

# The Wallingford Housing Authority

## Administrative Plan



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Submitted to:  
The Wallingford Housing Authority  
45 Tremper Drive,  
Wallingford, CT 06492

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## CHAPTER 1- PROGRAM AUTHORITY AND OBJECTIVES

Link: [United States Housing Act of 1937](#)

The Wallingford Housing Authority (WHA) manages the Housing Choice Voucher (HCV) Program and other housing programs in the geographic area covering the City of Wallingford, Connecticut. Through its assisted housing programs, eligible families are provided the opportunity to obtain decent, safe and sanitary housing and affordable rental housing in the private market.

Administration of WHA's Housing Programs is in compliance with WHA's policies and procedures, the Department of Housing and Urban Development's (HUD) regulations, and all applicable Federal, State and local fair housing laws.

### Applicable Regulations

- [24 CFR Part 5](#): General Program Requirements
- [24 CFR Part 8](#): Nondiscrimination
- 24 CFR Part 35: Lead Safe Housing
- [24 CFR Part 903](#): Public Housing Agency Plans
- [24 CFR Part 982](#): Section 8 Tenant Based Assistance
- 24 CFR Part 983: Project Based Vouchers
- [24 CFR Part 985](#): Section 8 Management Assessment Program
- [24 CFR Part 100](#): Discriminatory Conduct Under the Fair Housing Act

### WHA Mission

We build a stronger community through housing opportunities and resource networks, enhancing the quality of life.

### Purpose of the Administrative Plan

The Administrative Plan (Plan) establishes policies for implementation and administration of the Housing Choice Voucher Program administered by the WHA. The Plan covers both admission to and continued participation in the Housing Choice Voucher program.

The policies set forth in this Administrative Plan (the "Plan") will be interpreted, implemented and acted upon in relation to the laws of the United States and the State of Connecticut, and all rules, regulations and policies enacted, enforced or promulgated by the United States Department of Housing and Urban Development, all of which will take precedence over the Policies and Procedures described in this Administrative Plan and all of which are incorporated in the Plan by reference and all current rules, regulations and policies, including, but not limited to, Income Limits, Utility Schedules and Fair Market Rents, shall be in accordance with Federal

Issues not addressed in this document related to applicants, participants and owners are governed by the Department of Housing and Urban Development Code of Federal Regulations, HUD guidance, or other applicable law. When circumstances arise and are not addressed by provisions in this Plan, they

will be reviewed on a case-by-case basis. If a conflict arises between or among the regulations identified in this Plan, the regulations specifically stated for the applicable program will take precedence.

### Approval of Plan and Use of Administrative Fee Reserves

Only the WHA Board of Commissioners is authorized to approve changes to the Administrative Plan and to authorize charges to the administrative fee reserve in excess of \$10,000. Expenditures from the administrative fee reserve will be made in accordance with all applicable Federal requirements.

## CHAPTER 2 - GENERAL ADMINISTRATIVE PROVISIONS AND POLICES

### Confidentiality and Privacy

Link: [24 CFR 5.212](#); [HUD Form 9886](#)

It is the policy of WHA to guard the privacy of applicants and participants, and ensure the protection of records in accordance with the Privacy Act of 1974, the Violence Against Women Act and other federal, state and local requirements . WHA will not disclose any personal information (including, but not limited to information on any disability) contained in its records to any person or agency unless the individual about whom the information is requested gives written consent to such disclosure, or as required by law.

This privacy policy does not limit WHA's ability to collect such information as it may need to determine eligibility, compute housing assistance, and does not prohibit the WHA from disclosing information to local law enforcement if the participant is suspected of being involved in criminal or legal activity.

All applicant and participant information will be kept in a secure location and access will be limited to authorized WHA staff. WHA staff will not discuss personal family information unless there is a business reason to do so.

Prior to utilizing HUD's EIV system, the WHA will adopt and implement EIV security procedures required by HUD.

### Record Retention Policy

Link: [24 CFR 908.101](#); [24 CFR 35 Subpart B](#)

The WHA will keep all documents related to a family's eligibility, tenancy, and termination in accordance with WHA's Records Retention and Disposition policy and with HUD requirements including:

- 24 CFR 982.158
- 24 CFR 5.2002(e)(12)(VAWA)
- 24 CFR 35.175 Lead Paint Requirements; Records
- PIH 2014-20: Records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule

## CHAPTER 3- GENERAL FAIR HOUSING POLICIES

### Nondiscrimination Policy

Links: [Fair Housing Act \(42 U.S.C\); Section 504 of the Rehabilitation Action of 1973](#); [Joint Statement of HUD and DOJ 5/17/14](#)) and [24 CFR 982.54\(d\) \(6\)](#); [982.301\(b\) \(10\)](#); [982.304](#)

WHA will not discriminate because of race, color, sex (includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, as well as gender identity and gender expression), religion, marital or familial status, age, disability, medical condition, national origin, ancestry, genetic information, gender identity or expression or sexual orientation. 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. WHA provides information regarding Fair Housing and discrimination in housing on its website, in outreach materials, posters at its office, in the family briefing session and program packets, and owner meetings. When needed, WHA will also assist with how to fill out and file a housing discrimination complaint.

### Complying with Civil Rights Laws

It is the policy of the WHA to comply with all federal, state and local non-discrimination laws, rules and regulations governing fair housing and equal opportunity in housing and employment now in effect and subsequently enacted, including, but not limited to:

- [Title VI of the Civil Rights Act of 1964](#), which forbids discrimination on the basis of race, color, religion, national origin or sex.
- [Title VIII of the Civil Rights Act of 1968](#) (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination
- [Executive Order 11063](#)
- [Section 504 of the Rehabilitation Action of 1973](#), which describes specific housing rights of persons with disabilities
- [Age Discrimination Act of 1975](#)
- [Title II of the Americans with Disabilities Act](#), otherwise Section 504 and the Fair Housing Amendments govern (Title II deals with common areas and public space, not living units)
- [Violence Against Women Reauthorization Act 2013](#) (VAWA)
- [Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity](#), also known as the “Equal Access Rule”
- Executive Order 13166 which requires that recipients of Federal financial assistance provide meaningful access to their limited English proficiency applicants and beneficiaries
- Any applicable State laws or local ordinances that may apply, including those pertaining to Fair Housing or any legislation protecting the individual rights of residents, applicants or staff which may be subsequently enacted

WHA’s housing programs are open to all eligible individuals regardless of sexual orientation, gender

identity or marital status. WHA will not inquire about the sexual orientation or gender identity of an applicant or participant for purposes of determining eligibility or otherwise making such housing available. WHA will not discriminate because of race, color, familial status, source of income, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities.

Upon receipt of a complaint from an applicant or participant alleging a violation of the Equal Access Rule, WHA will determine if a program violation occurred, provide written notice and implement appropriate corrective action(s). WHA may also advise the family to file a Fair Housing complaint if the family feels they have been discriminated against under the Fair Housing Act.

Applicants or participant families who believe that they have been subject to unlawful discrimination may notify WHA in writing. Notifications made orally (as an approved reasonable accommodation) will be documented in writing by WHA staff including: complaint description, applicant/participant name, date, and WHA staff taking complaint. WHA will attempt to remedy discrimination complaints made against the WHA. WHA 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).

Boston Regional Office of FHEO  
U.S. Department of Housing and Urban Development  
Thomas P. O'Neill, Jr.  
Federal Building  
10 Causeway Street, Room 321  
Boston, Massachusetts 02222-1092  
(617) 994-8300  
(800) 827-5005  
TTY (800) 877-8339

## Owner Nondiscrimination Requirements

Link: [Form HUD 52641](#); [PIH 2014-20](#)

WHA requires owners to comply with all applicable laws and statutes. In agreeing to participate in WHA's housing choice voucher programs, the owner must abide by the Housing Assistance Payments (HAP) contract which prohibits discrimination and requires that the owner:

- Not discriminate against any person because of race, color, religion, sex, sexual orientation, gender identity, national origin, age, familial status, or disability in connection with the contract; and,
- Cooperate with WHA and HUD in conducting equal opportunity compliance reviews and investigation.

## Family Outreach and Affirmative Marketing

Link: [24 CFR Part 903.2](#) and [24 CFR 903.7](#)

WHA publicizes and disseminates information concerning the availability and nature of housing assistance to income eligible families. As part of the briefing process and on-going education, WHA will provide information to HCV families about the opportunity to rent in a broad range of neighborhoods including:

- Go-Section8, a web based searchable database of rental properties.
- A description of portability provisions available in the Housing Choice Voucher program.
- A map that identifies areas within the Wallingford jurisdiction that are areas of low poverty and minority concentrations and other general information (e.g. bus lines, schools, shopping, etc).
- Other information as required.

When WHA's waiting list is open, WHA will publicize the availability and nature of housing assistance through a wide variety of sources including local and State newspapers, minority media, minority civic clubs, places of worship, service agencies, and broadcast media. Efforts will be made to notify local officials, government agencies, and agencies that specifically address the needs of individuals with disabilities.

WHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in WHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved. Specific eligibility information regarding the Special Needs set-aside program will be made available to local service providers when vouchers are set-aside.

## Owner Outreach

WHA encourages program participation by owners of units located outside areas of poverty or minority concentration. Voucher holders are informed of the full range of areas within the WHA's jurisdiction where they may lease units and are given a list of owners who are willing to lease units outside areas of poverty or minority concentration. Outreach to property owners is regularly conducted to develop interest in the program and to increase the number of units available in low-poverty areas. WHA provides program information and printed materials to local realtors, agents, apartment associations and any interested landlords. WHA staff will be available to make presentations about the Housing Choice Voucher Program to these groups. The purpose of these activities is to provide more choices and better housing opportunities to families.

## Language Assistance Plan and Limited English Proficiency Policy

Link: [Federal Register 1/22/07](#), [24 CFR 1](#)

The WHA is committed to providing meaningful access to its programs and services to all eligible

persons, including those who have Limited English Proficiency because of their national origin. WHA will take affirmative steps to communicate with people who need services or information in a language other than English. LEP is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this Policy, LEP persons are HCV program applicants and participant families.

Based on U.S. Census data and the practices of other organizations within the jurisdiction, WHA has determined that the majority of participants speak either: English, Spanish and Portuguese. The WHA staff can communicate in: English Spanish and Portuguese.

Given very limited resources WHA will not develop a written LEP plan, but will consider alternative ways to communicate and provide meaningful access. Every year, as part of WHA's annual plan process, the need for a LEP Plan will be reviewed and a Plan created if needed. The review will assess whether there have been any significant changes in the composition or language needs of the LEP population. The WHA will analyze the various kinds of contacts it has with the public to assess language needs and decide what reasonable steps should be taken if the costs imposed do not substantially exceed the benefits.

If in the future WHA determines it is appropriate to develop a written LEP plan, the following five steps will be taken: (1) identifying LEP individuals who need language assistance; (2) identifying language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) developing, monitoring and updating the LEP plan as needed.

### 3.6.1 LEP Options

- When LEP persons request, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the WHA: the staff communicate in English Spanish and Portuguese. The interpreter may be a family member or friend.
- The WHA will utilize a language line for telephone interpreter services.
- WHA will inform applicants and participants of language assistance services.
- WHA will not provide written translation but will provide written notice in the primary language of the LEP language group of the right to receive oral interpretation of those written materials, free of cost. Translation may also be provided orally.

## Reasonable Accommodation

Link: [24 CFR Part 8](#)

This policy applies to applicants and participants. A reasonable accommodation is a change, modification, alteration or adaptation in a policy, procedure, practice, program or facility that is necessary for a qualified individual with a disability to have the opportunity to participate in, and benefit from a program or activity.

WHA will ask all applicants and participant families if they require any type of accommodations, in writing, on the intake application, re-certification documents, and notice of adverse action. The notice

will include the phone number of the WHA to proceed with a request for accommodation for persons with disabilities.

WHA will encourage the family to make its request in writing using a reasonable accommodation request form. However, WHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted. If the request is made orally, the WHA will document the request in writing including: request specifications, family name, date, and WHA staff taking request.

If a person with a disability requests an accommodation to an existing rule, policy, practice, or service in order to fully access and utilize the WHA's housing programs and related services, the WHA will verify and evaluate the request. The WHA will approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the WHA, or fundamentally alter the nature of the WHA's HCV operations (including the obligation to comply with HUD requirements and regulations).

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as the cost of the requested accommodation, the financial resources of the WHA at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, the WHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the WHA may verify the need for the requested accommodation.

If the WHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the WHA's operations), the WHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the HCV program and without imposing an undue financial and administrative burden.

## Legal Authority

This Policy is in compliance with the statutory WHA listed below:

- [Section 504 of the Rehabilitation Act of 1973](#) (Section 504);
- [Titles II and III of the Americans with Disabilities Act of 1990](#) (ADA);
- [The Fair Housing Act of 1968](#), as amended (Fair Housing Act);
- [The Architectural Barriers Act of 1968](#); and
- [24 C.F. R. Parts 8](#)

Reasonable accommodations will not be approved if they are a violation of federal law. The WHA does

not permit the use of medical marijuana as a reasonable accommodation in any of its subsidized or assisted housing programs. (HUD General Counsel Opinions on Medical Marijuana, 2/10/2011, 12/29/2014)

## Definition of Disability

Person with disabilities is a person who:

- Has a disability, as defined in [42 U.S.C. 423](#);
- Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - Is expected to be of long-continued and indefinite duration;
  - Substantially impedes his or her ability to live independently, and
  - Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
  - Has a developmental disability as defined in [42 U.S.C. 6001](#).
- Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
- For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
- Means “individual with handicaps”, as defined in § [8.3](#) of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

## Examples of Reasonable Accommodations

- Allowing a larger unit size
- Allowing a live-in aide, with the owner’s approval
- Allowing a service animal, with the owner’s approval
- Alternative measures instead of lease termination
- Rescheduling appointments and/or hearings
- Attendance at a hearing of any other person approved by the WHA
- Permitting an outside agency or family member to assist in an interview or meeting
- Permitting applications and re-certifications to be completed by mail

## Live in Aide Policy

Links: [24 CFR 5.403](#); [24 CFR 8](#); [24 CFR 5.609\(c\)\(5\)](#); [PIH Notice 2014-25](#)

WHA will approve a live-in aide if needed for families with an elderly member, or as a reasonable accommodation to make the program accessible to and usable by a family member with disabilities.

Live-in aide means a person who resides with one or more elderly persons or persons with disabilities, and who:

- Is determined to be essential to the care and well-being of the persons
- Is not obligated for the support of the persons, and
- Would not be living in the unit except to provide the necessary supportive services

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. 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 will not be considered a remaining member of a participant family.

A family's request for a live-in aide must be made in writing and is subject to WHA's verification. WHA will verify the request in accordance with HUD Notice PIH 2014-25.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is:

- Not obligated for the support of the person(s) needing the care, and
- Would not be living in the unit except to provide the necessary supportive services.
- Estimate the hours of service

In accordance with 24 CFR § 982.316, the PHA must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR part 8 to make the program accessible to and usable by a family member with a disability. The PHA may disapprove a particular person as a live-in aide if:

- Does not meet WHA's eligibility criteria
- Would cause the current unit to become overcrowded according to WHA standards and local codes
- Falls under any category listed in this Policy in the Denials of Admission Section
- Is on the WHA Public Housing Trespass List

t. Additionally, under 24 CFR § 982.402(a), the PHA must establish subsidy standards to determine the number of bedrooms needed for families of different sizes and compositions. Consequently, PHAs may not approve an unidentified live-in aide, nor a larger unit than the family qualifies for under the PHA's subsidy standards for an unidentified live-in aide.

## Physical Impairment Policy

Link: [24 CFR Part 8.6](#)

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication is available at the WHA office.

When visual aids are used in meetings or presentations, one-on-one assistance will be provided upon request.

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

## Violence against Women Reauthorization Act Policy (VAWA)

Links: [Violence Against Women Reauthorization Act 2005](#); [24 CFR 5.2005 \(b\), \(d\), \(e\)](#); [24 CFR 5.2003](#); [24 CFR 5.2009](#); [24 CFR 5.2007 \(a\)\(1\)\(v\)](#); [Federal Register / Vol. 81, No. 221](#)

This Policy is applicable to all federally subsidized public housing administered by WHA, including the HCV program. WHA will not discriminate against an applicant or participant on the basis of the rights or privileges provided under the VAWA. This policy is gender-neutral, and its protections are available to persons who are victims of domestic violence, dating violence, sexual assault or stalking.

Neither VAWA nor this Policy implementing it will preempt or supersede any provision of Federal, State or local law that provides greater protection under VAWA for victims of domestic violence, dating violence, sexual assault or stalking (VAWA-protected acts or threatened acts of violence).

Per the requirements of the Violence Against Women Reauthorization Act of 2013 (VAWA), and as incorporated into the HAP Contract and Tenancy Addendum, WHA and unit owners/managers will not consider an incident or incidents of actual or threatened domestic violence, dating violence, stalking or sexual assault as serious or repeated violations of the lease or other “good cause” for termination of the assistance, tenancy, or occupancy rights of a victim of abuse.

Criminal activity directly related to abuse, engaged in by a household member, guest or other person under the tenant’s control, shall not be cause for denial of admission, termination of assistance, tenancy or occupancy rights if a member of the tenant’s immediate family is the victim or threatened victim of that abuse.

If an assisted household member engages in criminal acts of physical violence against family members or others, WHA may terminate assistance to the offending household member, or an owner/manager may “bifurcate” a lease, or otherwise remove the household member from the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance for any individual who is a tenant or lawful occupant. These actions may be taken without penalizing the victim.

These statements do not limit the authority or ability of a unit owner/manager to evict, or WHA to terminate assistance to any tenant under program guidelines if either party can demonstrate an “actual and imminent threat” to other tenants or persons employed at or providing services to the property.

An assisted family may receive a voucher and move in violation of the lease under WHA’s portability policy if the family has complied with all other obligations of the voucher program and moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, stalking or sexual assault and who reasonably believed he or she was imminently threatened if he or she remained in the assisted dwelling unit. Families who seek protections under VAWA may request an emergency transfer. Approved emergency transfers will follow the WHA Emergency Transfer Plan as approved by the WHA Board of Commissioners.

WHA will request in writing that a family that seeks to move to another unit or prevent eviction, removal, termination of occupancy rights, or termination of assistance under a claim of abuse complete HUD-Form 5382, Certification of Domestic Violence, Dating Violence, Stalking or Sexual Assault. The victim shall provide the name of the perpetrator on the form only if the name of the perpetrator is safe to provide and is known to the victim. In lieu of, or in addition to the form, a victim may provide to

WHA, at their choice any of the following:

- a document that is signed by the applicant, participant, or tenant and an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional who assisted the victim relating to domestic violence, dating violence, sexual assault, or stalking. The professional must state, under penalty of perjury, that he or she believes that the abuse meets the requirements under VAWA;
- a Federal, State, tribal, territorial, or local police or court record;
- a record of an administration agency; or
- a statement or other evidence provided by the applicant, participant, or tenant at the discretion of WHA or the landlord.

