, Leadership development

### **Extent of Supportive Services**

The supportive services may be provided directly by the owner or by an independent agency or contractor. The type of supportive services to be provided shall be indicated in the PBV Contract. In an enforceable attachment to the PBV Contract, the owner must specify the type of supportive services to be provided, the frequency with which they will be provided and, if appropriate; a time frame by which the family must complete the supportive service requirements. The owner must provide, and a family must agree to participate in, at least 3 supportive services or be an active participant of the HACSB FSS program to meet the supportive services requirement for an excepted unit. The HACSB must approve the level of effort and frequency of service to be provided. The owner must provide documentation of a family's continued participation in supportive services until such time as the family meets its supportive services requirement.

### **Supportive Services Statement of Family Responsibility**

If families will be provided FSS services, the family must complete an FSS Contract of Participation. If families will be provided other than HACSB FSS services, the head of household and the owner or owner's representative must sign a supportive services statement of family responsibility that is approved and counter-signed by the HACSB. The statement of family responsibility will indicate what supportive services will be provided to the family, which family members must participate in the supportive services and the degree and length of participation required. The family and owner will, by signing the statement of responsibility, acknowledge that failure to meet the supportive service requirements will result in termination of the family's participation in the Housing Choice Voucher program.

### **Monitoring Supportive Services**

The HACSB shall monitor supportive services being provided to families under the PBV Contract and in accordance with supportive services statements of family responsibility. The HACSB shall conduct an annual audit of each family's participation in supportive services at the time of the family's annual reexamination. The owner shall provide the HACSB with proof that the family has participated in all supportive services required by the statement of responsibility.

If supportive services are provided by agencies independent of the owner, the owner shall provide the HACSB annually, at the anniversary of the contract, documentation showing that the agency has provided the services required. For services to be provided on the site, the HACSB shall conduct an on-site review of the services and facilities annually at the anniversary of the PBV Contract.

#### **Owner Failure to Provide Supportive Services**

If the owner fails to meet the supportive service requirements of the PBV Contract, the HACSB shall allow the owner 60 days to reinstate the required services. If the services are not reinstated within 60 days, the HACSB shall terminate the PBV Contract for the excepted units upon 60 days notice to the owner.

#### **Change in Supportive Service Requirements**

The owner may negotiate with the HACSB to change the supportive service requirements of an ongoing contract through a contract amendment, but the owner must continue to meet the requirements of, *Extent of Supportive Services*, above.

#### **Family's Failure to Meet Supportive Service Requirements.**

If a family residing in an excepted unit fails without good cause to fulfill its supportive services requirement, the family shall be terminated from the PBV program. The family shall receive the normal opportunity to request an informal hearing prior to any such termination.

The HACSB shall notify the owner of its intention to terminate the family at the same time it notifies the family. If the family is terminated due to its failure to meet supportive service requirements, the family shall not be provided tenant-based assistance. Any existing application for tenant-based assistance will remain on file and will be processed in normal sequence.