The victim of the actual or threatened violence or stalking must complete the HUD Certification of Domestic Violence, Dating Violence, Stalking or Sexual Assault within 14 business days of receiving the written request for the certification from WHA. If the family member has not provided the requested certification by the 14th business day or any extension of the date provided by WHA, none of the protections afforded to victims of domestic violence, dating violence, stalking or sexual assault (collectively “domestic violence”) will apply. WHA, at its discretion, may extend the 14-day deadline.

All information provided by the victim to an WHA employee or unit owner/manager relating to an incident of domestic violence, including the fact that an individual is a victim of domestic violence, dating violence, stalking or sexual assault must be retained in confidence and neither entered into any shared database nor provided to any related party, except to the extent that the disclosure is:

- Requested or consented by the individual in writing;
- Required for use in an eviction proceeding or termination of assistance; or,
- Otherwise required by applicable law.

WHA shall cooperate with organizations and entities that provide shelter or services to victims of domestic violence, dating violence, sexual assault, or stalking. If WHA staff becomes aware that an assisted person is a victim of domestic violence, dating violence, sexual assault, or stalking, WHA will refer the victim to shelter or other service providers as appropriate. This Policy does not create any legal obligation requiring WHA to maintain a relationship with a particular shelter or service provider to victims or to make a referral in any particular case.

### Bifurcating the Lease -VAWA

The WHA will allow the owner to bifurcate a family’s lease and terminate the tenancy of a family member if the WHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, non-culpable family members. In making its decision, the WHA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-5382) or other documentation of abuse submitted to the WHA by the victim.

In the event that WHA bifurcates a lease under VAWA, any remaining tenants who had not already established eligibility for assistance will be provided no less than 90 calendar days from the date of bifurcation of the lease or until expiration of the lease to establish eligibility for a voucher, or find alternative housing.

WHA may, on a case-by-case basis, choose not to allow bifurcating the lease. If necessary, the WHA will also take steps to ensure that the remaining family members have a safe place to live during the termination process. For example, the WHA may offer the remaining family members a voucher to move if the owner agrees to a mutual rescission of the lease; or it may refer them to a victim service provider or other agency with shelter facilities

## CHAPTER 4- APPLYING TO THE PROGRAM AND WAITING LIST

### Application Process

When the HCV program waiting list is open, WHA uses a two-step application process. Under the two-step application process, WHA initially will require families to provide only the information needed to determine the family's placement on the waiting list. 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 when selected from the waiting list.

WHA will announce the reopening of the waiting list prior to the date pre-applications will first be accepted. If the list is only being reopened for a specified time-period or to certain categories of families, this information will be contained in the notice. WHA will advertise through a wide variety of sources including local and State newspapers, minority media, minority civic clubs, places of worship, service agencies, and broadcast media. An effort will also be made to notify elected officials, government agencies and other agencies that specifically address the needs of individuals with disabilities.

No one will be denied the right to submit a pre-application when the HCV waiting list is open. Completed pre-applications must be submitted in the manner specified (e.g. post office box or address; on-line via the internet). WHA reserves the right to accept pre-applications electronically via the internet or other automated system (including via telephone and/or with assistance from an WHA-authorized third-party via telephone) as deemed appropriate. WHA does not charge any fee for any part of the HCV pre-application or application process. When the HCVP waiting list is open, WHA will offer all applicants the opportunity to apply to other WHA Program waiting lists, if open.

Accommodations will be made for interested, disabled applicants. In the event that on-line applications are utilized and an applicant needs assistance completing or submitting the on-line application, assistance may be provided over the phone or via other means as identified by WHA.

Only those pre-applications received by the due date as indicated by a postmark or other appropriate electronic submission verification tool during the time-period specified by WHA will be accepted as eligible pre-applications.

All fully complete pre-applications submitted will be placed on a list which will be used to create the waiting list for assistance. Duplicate pre-applications will be removed so that each applicant has only one opportunity to be placed in the random selection process. Applicants who have not completed their pre-applications will not be placed on the list for the random selection process. Applicants who submit pre-application forms after the closing date for submission will not be placed on the list for the random selection process.

An applicant is deemed preliminarily ineligible and not placed on WHA waiting list if:

- Currently housed in the same program and listed as the head of household or co-head of household.
- The pre-application is incomplete or missing required information.

At the time families are invited to complete a full application form, information provided will be verified by WHA, based on the criteria described in this Plan. Families that do not meet the income limits, other eligibility criteria, or do not provide the appropriate information will be determined ineligible.

## Opening and Closing the Waiting List

Link: [24 CFR 982.206](#)

WHA may at its discretion open and close waiting list. The decision to close the waiting list will be based on the availability of HUD funding.

WHA will announce the reopening of the waiting list prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

WHA will advertise through a wide variety of sources including local and State newspapers, minority media, minority civic clubs, places of worship, service agencies, and broadcast media. An effort will also be made to notify elected officials, government agencies and other agencies that specifically address the needs of individuals with disabilities.

All notices and advertisements announcing the opening of the waiting list will include:

- The dates the list will be open;
- The office hours and location where applications are available and will be accepted;
- The availability of Housing Choice Vouchers;
- Eligibility guidelines;
- Preferences and methodology for the selection of applicants; and
- Any limitations which may apply.
- Instructions for electronic submission of applications in the event such technology is available.

## Maintaining the Waiting List

The WHA may merge the housing choice voucher waiting list with the waiting list for any other program the WHA operates. In the event wait lists are merged, the WHA will notify applicants and provide them with an opportunity to complete an application for the other program(s).

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

- Name and address of head of household
- Number of family members
- Social security number (head of household)

- Amount and source of annual income
- Date and time of application / Randomized wait list selection number
- Other criteria deemed necessary by WHA or HUD

## Updating the Waiting List

The waiting list will be updated as needed to ensure that all applicant information is current. Failure to respond to WHA notices will result in the applicant being 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 review will be offered. Such failures to act on the part of the applicant prevent WHA from making an eligibility determination; therefore no informal review is required.

If the family is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless verification of the following is received within the grace period of 60 calendar days following timeframe in WHA's initial notice or determination:

- The applicant provides evidence that a change of address was submitted to WHA prior to the notice being issued by WHA;
- During the time of any waiting list update or, at the time of notification for an interview, the applicant could not respond. For example, the applicant was incapacitated due to hospitalization or was unavailable due to active participation on Jury Duty;
- As a result of a data entry error, WHA computer system incorrectly recorded the address of the applicant; and, therefore, the applicant was improperly withdrawn from the waiting list for failure to respond to a WHA notice; or
- The applicant is a person with a disability who requires an alternative form of communication other than one normally used by WHA, and the applicant informed WHA, in advance, of the proper means of communication, as required by regulations.

At the time WHA conducts an opening of the waiting list to establish a new waiting list, no further requests for re-instatement will be accepted or considered from applicants claiming to have been on any prior waiting list. When WHA decides to update the Housing Choice Voucher waiting list, it will notify the applicants on the waiting list requesting updated information. The intent of the notification is also to determine whether the applicant is still interested in the Housing Choice Voucher Program.

Notices will be made available in accessible format upon the request of a person with a disability. An extension to reply to the update notification will be considered as a reasonable accommodation if requested by a person with a disability.

## Change in Circumstances

### Preference Status

Changes in an applicant's circumstances while on the wait list may affect the family's entitlement to a preference. Applicants are required to notify the WHA in writing when their circumstances change.

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

### Change to the Family Composition

Changes to the family composition after an application has been submitted include addition of family members born to, adopted or otherwise granted custody to the family by operation of the law, which may include foster children, live in aides and spouses, provided the additional family member(s) meet all applicable waiting list requirements and remain eligible for the waiting list.

WHA will require documentation that the head of household has authorization to include a minor as part of the household. Court approved custody or guardianship is not the only mechanism for establishing that a head of household has authorization to include a minor in the family composition. Changes to the family composition may also be allowed for families in which one or more children less than eighteen years of age live with the designee of the parent or legal custodian, with the parent or custodians' written consent. Documentation can include but is not limited to court documents, pre-need guardian, school records, other state and federal public assistance documentation, or durable powers of attorney. All other additions to the family shall be considered only on a case-by-case basis and must be documented at the time such changes occur. These additions may include immediate family members (sons, daughters, siblings, parents, grandparents, grandchildren) and may be made for humanitarian or extraordinary reasons.

## Removal from the Waiting List

All applicants are responsible for updating WHA in writing regarding address changes. WHA will remove applicants from the waiting list if:

- The applicant has requested that their name be removed. In such cases, no informal review is required.
- The applicant has failed to advise WHA of his/her continued interest in the housing choice voucher program. This includes failing to notify WHA of any changes in family status, address, etc. and/or responding to WHA correspondence, even if no correspondence was received by the applicant because of a change of address.
- The applicant has failed to attend scheduled appointments and/or provide documentation in the required timeframes.

WHA determines that the family is not eligible for admission at any time prior to admission.

## Waiting List Placement

Only applicants who submitted complete pre-applications prior to the deadline will be placed in the process for randomized placement on the waiting list. Applicants who did not submit complete pre-applications or submitted the pre-application after the deadline will not be placed in the process for randomized placement on the list. Applicants will be placed on the waiting list based on any preference, and then by the randomized lottery assigned placement.

The WHA will send written notification to applicants placed on the list. Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. When the family is selected from the waiting list, the WHA will determine eligibility for admission to the program.

If the WHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. When a family is determined to be ineligible, the WHA will send written notification of the ineligibility determination specifying the reasons for ineligibility, and will inform the family of its right to request an informal review and explain the process for doing so.

## Selection from the Waiting List Notification

WHA will notify the family when it is selected from the waiting list. The notice will inform the family of the date, time, and location of the eligibility appointment, who is required to attend, and the documents that must be provided.

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

## Local Preferences

Link: [24 CFR 982.207](#)

Preferences establish the order of applicants on the waiting list. An admission preference does not guarantee admission. Every applicant must still meet WHA's Selection Criteria before being offered a voucher. WHA currently has no preferences for admission.

When adopting a *new preference*, WHA will notify all applicants on the current waiting list to determine if any are eligible under the preference (24 CFR §5.655(c)). WHA will specify in a public notice of a waiting list opening that current waiting list applicants may qualify for the preference. The notice will include any other information new applicants and current applicants on the waiting list will need to know about how to successfully apply and establish their preference status, including any partnering agencies with whom the owner may be working to receive referrals or determine preference eligibility.

If an applicant makes a false statement in order to qualify for a Local preference, WHA will deny the preference.

If the WHA denies a preference, WHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal meeting review with the Executive Director or his/her designee.

If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

### Assistance Targeted by HUD

Link: [24 CFR 982.203](#); [982.203 \(2\)\(b\)\(1-5\)](#)

WHA will admit a family that is not on the waiting list, or without considering the family's waiting list position or preferences in certain circumstances prescribed by HUD. This may occur when HUD has awarded funding to WHA for a targeted group of households living in specified units. Targeted funding programs WHA may administer include Mainstream, Veterans Affairs Supportive Housing (VASH) and others as provided by HUD such as:

- Families displaced because of demolition or disposition of a public or Indian housing development;
- Families residing in a multifamily rental housing development when HUD sells, forecloses or demolishes the development;
- Housing covered by the Low Income Preservation and Resident Homeownership Act of 1990;
- Non-purchasing families residing in a development subject to a homeownership program;
- Families displaced because of a mortgage prepayment or voluntary termination of a mortgage insurance contract;
- Families residing in a development covered by a project-based Housing Choice Voucher HAP contract at or near the end of the HAP contract term;
- Non-purchasing families residing in a HOPE 1 or HOPE 2 Development;
- Families in a witness protection program.

The WHA currently administers the Mainstream Voucher Program, a targeted funded program, assisting non-elderly persons with disabilities.

### Continuously Assisted Families

Link: [24 CFR 982.4](#); [982.203](#)

WHA will consider a family to be continuously assisted if the family was leasing a unit under any 1937 Housing Act program at the time they were issued a voucher by WHA. As noted in this Plan, families assisted under the U.S. Housing Act (including all families occupying units in properties receiving Section 8 project-based assistance) are considered continually assisted. All such families are treated in the regulations as "special (non-waiting list) admissions".

When continuously assisted families face loss of housing assistance either because the owner of the property in which they live chooses not to renew a subsidy contract or because the property must be vacated for demolition, sale or total rehabilitation, such families may receive vouchers as continuously assisted families (and special non-waiting list admissions).

## Relocation of Witnesses and Victims of Crime

Link: <http://portal.hud.gov/hudportal/HUD?src=/programdescription/witness>

Over a 12-month period, families who are active participants in a Witness Protection Program and who are in need of assistance to move and ensure their continued protection, may be referred to WHA by either a Federal or State Law Enforcement Agency. Each referral must include certification by the Law Enforcement Agency that the family is a victim and/or witness of a violent crime and in a life-threatening situation. WHA will take all appropriate steps to maintain the confidentiality of each referral.

## Income Targeting Policy

Link: [24 CFR 960.202\(b\)](#)

WHA will monitor progress in meeting the Extremely Low Income (ELI) requirement throughout the fiscal year. Extremely-Low Income families are now defined as families whose incomes do not exceed the higher of: Federal Poverty Level or 30 percent of Area Median Income. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

Under limited circumstances, HUD rules allow admission of low-income families. If an applicant on the waiting list is skipped over, they will retain their original sequential number placement and be the first applicant offered an opportunity for assistance after the extremely low-income targeting requirement has been met.

## Chapter 5-INITIAL AND CONTINUING ELIGIBILITY

Link: [24 CFR 982.4](#); [982.203](#)

### Qualifications for Admission

WHA will admit only applicants who are qualified according to all the following criteria:

- Are a family as defined by HUD and WHA.
- Qualify on the basis of citizenship or the eligible immigrant status of family members. Link [24 CFR Part 5, Subpart E](#)
- Provide documentation of Social Security numbers for all household members, or certify that they do not have Social Security numbers. Link: [24 CFR Part 5, Subpart B](#)
- Have income at or below HUD-specified income limits. Link: [24 CFR Part 5, Subpart F](#)
- Consent to WHA's collection and use of family information
- Fulfill all initial and on-going eligibility requirements

### Income Eligibility

Links: [24 CFR 982.201\(b\)](#); [982.4](#); [248.101](#) & [173](#)

For admission to the Housing Choice Voucher Program, a family must be income eligible in the area where the family initially leases a unit with housing assistance. A family porting into Wallingford, CT must be eligible in Wallingford, CT. A family porting out of Wallingford must be income eligible in the area where the family leases an assisted unit.

To determine if the family is income eligible, the WHA will compare the annual income of the family to the HUD published WHA income limit for the family's size.

### Social Security Number Disclosure

Link: [24 CFR 5.216](#), [5.218](#); [Notice PIH 2012-10](#)

The applicant and all members of the applicant's household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. (These requirements do not apply to noncitizens who do not contend eligible immigration status).

If WHA determines that the applicant is otherwise eligible to participate in a program, the applicant may retain its place on the waiting list for the program for up to 90 days but cannot become a participant until it can provide the documentation to verify the SSN of each member of the household.

If a child under the age of 6 years was added to the applicant household within the 6-month period prior to the household's date of admission, the applicant may become a participant, so long as the documentation required is provided to the WHA within 90 calendar days from the date of admission into the program.

The WHA will grant an extension of one additional 90-day period if the WHA determines that, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the applicant. If the applicant family fails to produce the documentation required within the required time period, the WHA must follow the provisions of [24 CFR § 5.218](#).

## Citizenship Requirements

Link: [24 CFR Part 5, Subpart E](#)

WHA will verify the citizenship/immigration status at the time other eligibility factors are determined. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

Each family member must declare whether the individual is a citizen, national or an eligible noncitizen. Family members who declare citizenship or national status will not be required to provide additional documentation supporting the individual's declaration of citizenship and national status unless WHA receives information indicating that an individual's declaration may not be accurate, such as a birth certificate.

Prior to being admitted, all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original USCIS documentation. All eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury and will also be required to show proof of age.

Family members who do not claim to be citizens, nationals or eligible noncitizens, or whose status cannot be confirmed, must be identified in writing to WHA by the family.

## Family Definition

Link: [24 CFR 5.403](#)

To be eligible for admission, an applicant must qualify as a family. Family as defined by HUD includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- A single person, who may be an elderly person, displaced person, or any other single person
- A group of persons residing together and such group includes, but is not limited to:
  - A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family); unborn

children and children in the process of being adopted are considered family members for purposes of determining bedroom size, but are not considered family members for determining income limit.

- An elderly family;
- A disabled family;
- A displaced family; and
- The remaining member of a participant family.

For categorizing family as defined above, the terms disabled family and elderly family are:

- Disabled family means a family whose head (including co-head), spouse or sole member is a person with a disability.
- Elderly family means a family whose head (including co-head), spouse or sole member is a person who is at least 62 years of age.

A family may have a spouse or co-head but not both. The co-head is an individual in the household who is equally responsible for the lease with the head of household. A co-head never qualifies as a dependent. The co-head must have legal capacity to enter into a lease.

Child (minor) relationship is determined only by: birth, adoption, a court order establishing custody, or a legal order from a qualified social service agency.

### Head of Household

The family may designate any qualified adult family member as the head of household. The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

### Joint Custody

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or participant family more than 50 percent of the time.

When more than one applicant or participant (regardless of program) is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or re-certification will be able to claim the dependents. If there is a dispute about which family should claim the dependent(s), the WHA will make the determination based on court orders and social service agency orders showing which family has custody

## Family Break Up

In the case of family break-up, WHA has the discretion to decide which members of an assisted family will continue to receive the housing assistance. If a court determines the disposition of property between members of an applicant or participant family as part of a divorce or separation decree, WHA will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, WHA will determine which family will retain their placement on the waiting list or will continue to receive the housing assistance. In making its determination, WHA will take into consideration the following factors:

- The interest of any minor children, including custody arrangements
- The interest of any ill, elderly, or disabled family members
- The interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking (VAWA) and provides documentation in accordance with this Administrative Plan

If a participant family breaks up into two otherwise eligible families, only one of the new families will continue to receive housing assistance.

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original waiting list position. Other family members may submit a new application if the waiting list is open. WHA will not approve a transfer of the voucher from one head of household to another head of household where it constitutes a violation of waiting list and preference policies.

## Remaining Family Member

A remaining family member is defined by HUD and previously approved by WHA to live in the unit as a household member. Live in aides, foster children and foster adults do not qualify as remaining family members.

If the head of household dies or leaves the unit for any reason other than WHA termination of assistance, continued housing assistance by remaining household members is permitted if:

- The household reports the departure (or death) of the head of household in writing within 14 calendar days of the occurrence, and
- A replacement head of household is identified and reported to WHA in writing within 30 calendar days of the occurrence, and:
- An adult who becomes the guardian or other caretaker of remaining household member(s) who are minors, may apply to become head of household and must meet WHA's eligibility criteria.

- The head of household agrees to a written repayment agreement for any rent or charges incurred by the former head of household.
- Those under 18 seeking to become the head of household must provide proof of emancipation.

WHA may deny housing assistance if an action to terminate the former head of household's housing assistance began prior to the former head of household's departure from the unit.

## Student Rule

No assistance will be provided under section 8 of the 1937 Act to any individual who:

- Is enrolled as a student at an institution of higher education, as defined under section 102 of the [Higher Education Act of 1965 \(20 U.S.C. 1002\)](#);
- Is under 24 years of age;
- Is not a veteran of the United States military;
- Is unmarried;
- Does not have a dependent child; and
- Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act.

The above restriction does not apply to a person with disabilities as such term is defined in section 3(b)(3)(E) of the 1937 ACT and who was receiving Section 8 assistance on November 20, 2005.

## Guests/Visitors

Guests/Visitors are permitted based on the terms in the owner's lease; the owner has provided approval for the guest/visitor; and the guest/visitor is not an unauthorized person living in the unit.

A guest can remain in the assisted unit no longer than 14 consecutive days or a total of 30 cumulative calendar days during any 12 – month period or WHA will consider the person(s) unauthorized persons in the unit. A family may request an exception to this policy for valid reasons (e.g. care of a relative recovering from a medical procedure is expected to last 40 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.

The family must notify the WHA in writing of the children(s) names and timeframes the children(ren) will be in the household if the participant has 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 unit more than 50 percent of the time.

In making the determination if the person is an unauthorized household member, WHA may request the following information and will consider:

- Statements from neighbors and/or WHA staff
- Post Office records
- Law enforcement reports
- School enrollment information
- Copy of a current utility bill
- Copy of a current lease
- Notarized statement

### Eligibility Interview

Families selected from the waiting list are required to participate in an eligibility interview appointment. The family will be sent a notification to their last known address indicating the date, time, place, who must attend and what documents must be presented at the interview. The family will either be mailed a packet of documents to complete or will be provided at the interview. The packet must be completed in order for eligibility to be determined.

All adult family members are required to attend the interview and sign the housing required forms and documents. Exceptions may be made for students attending school out of state / for members for whom attendance would be a hardship. The head and spouse/co-head are both required to attend the interview.

The family must provide the information necessary to establish the family's eligibility and to determine the appropriate amount of rent the family will pay. The family must also complete and sign required forms, and submit required documentation. If the family does not provide the required information at the time of the interview, the family will be given a list of missing documents and the timeframe for returning the document. If the documents are not returned complete within the required timeframe, WHA will determine that the applicant is no longer interested in housing assistance and will notify the family that it will be removed from the waiting list. Extensions to the timeframe may be allowed based on emergencies and reasonable accommodations.

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

### Rescheduling the Eligibility Interview

If the family is unable to attend a scheduled interview appointment, the family must contact the WHA in advance to schedule a new appointment. If the family fails to attend a second scheduled appointment

without WHA approval, WHA will deny assistance based on the family's failure to supply information needed to determine eligibility.

### Eligibility Notification

The WHA will notify a family in writing of their eligibility. When a family is determined to be ineligible, the WHA will send written notice specifying the reasons for ineligibility, and will inform the family of its right to request an informal review within WHA's required timeframe as stated in the notice. Reasons why a family may be determined ineligible or denied assistance are included in this plan.

### Criminal Background Policy

Links: [24 CFR 5.903](#); [24 CFR 5.905\(d\)](#)

The WHA will perform criminal records checks at application for all adult household members (defined as 18 years of age or older), when a minor turns 18 or when adding an adult member to the household.

The WHA will conduct criminal records checks that will include a National Criminal History Check. Local/State checks will be conducted where needed. Such checks will also include sex offender registration information. In order to obtain such information, all adult household members must sign consent forms for release of criminal conviction and sex offender registration records on an annual basis.

### Drug Abuse Treatment Information

Links: [24 CFR 960.205\(f\)](#)

The WHA will obtain information from drug abuse treatment facilities to determine whether any applicant family's household members are currently engaging in illegal drug activity only when the WHA has determined that the family will be denied admission based on a family member's drug-related criminal activity, and the family claims that the culpable family member has successfully completed a supervised drug or alcohol rehabilitation program. The WHA will require the proposed family member sign a consent form for the drug abuse treatment facility to release information.

The WHA Drug Abuse Treatment Information Procedure is stated in the WHA Management Procedures.

### Debts Owed to Public Housing Authority

Applicants who owe money to WHA or any other housing authority will not be admitted to the WHA until their debt is paid in full. WHA reserves the right, in the case of extreme hardship (i.e.

homelessness), to enter into a Payment Agreement. Full documentation of the hardship will be required. In no case will the debt be forgiven.

Both spouses are responsible for the debt incurred as a previous WHA tenant. If only one of the spouses is reapplying, the debt is equal to 50%. Children of the head or spouse who has incurred a debt to WHA will not be responsible for the parent's previous debt.

## Duplicative Assistance

Link: [24 CFR 982.352\(c\)](#)

A family may not receive HCV assistance while receiving housing assistance of any of the following assistance types, for the same unit or for a different unit:

- Public or Indian housing assistance
- Other Section 8 assistance (including other participant-based assistance)
- Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974)
- Section 101 rent supplements
- Section 236 rental assistance payments
- Participant-based assistance under the HOME Program
- Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration)
- Any local or State rent subsidy
- Section 202 supportive housing for the elderly
- Section 811 supportive housing for persons with disabilities; (11) Section 202 projects for non-elderly persons with disabilities (Section 162 assistance)
- Any other duplicative federal, State, or local housing subsidy, as determined by HUD. For this purpose, 'housing subsidy' does not include the housing component of a welfare payment, a social security payment received by the family, or a rent reduction because of a tax credit.

## Absences from the Unit

Link: [24 CFR 982.312](#)

## Absent Family Member

WHA will compute all applicable income of every family member who is on the lease, including those who are temporarily absent. Income of persons permanently absent will not be counted. It is the family's responsibility of to report changes in family composition and absences of family members.

An individual who is or is expected to be absent from the assisted unit for 90 days or less in a 12 month period of time 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 days is considered permanently absent and no longer a family member.

The family must request WHA approval for the return of any adult family members that the WHA has determined to be permanently absent. The individual is subject to the eligibility requirements stated in this Administrative Plan.

### Absence of Entire Family

Notice is required when all family members will be absent from the unit for an extended period of time (greater than 30 calendar days). Families are required to give WHA 30 days' notice before moving out of a unit.

The family must supply any information or certification requested by the WHA to verify that the family is living in the unit, or relating to family absence from the unit.

If a family is absent from the unit for more than 180 days the WHA will terminate assistance.

### Absent Student

When minors and/or a college students who have 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 WHA 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

If a child has been placed in foster care, the WHA 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.

If the child(ren) are removed from the home permanently, the voucher bedroom size may be adjusted in accordance with the WHA's subsidy standards.

### Caretaker for a Child

If neither a parent nor a designated guardian remains in a household receiving assistance, the WHA will take the following actions:

- If a responsible agency has determined that another adult is to be brought into the unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.
- If a caretaker has assumed responsibility for a child without the involvement of a responsible

agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 days. After the 90 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases the WHA will extend the caretaker's status as an eligible visitor.

- During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify for any deductions from income.
- If the caretaker is considered a family member, the caretaker must submit an eligibility application, pass all eligibility criteria, and his/her income will be counted as part of the household. Once eligibility is passed, the caretaker will be added as head of household.

#### Absent Head or Spouse Due to Employment

If an employed head, spouse, or co-head is absent from the unit more than 180 days due to employment, she/he will continue to be considered a family member.

#### Individuals Absent (Confined) for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member. If there is a question about the status of a family member, the WHA will request verification from a responsible medical professional if the member will be gone less than 90 days (and up to 180 days after approval of the HCV Program Director or authorized designee) and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

## CHAPTER 6: TENANT RENT AND HOUSING ASSISTANCE PAYMENT CALCULATION

### Definition of Income

Link: [24 CR 5.609\(b\)](#)

WHA uses HUD's definition of Annual Income.

Annual income is the total income from all sources, including net income derived from assets received by the household head and spouse (even if temporarily absent) and by each additional household member including all net income from assets for the 12 month period following the effective date of initial determination or re-certification of income, exclusive of income that is temporary, non-recurring or sporadic as defined below, or is specifically excluded from income by other federal statute. Annual income includes but is not limited to:

- The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness will not be used as deductions in determining the net income from a business. An allowance for the straight line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the household for cash or assets invested in the business;
- Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness will not be used as deductions in determining net income. An allowance for the straight line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the household for cash or assets invested in the property;
- The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts.
- Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay;
- All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any household member

- Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of household members; and
- All regular pay, special pay, and allowances of a household member in the Armed Forces.

### Alimony and Child Support

The WHA will count court-awarded amounts for alimony and child support unless the WHA verifies that:

- The payments are not being made and
- The family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments.

If the amount of child support or alimony received is less than the amount awarded by the court, WHA will use the amount that is received by the family. WHA will accept as verification that the family is receiving an amount less than the award if one of the following:

- WHA receives verification from the agency responsible for enforcement or collection
- The family furnishes documentation of child support or alimony collection action filed through a child support enforcement collection agency
- Or has filed an enforcement or collection action through an attorney.

If no child support is being received, a “No Child Support Affidavit” must be completed for each child whom no support is being received. WHA will not include child support income if no payments have been received within the most recent sixty (60) days. It is the family’s responsibility to supply documentation and a copy of the divorce decree. Income will be projected by averaging the most current three consecutive month’s payment to project income for twelve (12) months.

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.

### Sporadic income

Sporadic income is income that is not received regularly and cannot be reliably predicted.

### Regular Contributions and Gifts

Examples of regular contributions include:

- Regular payment of a family’s bills (e.g., utilities, telephone, rent, credit cards, and car payments)
- Cash or other liquid assets provided to any family member on a regular basis
- “In-kind” contributions such as groceries and clothing provided to a family on a regular basis

- ❑ Any contribution of gift received every 3 months or more frequently will be considered a “regular” contribution or gift, unless the amount is less than \$100 per year

Non-monetary contributions will be valued at the cost of purchasing the items, as determined by the WHA. For contributions that may vary from month to month (e.g., utility payments), the WHA will include an average amount based upon past history. Regular financial support from parents or guardians to students for food, clothing personal items, and entertainment is not considered student financial assistance and is included in annual income.

### Incremental Earnings

The WHA defines incremental earnings and benefits as the difference between:

- The total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and
- The total amount of welfare assistance and earnings of the family member after enrollment in the program.

In calculating the incremental difference, the WHA will use as the pre-enrollment income the total annualized amount of the family member’s welfare assistance and earnings reported on the family’s most recently completed HUD-50058.

### Earned Income Disallowance (EID) Policy

Link: [24 CFR 5.617](#)

This disallowance applies only to disabled family members already participating in the housing choice voucher program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who was previously unemployed for one or more years prior to employment.
- Increased earnings by a family member whose earnings increase during participation in an economic self-sufficiency or job-training program.
- New employment or increased earnings by a family member who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months.

The baseline income is the annual income immediately prior to the implementation of the disallowance for a person who is a member of a qualified family. The family member’s baseline (qualifying) income remains constant throughout the period that he/she is receiving the EID.

## Disallowance of Earned Income

Link: [24 CFR §§5.617, 960.255](#); [PIH Notice 2016-05](#)

Initial 12-month exclusion: During the 12-month period beginning on the date on which a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the WHA will exclude from the annual income of a qualified family any increase in the income of the family member as a result of employment over the baseline income of that family member.

Phase-in of rent increase: Upon the expiration of the 12-month period and for the subsequent 12-month period, the WHA will exclude from the annual income of a qualified family at least 50 percent of any increase in income of such family member as a result of employment over the family member's baseline income.

Maximum 2-year disallowance: The disallowance of increased income of an individual family member is limited to a lifetime 24-month period. It applies for a maximum of 12 months for disallowance (initial 12 months) and a maximum of 12 months (second 12 months), during the 24-month period starting from the initial exclusion.

Families eligible for and participating in the disallowance of earned income prior to May 9, 2016 will continue to be governed by HUD regulations in effect immediately prior to that date.

## Business Income

Link: [24 CFR 5.609\(b\)\(2\)](#)

To determine business expenses that may be deducted from gross income, the WHA will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses (IRS Publication 535), unless a topic is addressed by HUD regulations or guidance.

## Business Expansion

Any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations.

## Capital Indebtedness

Capital Indebtedness is the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means the WHA will allow as a business expense interest, but not principal, paid on capital indebtedness.

## Acceptable Investments

Acceptable investments in a business include cash loans and contributions of assets or equipment.

## Co-Owned Businesses

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

## Assets

Link: [24 CFR 5.609\(b\) and \(c\)](#)

An asset is an item of value that can be converted into cash, and may or may not earn income. Annual income includes income amounts derived from assets to which the family has access. Assets include, but are not limited to checking and savings accounts, investment accounts, equity in real property, personal property held as an investment, whole life insurance policies, and assets disposed of for less than fair market value.

Any time current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present information and documentation to the WHA to show why the asset income determination does not represent the family's anticipated asset income.

If the Household has net assets in excess of \$5,000, annual income will include the greater of the actual income derived from all assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.

## Jointly Owned Assets

If an asset is owned by more than one person and any family member has unrestricted access to the asset, the WHA will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, the WHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, the WHA will prorate the asset evenly among all owners.

## Disposed Assets

WHA will not include the value of assets disposed of for less than fair market value unless the

cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than \$5,000.00. Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual re-certifications, the family may request an interim re-certification to eliminate consideration of the asset(s).

Assets placed by the family in non-revocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments. All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Families must sign a declaration form at initial certification and each annual re-certification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value.

### Checking and Savings Accounts

In determining the value of a checking account, the WHA will use the average monthly balance for the last three months. In determining the value of a savings account, the WHA will use the current balance. In determining the anticipated income from an interest-bearing checking or savings account, the WHA will multiply the value of the account by the current rate of interest paid on the account.

### Investments

In determining the market value of an investment account, the WHA will use the value of the account on the most recent investment report. How anticipated income from an investment account will be calculated depends on whether the rate of return is known.

- For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings).
- When the anticipated rate of return is not known (e.g., stocks), the WHA will calculate asset income based on the earnings for the most recent reporting period.

In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless the WHA determines that the family

receives no income from the property and is unable to sell or otherwise convert the asset to cash.

### Real Property, Personal Property, Other Capital Investments

In determining the value of personal property held as an investment, the WHA will use the family's estimate of the value.

For Real Property, WHA will use the payoff amount for the mortgage to calculate equity. If the payoff amount is not available, WHA will use the loan balance.

Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary personal property consists of only those items not held as an investment. It may include clothing, furniture, household furnishings, jewelry, and vehicles, including those specially equipped for persons with disabilities.

### Lump Sum Payments

#### Prospective Calculation Methodology

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

- The entire lump-sum payment will be added to the annual income at the time of the interim.
- The WHA will determine the percent of the year remaining until the next annual re-certification as the date of the interim (three months would be 25% of the year).
- At the next annual re-certification, the WHA will apply the percentage balance (75% in this example) to the lump-sum and add it to the rest of the annual income.
- The lump-sum will be added the same way for any interims which occur prior to the next annual re-certification.
- If amortizing the payment over one year will cause the family to pay more than current HUD percentage of the family's adjusted income (before the lump sum was added) for total participant payment, the WHA and family may enter into a repayment agreement for the balance of the amount of the current HUD percentage calculation. The beginning date for this repayment agreement will start as soon as the one year is over.

#### Retroactive Calculation Methodology

- The WHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.
- The WHA will determine the amount of income for each re-certification period, including the

lump sum, and re-calculate the participant rent for each re-certification period to determine the amount due the WHA.

- The family has the choice of paying this retroactive amount to the WHA in a lump sum. At the WHA's option, the WHA may enter into a repayment agreement with the family
- The amount owed by the family is a collectible debt even if the family becomes unassisted.

### Attorney Fees

The family's attorney's fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

### Excluded Income

Link: [24 CFR 5.609\(c\)](#)

The following are types of excluded income:

- Income from employment of children (including foster children) under the age of 18 years
- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the participant family, who are unable to live alone);
- Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses
- Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- Income of a live-in aide, as defined [in 24 CFR §5.403](#);
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- Amounts received in the following circumstances:
  - From training programs funded by HUD;
  - Amounts received by a person with a disability That are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
  - Amounts received under a participant service stipend; and
  - Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as participant management staff.

- Temporary, nonrecurring or sporadic income (including gifts);
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of That government by persons who were persecuted during the Nazi era;
- Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- Adoption assistance payments in excess of \$480 per adopted child;
- Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts;
- Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
- 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; or
- Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs That includes assistance under any program to which the exclusions set forth in [24 CFR 5.609\(c\)](#) apply.
- The portion of education grants that include tuition and required fees and other charges.

#### Excluded Periodic Payment

The WHA 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.

#### Income from Training Programs

WHA 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:

- Classroom training in a specific occupational skill
- On-the-job training with wages subsidized by the program
- Basic education

#### Deductions from Income

Link: [24 CFR 5.611](#)

#### Anticipating Expenses

Generally, the WHA 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 WHA 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 WHA 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. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. The WHA may require the family to provide documentation of payments made in the preceding year.

### Medical and Dental Expenses

WHA will use the most current IRS Publication 502, Medical and Dental Expenses, to determine the costs that qualify as medical expenses

### Disability Assistance Expenses

Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, the WHA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

The WHA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, the WHA will collect information from organizations that provide services and support to persons with disabilities. A family may present, and the WHA will consider, the family's justification for costs that exceed typical costs in the area.

### Both Medical and Disability Expenses

This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities. When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the WHA will consider them medical expenses unless it is clear that the expenses

are incurred exclusively to enable a person with disabilities to work.

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family's request, the WHA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work. When the WHA determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members' incomes.

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

## Child Care

Child care is allowed as a deduction from income for children 12 years of age and younger. The family must identify the family member(s) enabled to pursue an eligible activity: seeking work, pursuing an education or being gainfully employed.

### *Allowable Child Care Activities and Expenses*

For school-age children 12 years of age and under, costs attributable to public or private school activities during standard school hours are not considered allowable child care expenses. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of child care.

The costs of general housekeeping and personal services are not eligible. Child care expenses paid to a family member who lives in the family's unit are not eligible; however, payments for child care to relatives who do not live in the unit are eligible.

If a child care provider also renders other services to a family or child care is used to enable a family member to conduct activities that are not eligible for consideration, the WHA will prorate the costs and

allow only that portion of the expenses that is attributable to child care for eligible activities. Unless otherwise specified by the child care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Child care expenses will be considered for the time required for the eligible activity plus reasonable transportation time.

For child care that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

To establish the reasonableness of child care costs, the WHA will use the schedule of child care costs from the local welfare agency. Families may present, and the WHA will consider, justification for costs that exceed typical costs in the area.

#### *Seeking Work*

If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each re-certification. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the child care expense being allowed by the WHA.

#### *Furthering Education*

If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

#### *Being Gainfully Employed*

If the child care expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that child care is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

When the child care expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, the WHA generally will limit allowable child care expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

## Anticipating Income

When the WHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the WHA 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, the decision will be documented in the file. In all such cases the family may present information and documentation to WHA to show why the historic pattern does not represent the family's anticipated income.

## Future Changes

If the WHA 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. 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 WHA will calculate annual income using current circumstances and then require an interim re-certification when the change actually occurs. This requirement will be imposed even if the WHA's policy on re-certifications does not require interim re-certifications for other types of changes. When participant-provided third-party documents are used to anticipate annual income, they will be dated within 60 days of the documentation request.

## Total Tenant Rent and HAP

Links: [24 CFR 5.628](#); [5.630](#); [5.634](#)

The Housing Choice Voucher subsidy (HAP) is based on the established Payment Standard that reflects the cost to lease a unit in the area. If the gross rent (contract rent plus utilities) is less than the Payment Standard, the family pays the TTP. If the gross rent exceeds the Payment Standard, the family pays the TTP plus the amount by which the gross rent exceeds the Payment Standard. The determination of rent and HAP is calculated only after the family finds a unit. At admission or move to a new unit, families are prohibited from paying more than 40% of their monthly adjusted income for rent when the gross rent exceeds the payment standard.

WHA follows HUD regulations for determining the family's portion of rent and the HAP subsidy to the owner.

### **Total Tenant Payment is the higher of:**

- 30% of adjusted monthly income; or

- 10% of gross monthly income;
- Not less than the Minimum Rent of \$50

### **Tenant Rent**

- Tenant rent is calculated by subtracting the utility allowance for participant supplied utilities (if applicable) from the Total Tenant Payment.
- Where the utility allowance exceeds the Total Tenant Payment, the tenant will pay \$0 rent and may receive a reimbursement to be applied toward utilities.
- Where the owner pays for all utilities and provides the stove and refrigerator, Tenant Rent equals Total Tenant Payment.

### **Rent to Owner**

The greater of:

- The Payment Standard less the Housing Assistance Payment; or
- The Gross Rent less the Housing Assistance Payment
- Minimum rent of \$25.00

### Payment Standards

Link: [24 CFR 982.505](#)

The payment standard is used in the calculation of the housing assistance payment for a family. The payment standard for the family is the lower of:

- The unit size shown on the voucher, or
- The size of the actual unit selected by the family.

### *Establishment of Payment Standards*

Link: [24 CFR 982.503\(b\),\(c\),\(g\)](#)

The payment standard is set by WHA between 90% and 110% of the HUD published FMR. WHA will review the payment standard at least annually to determine whether an adjustment should be made. As a reasonable accommodation, WHA may establish an exception payment standard of not more than 120% of the published FMR. Any unit approved under an exception payment standard must still meet the reasonable rent requirements.

In determining if an adjustment is appropriate, WHA will consider: assisted families' rent burdens, availability of suitable vacant units with rents below the payment standard, size and quality of units selected and/or the leasing success rate and available funding to support the program needs. Families with high rent burdens are paying more than 40% of income for rent. WHA will increase the payment standard to an amount within the basic range in an effort to reduce the number of families paying more

than 40% of income for rent if HUD provides adequate funding to do so.

#### *Utility Allowances and Utility Reimbursements*

Link: [24 CFR 982.517](#); [Notice PIH 2016-05](#)

WHA maintains a Utility Allowance Schedule which is used in the housing assistance payment calculation to assist with the cost of utilities not included in the rent. The utility allowance calculation is based on the lower of:

- The voucher unit size based on WHA subsidy standards
- The size of the actual unit rented by the family
- In the case of a reasonable accommodation, WHA will use utility allowance for the unit size actually leased by the family

When the utility allowance exceeds the family's Total Tenant Payment, WHA will provide the family a utility reimbursement payment.

The WHA has the option of making utility reimbursement payments not less than once per calendar-year quarter, for reimbursements totaling \$45 or less per quarter. In the event a family leaves the program in advance of its next quarterly reimbursement, the WHA will reimburse the family for a prorated share of the applicable reimbursement.

WHA may make reimbursement payments retroactively or prospectively. In the event that WHA chooses to make the reimbursement payments retroactively, WHA will notify families of this event and will allow a family to request a hardship exemption from the quarterly payments if it results in a financial hardship for the family. If a family receives a hardship exemption, then the WHA may either reimburse the family on a monthly basis or it may make prospective payments to the family, on a quarterly basis.

WHA will review the utility allowance schedule annually and revise it when needed. Revised utility allowances will be applied in a family's rent calculation at the next annual re-certification or move.

#### *Welfare Rent*

Welfare Rent does not apply.

#### **Minimum Rent and Hardship Exemptions**

Link: [24 CFR 5.630](#)

WHA will grant an exemption from application of the minimum monthly rent to any family making a proper request, in writing that it is unable to pay the monthly minimum rent because of financial

hardship, which includes:

- The family has lost eligibility for, or is awaiting an eligibility determination for a federal, state, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationalization Act, who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;
- Family income has decreased because of changed circumstance, including loss of employment;
- A death in the family that affects the family circumstances; or
- Other circumstances as determined by WHA on a case-by-case basis.

If a family requests a hardship exemption, WHA will suspend the minimum rent charge and adjust the HAP payment effective on the first of the month following the change in the family's circumstances. The family must provide documentation of the hardship. WHA will determine if the hardship is temporary or long term.

If the hardship is determined to be temporary, the minimum rent will be suspended for a period of ninety (90) days from the date of the family's request. At the end of the 90-day period, the minimum rent will be reinstated retroactively to the date of suspension. WHA will offer to execute a reasonable repayment agreement to cover the minimum rent charges accumulated during the suspension period. If WHA determines that the hardship is long term, the exemption will be applied so long as the hardship continues. Hardship determinations are subject to WHA's informal hearing process.

## CHAPTER 7: VOUCHER ISSUANCE, REQUEST FOR TENANCY APPROVAL AND LEASING

### Voucher Issuance and Briefing

All eligible applicants (based on full and complete verification) are required to participate in a briefing before a Voucher is issued. The briefings may be group, individual or online meetings. A Voucher will be issued after the applicant completes the briefing session.

### Briefing Packet

Each family will receive a briefing packet containing, but not limited to, the following:

- The term of the Voucher;
- A description of WHA's policy on granting extensions or suspensions of term and how a family can request extensions;
- Information on computing the Housing Assistance Payment;
- Information on the Payment Standard and WHA's Utility Allowance Schedule;
- How WHA determines the maximum rent for an assisted unit;
- What the family should consider in deciding whether to lease a unit such as unit condition, reasonableness of rent, cost of tenant-paid utilities, whether the unit is energy efficient, and location of unit to public transportation, employment, schools and shopping;
- Where the family may lease a unit using portability and how portability works;
- HUD required tenancy addendum;
- Request for Tenancy Approval and the process of obtaining an inspection;
- WHA's policy on providing information to prospective landlords;
- WHA's subsidy standards including any exception to these standards;
- HUD brochure on selecting a unit;
- Information on Upfront Income Verification (UIV) tools used to verify income;
- HUD brochure, *Protect Your Family From Lead in the Home*;
- Fair Housing Brochure and information, (HUD-903) and a Discrimination Complaint Form (HUD-903a);
- List of landlords or real estate agents who may be willing to lease a unit or may be able to help the family locate a unit
- Notice that if the family includes a disabled person, the family may request a current listing of accessible units, known to WHA, that may be available;
- Family program obligations;
- HUD's EIV use

- Grounds under which WHA may terminate the family's assistance;
- Informal hearing and review process and how to request a hearing;
- Violence Against Women Act, 2-13 Reauthorization Protections, Certification Forms
- Other items as WHA may determine.

### Briefing Session

The WHA may conduct briefings telephonically, via video-teleconferencing, or through other virtual platforms provided that the family has not requested in-person briefing. Prior to scheduling a remote briefing, the WHA will survey the family to determine if technology barriers exist that would limit the family's ability to participate in the briefing. If the participant does not have proper technology access, then the remote briefing will either be postponed until the WHA can resolve the access issue(s), or an in-person alternative will be provided.

The briefing will cover the information in the packet and discuss the following topics:

- Family, Owner and WHA Responsibilities under the Lease and Contract
- Expiration and Extension of the Voucher
- A description of the general location and characteristics of neighborhoods in Shelby County
- Tips on Where to Look for Housing
- Sources of information on available units (e.g., newspapers, community bulletin boards) should be obtained. WHA will also provide a list or an on-line link to a database of owners who have indicated a willingness to participate in the Housing Choice Voucher Program.
- Housing Quality Standards
  - o HQS, rent reasonableness and procedures for inspections will be addressed. Housing quality standards to be used are described in 24 CFR 982.401.
- Encouragement to consider all neighborhoods within Shelby County when searching for a unit. WHA will provide information on portability of the Voucher and its use to move out of areas of high poverty concentration.
- Landlord-Tenant Laws and Federal, State and Local Fair Housing Laws
- The participants' fair housing rights and what to do if discrimination is encountered will be discussed. In cases where discrimination is suspected, WHA will advise and assist the family to file a discrimination complaint with the Department of Housing and Urban Development.
- Assistance to Elderly and Individuals with Disabilities
- Violence Against Women's Act Victim Protections
- Additional assistance that is available for persons with disabilities or elderly households will be described. Housing Choice Voucher staff will provide as much assistance as possible and refer participants to social service agencies as needed.
- Calculations/Explanation of Total Tenant Payment, HAP, Maximum Subsidy, Utility Allowances, and Utility Reimbursements

- The applicable Payment Standard and Utility Allowance will be discussed as well as calculation of Total Tenant Payment, Family Share, and Family Rent to Owner, Housing Assistance Payment, Maximum Subsidy, and Utility Reimbursement. Allowances will also be explained.
- Information Provided to Prospective Landlords about Participants

Program participants will be informed how to contact the HCV program to discuss and assist with any program related issues. Participants will be instructed to contact owners directly to request needed maintenance or repairs; however, if the owner fails to respond within a reasonable period of time, the family should contact the WHA Inspections Department to schedule a complaint inspection.

### Voucher Term

Link: [24 CFR 982.303\(a\)](#)

Eligible families are issued a voucher and may search for a unit within the jurisdiction of WHA, or outside of WHA's jurisdiction if they qualify for portability. Once a Voucher has been issued, it is the family's responsibility to locate suitable housing. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments (HAP) contract with WHA within the time frame listed on the voucher. The initial voucher term is 60 calendar days. The family must submit a Request for Tenancy Approval that is complete and a proposed lease within the 60-day period unless the WHA grants an extension.

### Voucher Extensions

Link: [24 CFR 982.303\(b\)](#)

Requests for extensions must be submitted to WHA in writing prior to the expiration of the voucher term. Extensions are permissible at the discretion of the WHA up to a maximum of an additional sixty days. The maximum time limit on the voucher term (including extensions) is 120 days, except when a reasonable accommodation is granted for persons with disabilities or to find new housing when an assisted household has to be divided as a result of the violence or abuse covered by VAWA.

WHA is not obligated to grant an extension, but may consider any of the following circumstances in its decision:

- ☐ Extenuating circumstances such as hospitalization or a family emergency for an extended period of time, which has affected the family's ability to find a unit within the initial sixty-day period. Verification is required.
- ☐ If the family must move due to the unit not meeting Housing Quality Standards for item(s) that are the responsibility of the owner. In such event, WHA will provide the family with a voucher term of no less than 90 days.

If the family has not found a unit within the maximum term allotted, with any extensions, the Voucher

will expire and the family will be removed from the waiting list. Hearings or informal reviews are not required and shall not be given for denial of extensions. Families seeking another opportunity for assistance must reapply to the program upon the reopening of the waiting list.

### Voucher Suspension

The WHA will suspend the term of the voucher from the date a complete Request for Tenancy Approval and proposed lease is accepted by the WHA until the date the WHA makes a final determination with respect to that Request for Tenancy Approval. If the family chooses to cancel the Request for Tenancy Approval (RTA), the term of the voucher will be reinstated the date the WHA receives notice the RTA is cancelled by the family.

### Subsidy Standards

Link: [24 CFR 982.401\(d\)](#)

The intent of HUD requirements is that the smallest appropriate bedroom size be assigned to participant families without overcrowding. The unit size on the voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

### Subsidy Standards Chart

Link: [24 CFR 982.402](#)

The standards listed below are consistent with HUD requirements and serve as general guidelines when WHA determines the unit size on the family's voucher:

<b>Voucher Unit Size</b>	<b>Persons in Household Minimum Number</b>	<b>Persons in Household Maximum Number</b>
0-BR	1	1
1-BR	1	2
2-BR	2	4
3-BR	3	6
4-BR	4	8
5-BR	6	10
6-BR	8	12

WHA generally assigns one bedroom to two people and will also consider the following conditions when

determining the unit size designated for the family's voucher:

- Consideration will also be given for medical reasons and the presence of a live-in aide. , except in the following circumstances:
  - Single person families will be allocated a zero or one bedroom.
- Adults 18 years and older (other than spouses) will not be required to share a bedroom.
- Authorized live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.
- Foster children will be included in determining unit size only if they will be in the unit for at least six (6) consecutive months.
- Space may be provided for a child who is away at school, but who lives with the family during school recess.
- A household in which the parent shares joint custody of a dependent child will include the child on the lease and will be counted for purposes of establishing occupancy standards for unit size if:
  - The head of household is legally entitled to physical possession of the child more than 50% of the time; and
  - The child actually physically resides in the unit with the head of household more than 50% of the time; and
  - If the child is school age, the head of household is listed as the legal guardian on the child's school enrollment documentation, and the address of record is the head of household's address.

A total of two additional members per living/sleeping area may be approved at the request of the participant. WHA will only grant increases in voucher size in cases of birth, adoption, court awarded or other legally documented custody.

WHA will consider granting exceptions to the occupancy standards at the family's request if WHA determines, in its sole discretion, the exception is justified by the relationship, age, sex, health or disability of family member or other personal circumstances. All requests for exceptions to the occupancy standards must be submitted in writing.

An exception may be granted to allocate a separate bedroom to a family member, if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities. Written verification of disability and need for the medical equipment may be required by WHA prior to allocation of the separate bedroom.

### Exceptions to Subsidy Standards

A participating family may request a subsidy exception at any time; however, if the family is in the first term of the lease, or in a lease other than month-to-month, or is not eligible for move for any other reason, the request may be denied based upon the family's ineligibility to move at the time of the

request.

### Unit Size Selected by Family

The family may select a different size unit than that listed on the voucher; however, the unit must meet housing quality standards, have a reasonable rent, and the rent must be less than 40% of the family's adjusted income at initial leasing. When calculating the Housing Assistance Payment (HAP), WHA will apply the payment standard and utility allowance for the lower of:

- The unit size shown on the voucher, or
- The size of the actual unit selected by the family.

### Under-Housed and Over-Housed Families

If a unit does not meet HQS space standards due to an increase in family size or change in family composition, WHA will issue the family a voucher to move to an appropriate sized unit. HQS requirements permit a maximum of two persons per living or sleeping room in the units.

Families will not be required to use rooms other than bedrooms for sleeping purposes in the Voucher size determination. Participants may elect to use other areas of the unit as living/sleeping areas in determining the total number of persons eligible to live in the unit as a result of the family's request to add household members. A total of two additional members per living/sleeping area may be approved at the request of the participant. WHA will only grant increases in voucher size in cases of birth, adoption, court awarded or other legally documented custody.

WHA will also notify the family of the circumstances under which an exception will be granted, such as:

- If a family with a disability is under-housed and in an accessible unit.
- If a family requires the additional bedroom because of a health problem that has been verified by the WHA, and is considered a reasonable accommodation

### Allowable Housing Types

Link: [24 CFR 982.601\(b\)\(2\)](#)

Even though a WHA may decide to disallow the use of special housing types, WHA will allow the use to special housing types if needed as a reasonable accommodation for persons with disabilities. Generally, WHA does not offer special housing types as an option to Housing Choice Voucher families. However, WHA will not deny a family (with a disabled member) the right to use any of the following special types of housing in accordance with the program requirements: Single Room Occupancy; Congregate housing; Group home; Shared housing; or Cooperative housing. These housing types will be permitted only if needed as a reasonable accommodation for persons with disabilities.

## Request for Tenancy Approval (RFTA)

Link [24 CFR 982.352\(2\)](#); [982.305](#) & [308-309](#); [982.401](#); [982.507-508](#); [982 Subpart M](#); [Form HUD-52517](#)

Before a family leases a unit, WHA must approve the unit selected by the family. A completed RTA received by WHA on or before the voucher expiration date will prompt the unit approval process. During the unit approval process, WHA will schedule the unit for inspection, review the landlord lease, determine rent reasonableness, and approve the owner. WHA may verify that the property taxes for

the unit are not delinquent, and could void the RTA in instances of delinquent taxes. The voucher holder and the owner/landlord must submit the following:

- Complete RFTA, signed by both the family and the owner, including:
  - A copy of the lease
  - Proof of ownership of the unit to be leased (e.g. deed of trust, most recent year tax statement, warranty deed and management agreement, if applicable);
  - The Owner's EIN or social security number;
  - A W-9 form completed by the owner.
  - If the property is in a corporation, the names of all parties
  - Current street mailing address
  - Business telephone number and email address
  - For units constructed prior to 1978, owners must either 1) certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspector; or 2) attach a lead based paint disclosure statement.
  - Certificate of Compliance issued by the town of Wallingford

The RFTA and all associated documents must be submitted in-person, by mail, or by fax.

The family may submit only one RFTA at a time. When the family submits the RFTA the WHA will review the RFTA for completeness. If the RFTA is incomplete (including lack of signature by family, owner, or both), or if the dwelling lease is not submitted with the RFTA, the WHA will notify the family and the owner of the information needed. WHA may void a RFTA if an approvable RFTA is not received within the required timeframe.

### Tenancy Addendum

Link: [24 CFR 982.308](#); [HUD Form 52641](#)

The owner must use the HUD Tenancy Addendum or all provisions in the HUD-required Tenancy Addendum must be added to the owner's lease. If there is a conflict between the owner's lease and the Tenancy Addendum, the terms of the Tenancy Addendum will prevail over any other provisions of the lease.

### Dwelling Lease

Link: [24 CFR 982.308\(d\)](#)

When the RFTA and proposed lease are submitted, the WHA will review the terms of the RFTA for consistency with the terms of the proposed lease. If the terms of the RFTA are not consistent with the terms of the proposed lease, the WHA will notify the family and the owner of the discrepancies. The

proposed lease must comply with HUD requirements, as well as State and local law. The WHA does not provide a model or standard dwelling lease for owners to use in the HCV program.

- Owners that use a standard lease for units rented to unassisted families must use the same lease, plus the HUD prescribed tenancy addendum for HCV assisted families.
- WHA will review the owner's lease, any optional charges, compliance with regulations, and any house rules.
- Responsibility for utilities, appliances and optional services must correspond to those provided on the RFTA.
- The initial lease term must be for one year.
- The owner must be approved and there must be no conflicts of interest (e.g. owner may not be a relative, etc.).

#### *New Lease Required*

- If there are any changes in lease requirements governing tenant or owner responsibilities for utilities or appliances;
- If there are any changes in lease provisions governing the term of the lease;
- If the family moves to a new unit, even if the unit is in the same building or complex.

#### **Proof of Ownership**

WHA will require all property owners who request to rent their units through the HCV program to provide proof of ownership, the property parcel identification number, and a W-9 form. Acceptable forms of ownership documentation include a deed, property tax records and a HUD settlement statement (for transactions processed within the last 30 days of the date the HAP is to be executed). The owner must provide at least one (1) document establishing ownership. WHA may compare the documentation provided by the property owner with information available on the Wallingford Tax Assessor, County Trustee, the Register's Office, and other local government websites, when available.

In cases where the owner has elected to utilize the services of a property management company or has otherwise designated an agent to act on his/her behalf, WHA may request a copy of the management or agent agreement, a statement from the owner identifying the individual/s authorized to execute HAP Contracts on his/her behalf in addition to proof of ownership documentation.

WHA may not enter into a Housing Assistance Payment contract for any property until ownership, and, if applicable, authorization to act on the owner(s) behalf, are clearly established. WHA reserves the right to request additional documentation as necessary.

WHA may utilize direct deposit as the method of payment of HAP obligations. Owners will be required to provide a Tax Identification Number (TIN) or a Social Security Number that matches their banking information. If WHA requires direct deposit, WHA will not enter into a contract where the owner is

unable to establish a TIN/SSN that matches names or entities identified on ownership documents or where the owner elects not to accept direct deposit.

## Information to Owners

Link: [24 CFR 982.307\(a\)\(112\); \(b\)\(1\)](#)

It is the responsibility of the owner to determine the suitability of prospective families as the WHA does not screen for suitability as renters. Owners are encouraged to screen applicants to determine the family's suitability as a renter. Owners may not discriminate on the basis of race, religion, sex, color, national origin, disability, sexual orientation, gender identity or familial status.

If requested by an owner in writing, WHA will provide the following information:

- Previous owner name, address and phone number, if known, and
- Current owner name, address and phone number

WHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners. WHA will make an exception to this policy if the family's whereabouts must be protected due to domestic abuse or witness protection.

## Security Deposit

Links: [24 CFR 982.313 \(a\) and \(b\)](#)

The owner may collect a security deposit from the participant. The deposit must be reasonable based on local security deposits charged and those charged by the owner for other assisted and non-assisted units.

## Separate Agreements

Links: [24 CFR 982.451\(b\)\(4\)](#); [24 CFR 982.510\(c\)](#)

The WHA permits owners and families to execute separate, non-lease agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease. Any items, appliances, or other services that are not customarily provided to unassisted families as part of the dwelling lease with those families, are not permanently installed in the dwelling unit and where the family has the sole option of not utilizing the item, appliance or service, may be included in a separate non-lease agreement between the owner and the family.

Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited.

Separate non-lease agreements that involve additional items, appliances or other services may be considered amenities offered by the owner and may be taken into consideration when determining the reasonableness of the rent for the property.

### Initial Rent Burden

At initial lease, the family's rent cannot be more than 40% of the family's adjusted income. At the family's request, WHA will negotiate with the owner to reduce the rent. If the rent is not lowered to at or below 40% of the adjusted income, the family may not lease the unit.

### Disapproval of RFTA

If WHA determines that the Request for Tenancy Approval cannot be approved for any reason the owner and the family will be notified. WHA will instruct the family of the steps that are necessary to approve the RFTA. .

If an RFTA is not approved and the voucher has not expired, WHA will furnish another RFTA to the family to continue searching for eligible housing.

### Owner Disapproval

Links: [24 CFR 982.54d\(8\)](#); [982.306](#); [982.161\(a\)](#)

WHA may disapprove the owner for any of the following reasons:

- The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- The owner has engaged in any drug-related criminal activity or any violent criminal activity;
- The owner has a history or practice of non-compliance with the HQS for units leased under the participant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program;
- The owner has a history or practice of failing to terminate tenancy of participants of units assisted under Section 8 or any other federally assisted housing program for activity engaged in by the participant, any member of the household, a guest or another person under the control of any member of the household that: (i) Threatens the right to peaceful enjoyment of the

premises by other participants; (ii) Threatens the health or safety of other participants, of employees of the WHA, or of owner employees or other persons engaged in management of the housing; (iii) Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or (iv) Is drug-related criminal activity or violent criminal activity;

- The owner has a history or practice of renting units that fail to meet state or local housing codes; or
- The owner has not paid state or local real estate taxes, fines, or assessment.
- When HUD has informed WHA that disapproval is required because:
  - Owner has been disbarred, suspended, or subject to a limited denial of participation
  - Federal government has instituted an administrative or judicial action against the owner for violating the Fair Housing Act or other federal equal opportunity requirements and such action is pending;
  - Court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.

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

If an owner commits fraud or abuse or is guilty of frequent or serious contract violations, WHA may debar or suspend the owner from future participation in the. WHA may terminate some or all contracts with the owner.

The WHA must not approve a tenancy in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:

- Any present or former member or officer of the WHA (except a participant commissioner)
- Any employee of the WHA, or any contractor, subcontractor or agent of the WHA, who formulates policy or who influences decisions with respect to the programs
- Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs
- Any member of the Congress of the United States

HUD may waive the conflict of interest requirements, except for members of Congress, for good cause. The WHA must submit a waiver request to the appropriate HUD Field Office for determination. Any waiver request submitted by the WHA must include the following:

- Complete statement of the facts of the case;

- Analysis of the specific conflict of interest provision of the HAP contract and justification as to why the provision should be waived;
  - Analysis of and statement of consistency with state and local laws. The local HUD office, the WHA, or both parties may conduct this analysis. Where appropriate, an opinion by the state's attorney general should be obtained;
  - Opinion by the local HUD office as to whether there would be an appearance of impropriety if the waiver were granted;
  - Statement regarding alternative existing housing available for lease under the HCV program or other assisted housing if the waiver is denied;
  - If the case involves a hardship for a particular family, statement of the circumstances and discussion of possible alternatives;
  - If the case involves a public official or member of the governing body, explanation of his/her duties under state or local law, including reference to any responsibilities involving the HCV program;
  - If the case involves employment of a family member by the WHA or assistance under the HCV program for an eligible WHA employee, explanation of the responsibilities and duties of the position, including any related to the HCV program;
  - If the case involves an investment on the part of a member, officer, or employee of the WHA, description of the nature of the investment, including disclosure/divestiture plans.
- Where the WHA has requested a conflict of interest waiver, the WHA may not execute the HAP contract until HUD has made a decision on the waiver request.

In considering whether to request a conflict of interest waiver from HUD, the WHA will consider certain factors such as consistency of the waiver with state and local laws, the existence of alternative housing available to families, the individual circumstances of a particular family, the specific duties of individuals whose positions present a possible conflict of interest, the nature of any financial investment in the property and plans for disclosure/divestiture, and the possible appearance of impropriety.

### Restriction on Renting to Relatives

Housing Choice Voucher recipients may not rent units which are owned by a close relative (defined as the parent, child, grandparent, grandchild, sister, or brother) of any member of the recipient's household. The exception to this rule is if the recipient household member has a disability and, renting from a close relative is determined to be a reasonable accommodation. This policy applies only to new admissions and transfers. The policy does not affect current participants who are leasing units from close relatives until they decide to move or unless the owner wishes to amend the lease or execute a new HAP Contract for the same unit. It also does not affect families at the time that their subsidy is converted to the Housing Choice Voucher so long as they remain in the same unit under the same lease agreement.

## CHAPTER 8: HOUSING QUALITY STANDARDS, INSPECTIONS AND RENT REASONABLENESS

Links: [24 CFR 982.305](#); [982.401](#); [982.405\(b\)](#); [HOTMA §101\(a\)\(1\)](#)

WHA adheres to Housing Quality Standards (HQS) standards as established in 24 CFR 982.401 to perform all required inspections. Interpretative guidance for HQS acceptability criteria is taken from Form HUD 52580-A, the HUD Housing Inspection Manual and WHA procedure memoranda.

Before any unit is approved under the Housing Choice Voucher Program, WHA requires compliance with HQS. Units must be inspected and pass HQS prior to approval of any lease, and at least biennially thereafter. Inspections may also occur on other occasions, as warranted, such as in the case of a request for inspection by the owner, family or government official.

### Inspection Charges

Link: [PIH Notice 2016-05](#)

WHA has established a reasonable fee of \$25.00 to owners for a re-inspection if an owner notifies WHA that a repair has been made or the timeframe to make the repair has passed, and a re-inspection reveals any deficiency cited in the previous inspection that the owner is responsible for repairing. The owner may not pass this fee on to the participant. The owner must pay WHA the fee within 30 days of the fee notice or the HAP contract may be terminated.

### Initial Inspections

The owner or owner's representative must be present at the initial inspection and any re-inspection. The family is permitted but not required to be present. If at the initial inspection there are defects or deficiencies which must be corrected to make the unit compliant with HQS, WHA will advise the owner and/or the owner's representative present at the inspection, of the defects or deficiencies. WHA will give the owner a specified date by which to correct the defects/deficiencies. Before a HAP contract is executed, any unit that fails must be re-inspected to ascertain whether the necessary work has been performed. The unit must be approved as compliant with HQS before execution of the contract.

WHA may deny a contract for a unit if the unit has a history of failed inspections for major infractions within the past 24 months. Major infractions include, but are not limited to failing paint issues, plumbing or sewage, heat or hot water, flooding or leaks at window or roofs, gas leaks, or ongoing electrical malfunctions, and evidence by previous participant tenants of excessive utility bills or other such infractions. A minimum of three or more complaint inspections or repeated failures during annual,

quality control or complaint inspections in a 24 month period where major infractions were cited, or where ongoing HQS violations are documented may be cause for denial of a new contract or termination of an existing contract. Owners are encouraged to inspect their property periodically during the term of the HAP contract to insure compliance.

## Annual and Biennial HQS Inspections

Link: [24 CFR 982.405\(a\)](#)

WHA may choose to inspect units according to HQS either annually or biennially. WHA will perform HQS inspections of units no less often than every 24 months. WHA may select units with a history of HQS inspection passes without deficiency to be inspected on a biennial basis. Biennial inspections are subject to quality control review.

An adult family member must be present at the annual / biennial inspection. If an adult family member cannot be present on the scheduled date, the family must contact WHA to reschedule the inspection. Inspections may be rescheduled once.

If the family misses the first scheduled appointment without notifying WHA before the inspection, the WHA will automatically schedule a second inspection. If the family misses two scheduled inspections without WHA approval, the WHA will consider the family to have violated its obligation to make the unit available for inspection.

## Special Inspections

The WHA will conduct a special inspection if the owner, family, or another source reports HQS violations in the unit. An adult family member must be present for the inspection. During a special inspection, WHA generally will inspect only those deficiencies that were reported. However, the inspector will record any additional HQS deficiencies that are observed and will require the responsible party to make the necessary repairs.

If the annual / biennial inspection has been scheduled or is due within 90 days of the date the special inspection is scheduled the WHA may elect to conduct a full inspection.

## Quality Control Inspections

Link: [24 CFR 982.405\(b\)](#)

WHA will conduct quality control inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in the application of the HQS. An adult family member must be present for the inspection.

## Scheduling Inspections and Family Attendance

Link: [24 CFR 982.551\(d\)](#)

The family must allow the WHA to inspect the unit at reasonable times with reasonable notice. The family and owner will be given reasonable notice (at least five days prior) of all inspections. Except in the case of a life-threatening emergency, reasonable notice is considered to be not less than 48 hours. Inspections may be scheduled between 9:00 a.m. and 4:00 p.m., Monday through Friday. In the case of a life-threatening emergency, the WHA will give as much notice as possible, depending on the nature of the emergency.

## Missed and Rescheduled Inspections

An owner is not allowed to cancel an annual, special or quality control inspection.

The family may only request to cancel and reschedule the annual inspection for good cause: e.g. unavoidable conflict, which seriously affects the health, safety or welfare of the family. WHA may require the family provide documentation in support of the request. The family may only cancel and reschedule the annual inspection and/or any subsequent re-inspections no more than twice. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within 5 days.

WHA will process termination of family program assistance and inform the owner of contract unit termination when the following occurs:

- The family cancels, does not allow entry, or fails to have an adult present on two consecutive scheduled inspections.
- The family cancels or fails to be present at the first scheduled inspection and fails to reschedule the inspection.
- If the family does not allow entry, is not present for the inspection, or fails to have an adult present, the attempted inspection is considered a failed inspection.

## Emergency Inspections

If a participant or government official reports a condition that is life-threatening, WHA will inspect the unit within 24 hours.

The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies HQS failures, the WHA will determine if the failure is a life-threatening condition. Items considered life threatening or of an emergency nature include but are not limited to the following:

- Any condition that jeopardizes the security of the unit

- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling
- Natural or LP gas or fuel oil leaks
- Any electrical problem or condition that could result in shock or fire
- Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit.
- Utilities not in service, including no running hot water
- Conditions that present the imminent possibility of injury
- Obstacles that prevent safe entrance or exit from the unit
- Absence of a functioning toilet in the unit
- Inoperable smoke detectors

When life-threatening conditions are identified, the WHA will immediately notify both parties by telephone, fax or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within 24 hours of the WHA's notice.

When failures that are not life-threatening are identified, the WHA will send the owner and the family a written notification of the inspection results within 5 business days of the inspection. The written notice will state that the re-inspection will occur within 30 days, without a WHA approved extension. The owner must contact WHA when the unit is ready for re-inspection within the 30 day time requirement.

The notice of inspection results will inform the owner that if life-threatening conditions are not corrected within 24 hours, and non-life threatening conditions are not corrected within the specified time frame (or any WHA-approved extension), the owner's HAP will be abated in accordance with WHA policy.

## Rent Abatement and Contract Terminations for HQS Violations

WHA will inform the owner and family of failed inspection results and the timeframe for correcting deficiencies. If life-threatening deficiencies are not corrected within 24 hours, and non-life threatening deficiencies are not corrected within the specified time frame, generally less than 30 days (or any WHA-approved extension), the owner's HAP will be abated in accordance with WHA policy.

WHA will advise the owner, in accordance with the HAP contract, when WHA plans to abate housing assistance (HAP) payments. When an owner fails to correct cited deficiencies within the specified time frame, HAP payments will be abated at the end of the month in which the failed reinspection occurred, and will continue until such time when:

- The owner corrects the deficiencies, in which case the housing assistance payments may be resumed as of that date; or
- The HAP contract expires or is terminated.

No retroactive HAP payments will be made for the period during which the rent abatement occurred. When the deficiencies are corrected, however, proration of the monthly HAP payment may be provided to the owner based on the date a WHA inspector certified the required work was completed. WHA will terminate HAP contracts which are under abatement at the earlier of: a) the month the family living in the unit has moved, or b) two months after the last HAP payment was made.

During any abatement period the family continues to be responsible for its share of the rent. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction.

If the owner is unable to gain access to the unit to make repairs due to the family's lack of cooperation, the owner is encouraged to enforce the lease and advise WHA of the lease enforcement action.

In the case of family caused deficiencies, WHA will advise the family that if corrections are not made within the specified time frame (or any WHA-approved extension, if applicable) the family's assistance will be terminated in accordance with WHA policy. The HAP contract will be terminated when the family's assistance ends.

## HQS Certifications

Link: [24 CFR 982.404\(a\)\(3\)](#); [Notice PIH 2011-29](#)

At WHA's sole discretion, WHA will either complete a re-inspection or allow the owner and participant to submit a Certification of Work Completed Notice.

If the owner is eligible to submit a Certification of Work Completed Notice, the Certification must be submitted to WHA within 20 days of the failed inspection, must also contain the participant's signature, and documentation of the completed work must be attached, i.e. receipts, pictures, etc. Units where verification of repair by self-certification and/or photographs are used, may be subject to additional quality control inspections. If the owner fails to provide the self-certification within the 20 day period, WHA will schedule and perform a reinspection of the unit failed items.

It is the owner's responsibility to obtain the participant's signature on the Certification and to submit the form to WHA within 20 days of the date of the first inspection, unless an extension is granted.

WHA may utilize a Certification of Work Completed Notice when the repairs required are minor. The unit is not eligible for a Certification and must be re-inspected in the following circumstances:

- The owner is on the Re-inspection Required List

- The unit has numerous failed items
- The fail is an emergency, 24-hour repair item
- The failed item(s) are of a serious or suspicious nature

## Extensions

Link: [24 CFR 982.404](#)

WHA will not grant extensions for life-threatening conditions. For conditions that are not life-threatening, the WHA may grant an exception for correcting the failed item(s), if the WHA determines that an extension is appropriate. Extensions will be granted in cases where the WHA has determined that the owner has made a good faith effort to correct the deficiencies and is unable to for reasons beyond the owner's control. Reasons may include, but are not limited to:

- A repair cannot be completed because required parts or services are not available.
- A repair cannot be completed because of weather conditions.
- A reasonable accommodation is needed because the family includes a person with disabilities.

## Family Responsibilities

Link: [24 CFR 982.551\(d\)](#), [24 CFR 982.404\(b\)](#)

The family is responsible for correcting inspection failures caused by:

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

WHA will terminate the family's assistance if the family:

- Fails to correct a violation within the period allowed by the WHA (and any extensions);
- Fails to allow the owner entry into the unit to complete repairs.

## Owner Responsibilities

Link: [CFR 985.3\(f\)](#)

The owner is responsible for all HQS violations not listed as a family responsibility above. In order for a unit that has failed two consecutive inspections to be scheduled for a third inspection the owner must

provide WHA with written certification that all deficiencies have been corrected. Only upon receipt of this certification will additional inspections be scheduled. When inspection deficiencies are the Owner's responsibility, the WHA will charge the Owner a non-refundable reasonable fee of \$25.00 for conducting a third re-inspection. The reasonable fee must be paid to WHA prior to scheduling the third re-inspection and any other inspections after that inspection. WHA requires that the Owner or an authorized representative of the Owner participate in such re-inspections.

## Rent Reasonableness

Link: [24 CFR 982.507](#); [982.305\(a\)](#); [982.505 9\(c\)\(3\)](#)

At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent determined by WHA.

WHA will not approve a subsidized tenancy until a determination has been made that the initial rent to the owner is reasonable. Rent reasonableness will be determined for all new leases, rent increase requests and at other times as deemed necessary by WHA or required by HUD. Rent increase requests submitted by the owner will not be considered until after the initial occupancy period and only if the unit is not in failed HQS status.

WHA will determine and document on a case-by-case basis that the approved rent is reasonable. A reasonable rent to the owner is defined as a rent that is not more than rent charged for comparable units in the private, unassisted market and for comparable unassisted units.

If WHA determines that the amount of rent requested by the owner is not reasonable, a reasonable rent will be computed and the owner will be provided the opportunity to accept the reasonable rent. Failure by the owner to accept the reasonable rent as determined by WHA will result in disapproval of the unit for the program. If the unit is disapproved and the family's voucher has expired, the family may be provided an extension in accordance with this Plan.

## Decreases in the Fair Market Rent:

In the event that HUD Fair Market Rents decrease, WHA will allow families that are currently under a HAP contract to continue to use the payment standard in effect for the current lease. However, in the event that the family moves to a new unit or in the event that the owner requests a rent increase, the new or current payment standard will be applied to the voucher.

Families under a HAP contract at the time of the decrease in the payment standard, the new decreased payment standard would be applied to those families' subsidy calculations at their second regular reexamination following the decrease in the payment standard amount.

## Methodology

The WHA collects and maintains data on market rents in the WHA's jurisdiction for unit rent reasonableness. Information sources may include newspapers, Internet, realtors, market surveys, inquiries of owners, owner information listed on the RFTA, and other available sources. The data is 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 is updated on an ongoing basis.

The rent for a unit proposed for HCV assistance will be compared to the rent charged for comparable unassisted units in the same market area. Because units may be similar, but not exactly like the unit proposed for HCV assistance, the WHA utilizes a simplified rent reasonableness system that compares similar units and includes and considers the HUD factors. Information is gathered on unassisted rental units in the WHA market area, and each unit is rated using the WHA's rent reasonableness system. Using an automated method, the average rents are identified for units of like size and type within the same market area. Attempts will be made to localize the unit within a small jurisdiction (under a mile radius). The average will be adjusted up or down based on the estimated dollar value of the comparable items in comparison with the total database.

- The adjustment will 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 will reflect the rental value of the difference.
- 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 participants receive the first month's rent free, the actual rent for the unit would be calculated as follows:  $\$500 \times 11 \text{ months} = 5500 / 12 \text{ months} = \text{actual monthly rent of } \$488$ .

The WHA will notify the owner of the unit's rent reasonableness amount. The owner may submit information about other comparable units in the market area within 5 business days of WHA's notification. The WHA will confirm the accuracy of the information provided and consider this additional information when making final rent reasonableness determinations.

By signing the HAP contract and accepting each monthly HAP payment, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. WHA will not consider rent increase requests until after the initial occupancy period and only if the unit is compliant with Housing Quality Standards.

## CHAPTER 9: HOUSING ASSISTANCE PAYMENT CONTRACT

Link: [Form HUD 52641-a](#)

WHA makes every effort to execute the HAP contract with the owner as quickly as possible on or after the unit passes inspection and all required documents have been submitted. If the HAP contract is not executed and/or required documents are not received within 60 days of the HAP effective date, WHA will void the HAP contract. Required documents include:

- Executed lease between the owner and the participant
- Ownership and tax documents stated in the RFTA section of this Plan

### HAP Payments

Link: [24 CFR 982.451\(a\)\(5\)](#)

Once the HAP Contract is executed, WHA will process housing assistance payments to the owner. The HAP contract is not effective until the unit has passed HQS. WHA is not responsible for any part of the rent prior to the date the unit passes inspection and the HAP contract is fully executed.

WHA will make Housing Assistance Payments to the owner in accordance with the HAP Contract, as long as the family continues to occupy the unit and the contract is not in violation. By accepting the monthly HAP payment, the owner certifies that: the family is still in the unit, the owner is in compliance with the contract, the unit is HQS compliant, and that the rent to the owner is not more than the rent charged by the owner for comparable unassisted units.

The Housing Assistance Payment to the owner may never exceed the rent charged by the owner, and is the lower of the:

- Payment Standard minus the Total Tenant Payment, or
- Gross rent minus the Total Tenant Payment.

Owner payments will be placed on hold if:

- The unit fails HQS
- Ownership of the unit has changed
- Unit ownership is in question
- Any other reason WHA determines that the HAP contract may have been breached

### Right to Recoup Amounts Paid

If a contract is terminated after a payment has been made, or it is determined that an owner accepted payments for a unit not occupied in accordance with the terms of the HAP contract, WHA may recoup amounts paid erroneously by withholding any payment owed to that owner, even if the

payment owed is for another HCV participant. In limited circumstances, such as WHA error, an owner may have the option to enter into a repayment agreement with WHA to pay amounts owed to WHA. WHA may deny any new RTA for an owner who has a balance outstanding to WHA or withhold HAP payments on new contracts until outstanding balances have been satisfied. WHA may also pursue other means of collection for debts owed the PHA.

## Owner Rent Increases

Link: [24 CFR 982.308\(g\)\(4\)](#); [982.309\(a\)\(3\)](#)

At all times during the assisted tenancy, the rent to the owner may not exceed the reasonable rent as most recently determined or re-determined by WHA.

After the initial term of the lease, the owner may request a rent increase according to the terms in the lease and HAP contract. All rent increases must be submitted in writing to WHA by the owner, along with a copy of the rent increase notice to the participant. The owner must provide 60 days advance notice to the participant and the rent increase must be requested in WHA's approved format.

If the rent increase request is received as noted above, WHA will review the rent increase request and determine that the requested amount meets rent reasonableness requirements and that the family agrees to the increase. If approved, the rent adjustment will be effective the first day of month on or after the contract anniversary date or 60 days following receipt of the owner request on the first of that month, whichever is later. The family will be issued a voucher to move and the HAP contract will be terminated if:

- The rent is not reasonable and the owner is unwilling to negotiate an approvable rent amount; or
- The family elects to move because of the rent increase and provides proper notification to the owner in accordance with the lease terms and to WHA at least 30 days in advance.

WHA may, due to HUD funding constraints, limit, suspend and/or request voluntary deferment of rent increases.

## Unit Ownership Changes

WHA must receive a written request by the initial owner in order to change the HAP Contract payee and/or the address to which payment is to be sent. In the event prior written consent was not requested or granted, the HAP contract is terminated. WHA will process a change of ownership provided the following documents are received from the new owner:

- Proof of ownership, i.e. copy of escrow statement, deed of trust, or other document showing the transfer of title.
- Completed W9 with Social Security or Tax Identification Number (TIN)

- In cases where the owner has elected to utilize the services of a property management company or has otherwise designated an agent to act on his/her behalf, WHA may request a copy of the management or agent agreement, a statement from the owner identifying the individual/s authorized to execute HAP Contracts on his/her behalf in addition to proof of ownership documentation.
- WHA utilizes direct deposit as the method of payment of HAP obligations. Owners are required to provide a Tax Identification Number (TIN) or a Social Security Number that matches their banking information. WHA will not enter into a contract where the owner is unable to establish a TIN/SSN that matches names or entities identified on ownership documents or where the owner elects not to accept direct deposit.
- The effective date of the HAP contract assignment; and
- Other documents as required

When a change in ownership occurs, the new owner legally assumes the current lease and the current HAP contract. At WHA's or the new owner's request a new HAP contract may be executed, however the lease terms remain the same and new HAP term matches the existing lease. WHA is not responsible for funds already disbursed to the former owner.

## HAP Contract Terminations

Link: [24 CFR 982.311\(b\)](#)

All terminations of a HAP contract initiated by WHA will be sent in writing to the owner and family.

Automatic termination of HAP payments result when:

- A family vacates the unit either in violation of the lease or by mutual agreement with the owner before termination of the lease/contact
- The lease is terminated by the owner or the family
- The owner will not renew the HAP contract or extend the current lease
- The sole participant dies
- There has been no HAP for 180 calendar days
- WHA terminates assistance for the family
- HQS space requirements are not met

WHA may terminate the HAP contract for any owner breach of contract, including the following:

- HAP contract violation including not maintaining HQS
- Any fraud or bribery or other corrupt or criminal act in connection with Federal housing programs;
- Has a history or practice of failing to terminate tenancy of tenants of assisted units for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that: (a) threatens the right to peaceful enjoyment of the

premises by other residents; (b) threatens the health or safety of other residents, of employees of WHA, or of owner employees or other persons engaged in management of the housing; (c) threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or, (d) commits drug-related criminal activity or violent criminal activity.

- Engaging in any drug-related criminal activity or any violent criminal activity; or
- Any failure to comply with mortgage insurance/loan program regulations, or bribery or other corrupt or criminal act in connection with the program. (Only for projects with mortgages insured or loans made from HUD.)
- Seriously delinquent taxes.
- Habitual failure to maintain HQS.

The nature and extent of circumstances will be considered when such HAP contract terminations are proposed.

The HAP contract will terminate on the last day of the month following the month in which WHA provided the owner with notice. No future subsidy payments on behalf of the family will be made by WHA to the owner after the month in which the Contract is terminated. The owner must reimburse WHA for any subsidies paid by WHA for any period after the contract termination date or if it is determined that an owner accepted payments for a unit not occupied in accordance with the terms of the HAP contract. WHA may recoup HAP due to the Authority by withholding any payment owed to that owner, even if the payment owed is for another HCV participant (see Right to Recoup Amounts Paid in this Plan). WHA may deny any new RTA for an owner who has a balance outstanding to WHA or withhold HAP payments on new contracts until outstanding balances have been satisfied. WHA may also pursue other means of collection for debts owed to WHA.

If the family continues to occupy the unit after the HAP contract is terminated, the family is responsible for the total amount of rent due to the owner.

The owner may terminate the lease at the end of the lease term or at any time for lease violations. The owner must use the termination proceedings as prescribed in the lease and contract; the owner can:

- Institute court action, using the grounds for eviction cited in the lease.
- Try to obtain a mutual rescission of the lease with the participant. The mutual rescission must be signed by both parties and indicate the reason for the rescission.
- Issue proper notice not to renew the Lease Agreement.

If the owner has begun eviction and the family continues to reside in the unit, WHA will continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the family. HAP payment will stop the first of the month following the legal eviction or the date the family moves from the unit whichever is earlier.

The owner may not terminate tenancy for WHA's failure to pay the housing assistance payment.

### HAP Termination due to Insufficient Funding

WHA may terminate the HAP contract if it is determined, in accordance with HUD requirements, that the funding under the consolidated ACC is insufficient to support the continued assistance for families in the program. In the event the termination of HAP contracts becomes necessary, WHA shall exempt the following:

- Elderly persons, sixty-two (62) years and older
- Disabled families
- Section 8 Homeownership Program applicants
- Families receiving voucher assistance as a result of relocation due to HOPE VI development
- Families receiving voucher assistance through special allocations in VASH, DHAP Mainstream programs.

WHA reserves the right to determine the methodology of termination of HAP contracts. Such methodology shall be based on income. Families currently paying seventy-five percent (75%) or more of contract rent will have the HAP contracts terminated. If after terminating families paying seventy-five percent (75%) or more of contract rent, there continues to be insufficient funding, the families paying fifty percent (50%) to seventy-four percent (74%) of contract rent will be terminated. If there continues to be insufficient funding, then, families paying twenty-five percent (25%) to forty-nine percent (49%) of contract rent will be terminated. The order of families being terminated in these payment groups shall be conducted on a first in, first out basis. i.e., those families who have participated the longest in the program by lease-up date will be the first HAP contracts terminated. Notice of the HAP contract termination will be provided to the tenant and owner. Families terminated due to lack of sufficient HAP funding leaving in good standing shall be afforded, when available, other housing opportunities. Families removed from the program shall be placed on a list until funding is available for re-housing.

## CHAPTER 10: VERIFICATIONS

Links: [24 CFR 982.516](#), [24 CFR 982.551](#), [24 CFR 5.230](#), [24 CFR 5.609\(d\)](#); [Notice PIH 2010-19](#); [Notice PIH 2013-23](#), [HCV GB p5-17](#),

It is the responsibility of the applicant/participant to provide timely and accurate information regarding income and other factors, to the extent that WHA is able to complete verification processes in accordance with HUD regulations. Failure on the part of the applicant/participant to provide necessary information may result in denial of the application or termination of program participation.

The family must supply any information that WHA or HUD determines necessary to the administration of the program and must consent to the WHA verification of that information. All adult applicants and participants must sign the [HUD-9886, Authorization for Release of Information](#). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Failure to sign consent forms will result in denial of admission for applicants and program termination for participants. The family will be informed of the denial or termination in accordance with WHA policies, and will be provided information on requesting an informal hearing.

### Methods of Verification

Link: [Notice PIH 2018-18](#)

WHA will rely primarily on Upfront Income Verification (UIV) tools and third party verification to verify income and other eligibility factors. Documentation of all verifications will be placed in the applicant/participant file. WHA follows HUD's hierarchy of verifications attempting the highest level of verification prior to moving on to another verification method.

- Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system
- Up-front Income Verification (UIV) using a non-HUD system
- Written Third Party Verification provided by applicant or participant
- Written Third-party Verification Form
- Oral Third-party Verification
- Self-Certification

### EIV Verification Process

Link: [24 CFR 5.233](#)

The WHA uses HUD's Enterprise Income Verification (EIV) system to verify participant employment, earned income, unemployment benefits, and social security (SS), and supplement security income (SS) benefits information at annual and interim re-certifications. The WHA will also use HUD's EIV system to monitor potential duplicate subsidies, deceased individuals, household member identity, under and

non-reported income, and immigration status. When required, WHA will also independently verify EIV information prior to taking adverse action against a family.

### Requirements for Non-EIV Verifications

The WHA's requirements for non-EIV verifications provided by the applicant or participant are:

- Any third party documents supplied by the applicant or participant used for verification must be original or authentic documents and must be dated within 60 days of the request date. The documents must not be damaged, altered or in any way illegible.
- Print-outs from web pages are considered acceptable documents.
- The WHA staff member who views the document will make a photocopy, note the copy with the name of the person who provided the document and the date the original was viewed, and sign the copy.

### Third Party Written Verifications

Third-party verification forms will be sent when third-party verification documents are unavailable or are rejected by the WHA and will be sent directly to the third party.

The WHA will use review of documents in lieu of requesting third-party verification when the market value of an individual asset or an expense is less than \$5,000.

The WHA also will determine that third-party verification is not available when there is a service charge for verifying an asset or expense.

### Third Party Oral Verifications

WHA staff will document the oral verification or the attempt to verify in the family's file.

### Family Self-Certifications

Link: Notice [PIH 2013-03](#)

The documents in the application packet and annual re-certification packet serve as the family's self-certifications. When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the WHA. WHA may require the family to certify that a family member does not receive a particular type of income or benefit.

### Eligibility Verifications

The following information will be verified to determine qualification for admission and continued

occupancy to WHA's housing:

- Household composition, demographics and type (Elderly/Disabled/Non-elderly)
- Annual Income
- Assets and Asset Income
- Deductions from Income
- Social Security Numbers of all household members
  - Pending disclosure and documentation of social security numbers, the WHA will allow the family to retain its place on the waiting list for 90 days. If not all household members have disclosed their SSNs at the next time a voucher becomes available, the WHA will offer a voucher to the next eligible applicant family on the waiting list.
  - Citizens and lawfully present noncitizens who state that they have not been assigned an SSN by the SSA will make such declaration in writing and under penalties of perjury to WHA.
  - If the family provides an unacceptable document, the WHA will explain to the applicant or participant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the WHA within 60 days.
  - If the family certifies that the required evidence is temporarily unavailable and it needs more time, the WHA may provide an extension of up to 30 days to submit evidence of eligible status, if the family has submitted the required declaration of eligible immigration status. To obtain an extension, the family must also certify that prompt and diligent efforts will be undertaken to obtain the evidence.
  - Once an individual's status is classified as "verified" in HUD's EIV system, the WHA may remove and destroy copies of documentation accepted as evidence of social security numbers.
- Applicant Criminal History Information
- Citizenship or eligible immigration status

### Legal Identity Verification

The WHA will require families to furnish verification of legal identity for each household member. A photo ID is required for each adult family member. Legal identity will be verified at application and on an as needed basis. Only the following identify documents are acceptable, in addition to the photo ID for each adult:

- Adults: Birth Certificate or Naturalization Papers
- Children: Birth Certificate, Adoption Papers, Court Award documents, Social Service Agency Award documents

## Marriage Verification

A marriage certificate is required to verify that a couple is married. In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (filing joint income tax returns, joint bank statements, etc.).

## Separation or Divorce Verification

A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced.

A copy of a court-ordered maintenance or other court record is required to document a separation.

If no court document is available, documentation from a community-based agency will be accepted.

## Adult Member Absence Verification

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., lease at another address or utility bill).

## Foster Children and Foster Adults Verification

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

### 10.1.2 Student Status Verification

The WHA requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

- The family claims full-time student status for an adult other than the head, spouse, or co-head; or
- The family claims a child care deduction to enable a family member to further his or her education; or
- The family includes a student enrolled in an institution of higher education.

## Student Rule

Link: [Federal Register / Vol. 81, No. 183 / Wednesday, September 21, 2016 / Notices](#)

WHA may provide housing assistance to Independent Student Head of Households who are defined by meeting one of the following characteristics:

- a. The individual is 24 years of age or older;

- b. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
- c. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
- d. The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes;
- e. The individual is a graduate or professional student;
- f. The individual is a married individual

WHA will verify the Student Head of Household using the following:

- Previous address information to determine evidence of a separate household, or verifying the student meets the U.S. Department of Education's definition of "independent student";
- Reviewing a student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of "independent student"; and
- Written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income. (Except if the student meets the Department of Education's definition of "independent student"

### 10.1.3 Disabled Status Verification

For family members claiming disability who receive disability payments from the SSA, the WHA will use HUD's EIV system to verify the disability. If documentation from HUD's EIV System is not available, the WHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), the WHA will ask the family to request a benefit verification letter by either calling the SSA at 1-800-772-1213, or by requesting it from [www.ssa.gov](http://www.ssa.gov).

For family members claiming disability who do not receive SSI or other disability payments from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability.

## US Citizens and Nationals

Family members who claim US citizenship or national status will be required to provide additional documentation such as a birth certificate.

## Verification of Income

Link: [Link: 24 CFR 960.259, 982.516](#)

### Wage Verification

The WHA requires two current and consecutive paystubs for determining annual income from wages if paid bi-weekly; 4 paystubs if paid weekly. If paystubs are not available, the WHA will accept an authentic document on employer letter head that states wages for previous 60 days, or an employer payroll print out.

### Tip Income Verification

Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certification of tips received for the prior year and estimated tips anticipated to be received in the coming year.

### Bonus Income Verification

For persons who regularly receive bonuses or commissions, the WHA will verify and then average amounts received for one year preceding admission or re-certification. The WHA will consider justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, the WHA will count only the amount estimated by the employer.

### Business and Self Employment Income Verification

Business owners and self-employed persons will be required to provide:

- An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted and the business owner or self-employed person must certify to its accuracy.
- All schedules completed for filing federal and local taxes in the preceding year. If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.
- The WHA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.

- At any re-certification the WHA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.
- If a family member has been self-employed less than three months, the WHA will accept the family member's certified estimate of income and schedule an interim reexamination in three months.
- If the family member has been self-employed for three to twelve months the WHA will require the family to provide documentation of income and expenses for this period and use that information to project income.

### Social Security and SSI Benefits Verification

To verify the SS/SSI benefits of participants, the WHA will obtain information about social security/SSI benefits through HUD's EIV system. If the participant disputes the EIV-reported benefit amount, or if benefit information is not available in HUD systems, the WHA will request a current SSA benefit verification letter from each family member that receives social security benefits.

If a family member is unable to provide the document, the WHA will help the participant request a benefit verification letter from SSA's Web site at [www.socialsecurity.gov](http://www.socialsecurity.gov) or ask the family to request one by calling SSA at 1-800-772-1213. Once the family has received the benefit verification letter, it will be required to provide the letter to the WHA.

### Alimony and Child Support Verification

WHA verifies alimony and child support differently depending on whether the family declares that it receives regular payments. If the family declares that it receives regular payments, verification will be sought in the following order.

- If payments are made through a state or local entity, WHA will request copy of the receipts and/or payment stubs from the Court trustee.
- Copy of the latest check and/or payment stubs
- Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
- Third-party verification form from the person paying the support
- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received

If the family declares that it receives irregular or no payments, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

- A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts

- If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts

### Zero Income Verification

The WHA will check EIV to determine zero income. WHA will require all adult family members to execute verification forms to determine that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household. WHA may also require all adults residing in the household to sign a Release allowing WHA to obtain a certified copy of any tax return submitted to the IRS.

### Student Financial Assistance

Link: [24 CFR 5.609\(b\)\(9\)](#)

For a student subject to having a portion of his/her student financial assistance included in annual income, the WHA will request written third party verification of both the source and the amount.

Documents requested include:

- Family provided documents from the educational institution attended by the student
- Documents generated by any other person or entity providing such assistance, as reported by the student.
- Written verification of the student's tuition amount.

### *Verification of Parental Income of Students Subject to Eligibility Restrictions*

If the WHA is required to determine the income eligibility of a student's parents, the WHA will request an income declaration and certification of income from the appropriate parent(s). The WHA will send the request directly to the parents, who will be required to certify to their income under penalty of perjury. The parents will be required to submit the information directly to the WHA. The required information must be postmarked within 15 business days of the date of the WHA's request or within any extended timeframe approved by the WHA.

The WHA reserves the right to request and review supporting documentation at any time if it questions the declaration or certification. Supporting documentation may include, but is not limited to Internal Revenue Service tax returns, consecutive and original pay stubs, bank statements, pension benefit statements, benefit award letters and other official and authentic documents from a federal, state, or local agency.

## Verification of Assets

Link: [24 CFR 960.259](#), [982.516](#), [Notice PIH 2016-05](#)

For a family with net assets equal to or less than \$5,000, the WHA may accept the family's declaration that it has net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration. The declaration must state the amount of income the family expects to receive from such assets; this amount must be included in the family's income.

The WHA will obtain third-party verification of assets at eligibility determination, with the addition of a new household member with assets and every three years thereafter.

## Assets Disposed of for Less Than Fair Market Value Verification

WHA accepts the family's self-certification of whether any assets have been disposed of for less than fair market value in the past two years. The WHA needs to verify only those certifications that warrant documentation. The WHA will verify the value of assets disposed of only if:

- The WHA does not already have a reasonable estimation of its value from previously collected information, or
- The amount reported by the family in the certification appears obviously in error.

## Income from Rental Verification

The family must provide:

- A current executed lease for the property that shows the rental amount or certification from the current participant
- A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, the WHA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

## Retirement Account Verifications

The WHA will accept written third-party documents supplied by the family as evidence of the status of retirement accounts.

Before retirement, the WHA will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than 6

months from the effective date of the examination.

Upon retirement, the WHA will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.

After retirement, the WHA will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

## Verification of Expenses

### Medical Expenses

Medical expenses will be verified by written third-party documents provided by the family, such as pharmacy printouts or receipts. The WHA will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The WHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

WHA will also accept written third-party verification forms. The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source.

When anticipated costs are related to on-going payment of medical bills incurred in past years, the WHA will verify:

- The anticipated repayment schedule
- The amounts paid in the past, and
- Whether the amounts to be repaid have been deducted from the family's annual income in past years

### Disability Assistance Expenses

Expenses for attendant care will be verified through:

- Written third-party documents provided by the family, such as receipts or cancelled checks.
- Third-party verification form signed by the provider, if family-provided documents are not available.

Expenses for auxiliary apparatus will be verified through:

- Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.
- Third-party verification form signed by the provider, if family-provided documents are not available.

- The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

To verify the family member enabled to work, the WHA will verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work. WHA will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member(s) to work. To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

### 10.5.2 Child Care Expense Verification

The family is required to certify that the child care expenses are not paid by or reimbursed to the family from any source. The WHA will verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

If a family member is seeking work, WHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment) or the WHA will request family-provided verification from the agency of the member's job seeking efforts to date and require the family to submit to the WHA any reports provided to that agency.

In the event third-party verification is not available, the WHA will provide the family with a form on which the family member must record job search efforts. The WHA will review this information at each subsequent re-certification for which this deduction is claimed.

If the family member is furthering education, the WHA will request third-party documentation to verify that the person permitted to further his or her education by the child care is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.

The WHA will seek third-party verification of the work schedule of the person who is permitted to work by the child care. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the family.

The type of care to be provided is determined by the family, but must fall within certain guidelines.

- The WHA will verify that the type of child care selected by the family is allowable.
- The WHA will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

- The WHA will verify that the child care provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.
- The actual costs the family incurs will be compared with the WHA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family presents a justification for costs that exceed typical costs in the area, the WHA will request additional documentation to support a determination that the higher cost is appropriate.

## CHAPTER 11: ONGOING PROGRAM OPERATIONS

### Annual Re-Certifications

Links: [24 CFR 982.516](#); [24 CFR 5.612](#)

WHA will conduct a recertification of income, assets, expenses and family composition at least annually. The annual recertification process begins approximately 120 days in advance of the scheduled effective date. The annual recertification will be effective on the first of the month. WHA may prescribe completion of annual recertification by mail, in person or electronically. WHA will provide the participant with all required certification materials to be completed within the specified time period. The participant and all adult family members must complete and submit all the required documents, signatures and verifications within the specified period of time.

If the family size has changed, WHA will increase or decrease the voucher size as appropriate at the annual recertification. The current utility allowance schedule will be used to complete the annual reexamination. The annual recertification will not re-verify eligibility income limits except where the Head of Household is a full time student. Participants are required to provide documents such as social security cards, birth certificates, citizen declaration forms, etc. upon request at annual reexamination, interim certification, or at any time requested by WHA.

WHA may follow up by telephone, email and/or require in-person appointments with participants, as needed, to request additional information, seek clarification, review recertification documents, and/or conduct quality control.

Participants will be provided up to two opportunities to complete the recertification requirements within the prescribed timeframes. If all documents and information are not submitted to WHA within the timeframe, and any allowed extensions, the family's assistance will be terminated effective on the participant's recertification effective date for the family's failure to comply with their family obligations.

### Streamlined Income Determinations

Link: [Notice PIH 2016-05](#)

For any family member with a fixed source of income, WHA may determine that family member's income using a streamlined income determination by applying, for each fixed-income source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.

A family member with a fixed source of income is a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources: Social Security, Supplemental Security Income, Supplemental Disability Insurance; federal, state, local, or private

pension plans; annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts; or any other source of income subject to adjustment by a verifiable COLA or current rate of interest.

For any family member whose income is determined by a streamlined income determination, WHA will obtain third-party verification of all income amounts every 3 years.

## Interim Reexaminations

Link: [24 CFR 960.257, 966.4](#)

Rent and other charges will remain in effect for the period between regularly scheduled recertification, except when household composition or income changes in accordance with the following. The family must report changes in income expected to last more than thirty days and/or household composition to WHA within 30 calendar days of the change. Families are not required to report cost of living adjustments to recipients of Social Security, TANF, Veteran's Assistance, and SSI.

## Changes to Household Composition

The family must inform the WHA of an addition of a family member as a result of birth, adoption, or court-awarded custody of a child or the removal of a family member from the household within 30 calendar days. WHA will require verification documents such as birth certificate and disclosure of Social Security number. If the member is a child six or under, the household has 90 days after move-in to submit the documentation.

All other additions to participant families will be considered only on a case-by-case basis and must be documented at the time such changes occur. A criminal background check is required for all requests to add adult household members or live-in aides to the household. WHA's prior approval of additions to the household is required.

WHA will not approve the addition of a new family member or household member unless the individual meets the WHA's eligibility criteria and documentation requirements. The WHA will not approve the addition of a foster child or foster adult if it will cause a violation of HQS space standards. The WHA will conduct interim re-certifications to account for any changes in household composition that occur between annual re-certifications.

Applicants or participants who fail to notify the WHA of additions to the household or who permit persons to be added to the family composition without undergoing screening are in violation of program requirements. Persons added without WHA approval will be considered unauthorized occupants and the entire household will be recommended for termination from the Housing Choice Voucher Programs.

## Interim Changes Affecting Income

WHA may conduct an interim recertification at any time:

- in order to make corrections or to investigate a participant fraud complaint.
- for families reporting zero (\$0) income.

During any reexamination, families reporting \$0 income may be required to have all adult household members sign a certification of zero income every three months. WHA may require the household to complete detailed family expense form to identify household income. Participants will be asked to provide information that verifies the source of income that allows them to meet monthly financial obligations. Failure to comply with these recertification requirements will be considered grounds for termination of assistance.

## WHA-Initiated Interim Re-certifications

The WHA may conduct interim re-certifications in each of the following instances:

- An increase in income from zero income.
- If at the time of the annual re-certification, participant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, the WHA will conduct an interim re-certification.
- The WHA may conduct an interim re-certification at any time in order to correct an error in a previous re-certification, or to investigate a participant fraud complaint.

The family must complete an Interim Change form and provide necessary information within 30 days of the WHA request.

## Interim Re-certification Effective Dates

If the participant rent is to increase:

- The increase generally will be effective on the first of the month following 30 days' notice to the family.
- If a family fails to report a change within the required time frames, or fails to provide all required information within the required time frames, the increase will be applied retroactively, to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement.

If the participant rent is to decrease:

- The decrease will be effective on the first day of the month following the month in which the change was reported and documentation was received.

The family will be notified of the new participant rent and effective date.

## Family Moves

Link: [24 CFR 982.1\(b\)\(2\)](#)

A family may request to move to a new unit if:

- The initial term of the lease has expired and proper notice has been given to the landlord and to the WHA.
- The lease for the family's unit has been terminated by mutual agreement of the owner and the family, and WHA has been provided proper documentation of the mutual rescission.
- For non-lease violations only: the owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family. The family must give the WHA a copy of any owner eviction notice and eviction for lease violation may result in termination from the program.
- The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member (VAWA). This condition applies even when the family has moved out of its unit in violation of the lease, with or without prior notification to the WHA, if the family or family member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit.
- The family is in good standing with WHA.
- The family does not owe WHA money.

Families are not permitted to move in the first term of the lease or while in any subsequent lease term unless the owner and family mutually agree to do so. If the owner refuses to a mutual rescission, the family will not be allowed to move unless WHA otherwise determines VAWA or other health and safety provisions prevail. Families will not be permitted to move more than once in a 12-month period unless required to do so by WHA to meet HQS or other program objectives, to protect the health or safety, or in the case of an emergency.

A participant family who wants to move, **must** vacate the unit in compliance with the lease (e.g. provide landlord with adequate notice). The family must provide WHA thirty (30) days written notice and a

Request for Tenancy Approval in order to receive a Voucher to lease a new unit. Provided all obligations have been met, the family will be issued a Voucher to lease a new unit. WHA will not unduly deny the issuance of a voucher based on an owner's report of non-compliance that has existed prior to the tenant's request, i.e. The owner reported that the tenant has owed rent for several months, but has not previously notified WHA nor has taken legal action.

WHA may conduct a reexamination and may opt to conduct a criminal background check of the members of the household who are 18 years of age and older prior to approving the issuance of a voucher to move.

### Required Moves

WHA may require participant families to move from one unit to another unit if:

- WHA has terminated the unit for the owner's breach of the HAP contract or unit is in foreclosure; or
- WHA determines that the family's current unit does not meet the HQS space standards because of an increase in family size or a change in family composition.
- The unit is not in compliance with HQS.

### Denial of Moves

Link: [Notice PIH 2016-09](#)

WHA will deny moves in the following circumstances:

- Applicants who are seeking to move under Portability who are not income eligible in the receiving PHA's jurisdiction.
- Participant families that have moved out of their assisted unit in violation of the lease, provided the owner appropriately notifies WHA of the lease violation and provides supporting documentation. WHA will grant an exception to this in the situation where the only reason for the violation of the lease was due to circumstances surrounding being a victim or domestic abuse, dating violence or stalking, and who reasonably believed he or she was imminently threatened if he or she remained in the assisted unit (VAWA).

### Denial due to Insufficient Funding

WHA will deny a family permission to move on grounds that the WHA does not have sufficient funding for continued assistance if: (a) the move is to a higher cost unit (within WHA jurisdiction) or to a higher cost area (for portability moves); (b) the receiving PHA is not absorbing the voucher (applicable only to portability moves); and (c) WHA would be unable to avoid termination of current participants during the calendar year in order to remain within its budgetary allocation for housing assistance payments

(including any available HAP reserves). This policy applies to moves within the WHA's jurisdiction as well as to moves outside it under portability.

In the event that WHA has denied a move due to insufficient funding, WHA will provide written notification to the local HUD Field office and to the family denying the request to move for this reason. WHA will advise the family that they may advise WHA if the request to move is due to a request for a reasonable accommodation or for protection due to domestic violence, dating violence or stalking (VAWA).

WHA will maintain a list of families who have been denied to move due to insufficient funding including the date of the original request and whether the request was due to a reasonable accommodation or VAWA. When funds become available, WHA provide families notice and will begin to process requests to move in the order received – from oldest to newest – with preference to families whose request to move was due to a reasonable accommodation or VAWA.

Families who do not respond to the notification that funds are again available and may again request to move will be removed from the list held by WHA.

### Move Process

If WHA has determined the family is eligible to move, the family will be issued a voucher to move and provided any other necessary information. If the family and owner agree to extend the move date, the extension must be submitted to WHA in writing, signed by both the family and owner, must include the new effective date of the move, and must be submitted before the original effective date of the move notice.

All actions regarding moves (Request for Tenancy Approval, owner approval, initial inspection, initial rent burden, rent reasonableness, voucher term, voucher extensions, etc.) are the same as stated elsewhere in this Plan.

### Duplicate Housing Assistance Payments with a Move

Link: [24 CFR 982.311\(d\)](#)

If a participant family moves from an assisted unit with continued participant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy. HAP payments to a former owner beyond the month of the move into a new unit must be recaptured by WHA and may not be kept by the former owner.

## Portability

Link: [24 CFR 982.353\(b\)](#)

Portability allows a family to move from one jurisdiction to another with continued assistance. Voucher holders may move anywhere there is a Housing Agency that administers a tenant-based program. Families are informed of portability requirements in the briefing session and information materials. WHA will always participate in assisting clients who wish to exercise portability.

## Outgoing Portability

Link: [24 CFR 982.353\(c\), \(d\)](#); [982.355\(c\)\(1\)](#)

Families must notify WHA when they want to move out of WHA's jurisdiction using the portability feature. When a family notifies WHA that it wants to move under the portability procedures, WHA will contact the receiving Housing Authority. WHA will confirm the following to the receiving Housing Authority:

- The family is eligible for assistance, (i.e., meets the requirements of WHA); and
- A Voucher has been issued to the family.

Families that are new admissions to the HCV program must meet the income eligibility requirements both for WHA and also in the jurisdiction where the family intend to move to ("the Receiving PHA"). Participant families must also meet the income eligibility requirements in the area to which the family plans to move.

WHA will not approve extensions to a voucher issued to an applicant or participant family porting out of WHA's jurisdiction except under the following circumstances:

- the initial term of the voucher will expire before the portable family will be issued a voucher by the receiving PHA
- the family decides to return to WHA's jurisdiction to search for a unit

If an applicant does not live in WHA's jurisdiction at the time that the family's application for assistance was submitted, the family must lease a unit within WHA's jurisdiction for at least 12 months before requesting portability.

WHA will consider exceptions to this policy for purposes of reasonable accommodation or reasons related to VAWA as stated in this Plan. WHA may deny portability to higher cost areas when funding is insufficient to support the move and could result in termination of current program participants.

### Incoming Portables

WHA may absorb or administer some or all incoming portable vouchers based on funding available and the best interests of the Agency. If WHA decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, WHA will notify the initial PHA as required by HUD.

WHA may conduct a new reexamination of family income and composition, for any family moving into its jurisdiction under portability

## CHAPTER 12: DENIAL OF ASSISTANCE TO APPLICANTS AND TERMINATION OF ASSISTANCE TO PARTICIPANTS

Links: [24 CFR 982.552\(a\)\(2\)](#); [24 CFR 982.553\(a\)](#)

### Evidence and Considerations

The WHA may consider all relevant circumstances in evaluating a decision to terminate or deny assistance. Evidence of criminal activity includes, but is not limited to engaging in and/or any record of convictions, arrests, or evictions for suspected criminal activity of household members within the past 5 years.

The WHA will use the preponderance of the evidence as the standard for making all admission decisions. Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants, evidence gathered by WHA inspectors and/or investigators, and evidence gathered from the WHA incident reports.

The WHA will consider the following factors prior to making its denial or termination decision:

- Evidence of the applicant or participant'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 is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully
  - The WHA will require the applicant/participant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.
- Whether the cause of the unfavorable information may be that the applicant/participant is the victim of domestic violence, dating violence, sexual assault or stalking.
  - The WHA acknowledges that a victim of domestic violence, dating violence, sexual assault or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to a unit, a prior arrest record) that would warrant denial under the WHA's policies. Therefore, if the WHA makes a determination to deny admission to an

applicant family, the WHA will include in its notice of denial/termination a statement of the protection against denial provided by VAWA A description of WHA confidentiality requirements.

- A request that an applicant/participant wishing to claim this protection submit to the WHA documentation meeting the specifications below with her or his request for an informal review for an applicant and an informal hearing for a participant.
- The existence of mitigating factors, such as loss of employment or other financial difficulties.
- If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission or termination of assistance, the WHA will determine whether the behavior is related to the disability. If so, upon the family's request, the WHA will determine whether alternative measures are appropriate as a reasonable accommodation. The WHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial or termination.

As a condition of receiving or keeping assistance, a family may agree to remove the culpable family member from the application or unit. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the HCV unit.

## Denial or Termination of Assistance to Applicant / Participant Families

[24 CFR 982.455](#); [24 CFR 982.551](#), [552](#), [553](#); [24 CFR 5.514](#); [24 CFR 5.218](#); [24 CFR 982.311\(d\)](#); [Notice PIH 2010-3](#); [Notice PIH 2010-9](#); [24 CFR 5.2005\(c\)\(1\)](#)

WHA may deny housing assistance to any applicant household:

1. Who does not meet eligibility requirements, including providing valid social security number information for all household members (unless provided for as a non-citizen);
2. Who has any household member who refuses to sign or submit consent forms;
3. Wherein the Total Tenant Payment is greater than the Payment Standard;
4. Who has any household member who has been evicted from public housing within the past five years or has outstanding balances to any PHA as recorded in HUD's EIV data system;
5. If WHA has ever terminated assistance to any household member under the Housing Choice Voucher Program; and
6. Who has any household member who illegally possesses weapons.

WHA may deny or terminate housing assistance to any applicant or participant household who:

1. Violates program obligations, including compliance with HQS.
2. Commits fraud in connection with this program or any other Federal housing assistance program. If WHA determines that the family committed willful and intentional fraud, WHA may require the family to repay any amount owed in full or the family's assistance may be terminated. WHA may, at its discretion, offer the applicant or participant the opportunity to

enter into an agreement to repay the amounts owed to WHA or another Housing Authority. If

WHA elects to make such an offer, the agreement shall be on terms prescribed by WHA. WHA may, at any time, deny or terminate assistance for breach of such agreement. (See also Repayment Agreements in this Plan.)

3. Owes money to WHA or any other Housing Authority in connection with the Housing Choice Voucher Program or the Public Housing Program, if an applicant; or owes money to WHA and breaches a reimbursement agreement, if a Housing Choice Voucher participant;
4. Has engaged in or threatened abusive or violent behavior toward WHA personnel;
5. Has \$0 in housing assistance payments paid on the family's behalf for six months;
6. Is convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing. The premise is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.
7. Is convicted of other drug-related, violent or non-violent criminal activity within the past five years.
8. Is subject to a lifetime registration requirement under a State sex-offender registration program in the state where the housing is located and in other states where the household is known to have lived.
9. Has any household member who illegally possesses weapons.
10. The family fails to provide required documentation and/or fails to sign and submit any required consent forms.
11. HUD permits, but does not require, the WHA to deny assistance if the WHA 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. 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 assistance:
  - 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 right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity (within a three-block radius of the premises); or
  - Criminal activity that may threaten the health or safety of property owners and management staff and persons performing contract administration functions or other responsibilities on behalf of the HACC (including a HACC employee or a HACC contractor, subcontractor, or agent)
12. Any other HUD required reason.

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, WHA will consider all of the circumstances of the case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

## Notice of Denial

WHA will notify applicant families in writing of any decision to deny assistance. The notice will contain:

- Reason(s) the family is ineligible
- Procedure for requesting a review if the applicant does not agree with the decision
- Protections for victims under VAWA
- Time limit for requesting a review: The applicant must submit the written request for an informal review within 14 calendar days of the date of the denial notice.

If the request is not submitted timely, it will mean that the applicant waived his/her right to request an informal review.

If, based on a criminal record or sex offender registration information an applicant family appears to be ineligible, the WHA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 14 calendar days to dispute the accuracy and relevance of the information. If the family does not contact the WHA to dispute the information within that 15 day period, the WHA will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process.

## Denial of Assistance for Noncitizens

Link: [24 CFR 5.514\(d\)](#)

Denial of assistance based on immigration status is subject to special hearing and notice rules. The WHA will notify applicant families of denial of assistance in accordance with HUD regulations. When WHA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 14 calendar days of the determination. The notice will explain the reasons for the denial of assistance and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with the WHA. The informal hearing with the WHA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice will inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process.

When the WHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the WHA will notify the family of the results of the USCIS verification within 14 calendar days of receiving the results. The family will have 30 calendar days from the date of the notification to request an appeal of the USCIS results, made by the family directly in writing to the USCIS. The family must provide WHA with a copy of the written request for appeal and proof of mailing within 14 calendar days of mailing the request to the USCIS.

The WHA will send written notice to the family of its right to request an informal hearing following receipt of notice of the USCIS decision regarding the family's immigration status.

## Termination Notification

In any case where WHA decides to terminate assistance to the family, WHA will give both the family and the owner a 30-day written termination notice. However, if a family vacates the unit without informing WHA or the sole family member is deceased, 30 days-notice will not be given. In these cases, the termination will be effective at the end of the month in which the family vacated the unit.

When a family requests to be terminated from the program they must do so in writing to the WHA.

## Removal of a Family Member

Link: [24 CFR 982.552\(c\)\(2\)\(ii\)](#)

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the assisted unit.

After admission to the program, the family must present evidence of the former family member's current address upon WHA request.

## Termination of Tenancy

### Termination of Tenancy By the Owner:

An owner may evict the resident from the unit only by instituting a court action and only for one of the following reasons:

- Serious violation (including but not limited to failure to pay rent or other amounts due under the lease) or repeated violation of the terms and conditions of the lease;
- Violation of Federal, State or local law which imposes obligations on the resident in connection with the occupancy or use of the dwelling unit and surrounding premises; or
- Other good cause (only permitted after expiration of the initial lease term).

- Owner termination of residency for other good cause may include:
  - The tenant’s failure to accept the offer of a new lease in accordance with HUD regulations
  - A history of disturbances of neighbors or destruction of property;
  - Living or housekeeping habits resulting in damage to the unit or property;
  - Criminal activity by family members involving crimes of physical violence to persons or property;
  - A business or economic reason; and
  - The owner’s desire to utilize the unit for personal or family use.

Per the requirements of the Violence Against Women Reauthorization Act of 2013 (VAWA), unit owners/managers shall not consider an incident or incidents of actual or threatened domestic violence, dating violence, stalking or sexual assault as serious or repeated violations of the lease or other “good cause” for termination of the assistance, tenancy, or occupancy rights of a victim of abuse.

Criminal activity directly related to abuse, engaged in by a household member, guest or other person under the tenant’s control, shall not be cause for termination of tenancy or occupancy rights if a member of the tenant’s immediate family is the victim or threatened victim of that abuse.

If an assisted household member engages in criminal acts of physical violence against family members or others, an owner/manager may “bifurcate” a lease, or otherwise remove the household member from the lease, in order to evict, remove, or terminate occupancy rights for any individual who is a tenant or lawful occupant. These actions may be taken without penalizing the victim.

These statements do not limit the authority or ability of a unit owner/manager to evict any tenant under program guidelines if s/he can demonstrate an “actual and imminent threat” to other tenants or persons employed at or providing services to the property.

This list of examples is intended as a non-exclusive statement of some situations included in “other good cause,” but shall in no way be construed as a limitation on the application of “other good cause” to situations not included in the list.

If the owner opts not to renew the Lease or to terminate the HAP contract for a business or economic reason (such as the sale of the property, renovation of the unit or desire to rent the unit at a higher rate) or if the HAP contract is to expire, the owner must give written notice to the family and WHA in accordance with the lease.

The owner must notify WHA in writing of the commencement of procedures for termination of tenancy at the same time that the owner gives notice to the resident under State and local law. The notice to WHA may be given by furnishing to WHA a copy of the notice to the tenant.

## Termination of Tenancy By the Tenant

The tenant may terminate the lease without cause at any time after the initial term of the lease, according to the requirements stated in the lease, with written notice by the tenant to the owner (with a copy to WHA). The tenant may, however, only receive a Voucher to move if it has been at least 12 months since the last household move with assistance.

The requirement to vacate the unit in compliance with the lease may be waived if a family requests a portability move due to actual or threatened domestic violence, dating violence, stalking or sexual assault. WHA will request in writing that tenants that seek to move under a claim of abuse complete the HUD Certification of Domestic Violence, Dating Violence, Stalking or Sexual Assault or provide other documentation in lieu of the form. See VAWA in this Plan.

## Reasonable Accommodation Related to Denials or Terminations

Link: [24 CFR 982.552\(2\)\(iv\)](#)

WHA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation policy.

When applicants with disabilities are denied assistance, the notice of denial must inform them of WHA's informal review process and their right to request a review. In addition, the notice will inform applicants with disabilities of their right to request reasonable accommodations to participate in the informal review process. If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of assistance, WHA will determine whether the behavior is related to the disability. If so, upon the family's request, WHA will determine whether alternative measures are appropriate as a reasonable accommodation. WHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance.

## Repayment Agreements

Link: PIH Notice 2017-12; PIH Notice 2018-18

If a family owes amounts to the WHA, as a condition of continued occupancy, the WHA may require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from the WHA of the amount owed. The family will have the option to repay the amount owed as follows:

- In a lump-sum payment; or
- Monthly installment; or
- A combination lump-sum payment and monthly installments

Any repayment agreement between the WHA and a family must be signed and dated by the WHA and by the head of household and spouse/co-head (if applicable). If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, the WHA will terminate the family's tenancy and utilize other available collection alternatives including, but not limited to, the following:

- Collection agencies
- Small claims court
- Civil law suit
- State income tax set-off program

The repayment agreement will include the total amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. The amount of the monthly repayment together with the family's TTP will not exceed 40% of the family's adjusted monthly income. The amount of the monthly repayment will be adjusted as adjustments are made to the family's TTP. The WHA repayment agreements will not exceed a term of 60 months.

The WHA generally will not enter into a repayment agreement with a family if:

- There is already a repayment agreement in place with the family
- If the WHA determines that the family committed program fraud
- If the amount of the monthly payments together with the family's TTP exceeds 40% of the family's adjusted monthly income.
- If the amount is greater than \$6,000, or if the amount owed by the family exceeds the federal or state threshold for criminal prosecution.

WHA may at any time not enter into a repayment agreement and instead terminate the family's tenancy and pursue alternative collection methods. If the family's assistance is terminated and repayment has not been made, the money will still be considered to be owed and may be reported in HUD's EIV system as a debt owed. WHA may take such action, as necessary, to collect the amounts owed.

### Owner Debt to the WHA

If the WHA determines that the owner has retained housing assistance or claims payments the owner is not entitled to, the WHA may reclaim the amounts from future housing assistance or claim payments owed by the owner for any units under contract.

If future housing assistance or claim payments are insufficient to reclaim the amounts owed, the

WHA may require the owner to pay the amount in full within 30 days or restrict the owner from future participation.

## CHAPTER 13: INFORMAL REVIEWS AND INFORMAL HEARINGS

[24 CFR 982.554](#); [24 CFR 982.555](#); [24 CFR 982.552](#)

When possible and allowed by regulation/law, WHA may conduct administrative reviews of informal hearing/review requests and provide alternate resolutions at its discretion.

### Informal Review Procedure

An applicant may request an informal review of the WHA's decision to deny the applicant's participation in the Housing Choice Voucher Program. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status, the applicant is entitled to an informal hearing.

An applicant may request an informal review if the applicant is denied:

- Listing on the waiting list or for a preference
- Issuance of a voucher
- Participation in the Program

Informal reviews will not be granted to applicants who dispute:

- The unit size (number of bedrooms) stated on the voucher.
- A determination that a unit does not comply with Housing Quality Standards including space requirements.
- A determination that a proposed lease is unacceptable.
- A decision to not approve a request for an extension of the term of the voucher.
- General policy issues, class grievances, or discretionary administrative determinations.

Informal review requests must be made in writing within 14 business days from the date of WHA's denial notice. The informal review will be conducted by a person or panel including other than the one who made the decision under review or a subordinate of this person. The applicant will be provided an opportunity to present written or oral objections to the decision of WHA. The review decision will be based only on evidence presented at the review by both parties.

If the family fails to appear for their informal review, the denial of admission will stand. Notification of the informal review result will be given personally to the family or sent to the last known address.

### Informal Hearing Procedure

When WHA determines that a participant should be terminated from the program, WHA will notify the participant of their proposed termination in writing. The participant must submit a request in writing or

prescribed electronic format for an informal hearing within 14 business days of the date of the WHA's notice of adverse action.

Informal hearings may be requested for the following reasons:

- Determination of the amount of the total tenant payment, family share, family rent to owner or payment standard.
- Decision to terminate assistance
- Appropriate utility allowance used from schedule (not the schedule itself)
- Family unit size (number of bedrooms on the Voucher) under WHA subsidy standards
- A decision to delay, terminate or deny assistance because of ineligible immigration status (this applies to both applicants and participants).

WHA is not required to provide an informal hearing in the following cases:

- Discretionary administrative determinations by WHA, or to consider general policy issues or class grievances
- Determination that the unit does not comply with WHA's Housing Quality Standards including space requirements for family size, that the owner failed to maintain the unit in a decent, safe, and sanitary manner in accordance with the Housing Quality Standards (HQS)
- Decision to exercise any remedy against the owner under an outstanding contract, including the termination of Housing Assistance Payments to the owner
- Decision not to approve a family's request for an extension of the term of the Voucher issued to an assisted family which wants to move to another dwelling unit with continued participation
- Establishment of WHA schedule of utility allowances for families in the program
- Disapproval of unit or lease.

## Conducting Informal Hearings

The informal hearing for participants shall be conducted in accordance with the following procedures:

1. WHA shall appoint a hearing officer or panel to conduct the hearing, other than the person who made or approved the decision under review or a subordinate of such person;
2. The family has a right to a private hearing unless the participant requests a public hearing;
3. The family, at its own expense, may be represented by a lawyer or other representative;
4. The family or its counsel/representative shall be given an opportunity to examine evidence, question adverse witnesses, and to present testimony and evidence in its favor;
5. Evidence shall be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings;
6. The hearing officer or panel shall issue a written decision stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the participant shall be based on the evidence presented at the hearing; and

7. A copy of the hearing decision shall be furnished promptly to the participant and the HCV department;
8. If a family does not appear at a scheduled review/hearing and has not rescheduled the hearing in advance, the hearing officer/panel will assume the family is no longer interested in the program and will uphold the denial/termination.
9. WHA will also notify the owner whether the termination was upheld or overturned.

The WHA may conduct informal reviews telephonically, via video-teleconferencing, or through other virtual platforms provided that the family has not requested in-person informal hearing. Prior to scheduling a remote informal hearing, the WHA will survey the family to determine if technology barriers exist that would limit the family's ability to participate in the hearing. If the participant does not have proper technology access, then the remote hearing will either be postponed until the WHA can resolve the access issue(s), or an in-person alternative will be provided.

#### Decisions Not Binding to WHA

The decision of the hearing officer will be binding unless WHA's Board determines that:

1. The grievance does not concern PHA action or failure to act in accordance with or involving the complainant's lease on PHA regulations, which adversely affects the complainant's rights, duties, welfare or status; or
2. The decision of the hearing officer is contrary to applicable Federal, State or local law, HUD regulations or requirements of the annual contributions contract between HUD and WHA.

If WHA determines that it is not bound by a hearing decision, WHA shall promptly notify the participant of the determination and of the reasons for the determination.

#### Hearing Provisions for Restrictions on Assistance to Non-Citizens

Full or prorated assistance to an applicant or currently assisted household, with at least one person with documented status, will not be delayed, denied or terminated on the basis of ineligible immigration status for the following reasons:

1. The USCIS verification process is not completed;
2. The family member in question moves;
3. The USCIS appeals process has not been completed;
4. For a currently assisted household, the informal hearing process is not complete;
5. Assistance is prorated; or
6. Mixed family assistance is continued or deferral of termination of assistance is granted.

Once the USCIS appeal process is completed, assistance to a family will not be terminated or denied while WHA hearing is pending; however assistance to an applicant may be delayed pending WHA hearing.

Assistance to an applicant will be denied and a currently assisted household's assistance terminated when:

- Declaration of citizenship or eligible immigration status is not submitted by the specified deadline or any extension; or
- Required evidence is submitted but INS primary and secondary verification does not verify immigration status, and
  - Family does not pursue USCIS or WHA appeal; or
  - USCIS or WHA appeal is pursued but decision(s) are rendered against family.

### USCIS Determination of Ineligibility

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

If the family appeals to the USCIS, they must give WHA a copy of the appeal and proof of mailing, or WHA may proceed to deny or terminate. The time period to request an appeal may be extended by WHA for extenuating circumstances

The request for a WHA hearing must be made within 14 business days of receipt of the notice offering the hearing or, if an appeal was made to the USCIS, within 14 business days of receipt of that notice.

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

- Deny the applicant family.
- Terminate the family if the family does not qualify for deferral.

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

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

Families whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights describes above) are entitled to a hearing based on the right to a hearing regarding determinations of Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

## CHAPTER 14: PROGRAM INTEGRITY

Link: 24 CFR [982.552\(c\)\(iv\)](#); [24 CFR 985](#)

The WHA anticipates that the majority of families and WHA employees intend to and will comply with program requirements and make reasonable efforts to avoid errors. To ensure that the WHA's program is administered effectively and according to the highest ethical and legal standards, the WHA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare. The WHA will:

- Provide each applicant and participant with a copy of "Is Fraud Worth It?"
- Provide each applicant and participant with a copy of "What You Should Know about EIV", and require receipt confirmation
- Review and explain the contents of all HUD and WHA required forms prior to requesting family member signatures
- Place a warning statement about the penalties for fraud on key WHA forms and letters that request information from a family member
- Provide each WHA employee with the necessary training on program rules and the organization's standards of conduct and ethics

### Detecting Errors and Program Abuse

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

- Using the results reported in any IPA or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the WHA's error detection and abuse prevention efforts.
- Encouraging staff, participants, and the public to report possible program abuse.
- Reviewing all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation.
- Investigating inconsistent information related to the family that is identified through file reviews and the verification process.

For each investigation the WHA will determine:

- Whether an error or program abuse has occurred
- Whether any amount of money is owed the WHA
- What corrective measures or penalties will be assessed

## Consideration of Remedies

All errors and instances of program abuse will be corrected prospectively. Whether the WHA will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

In the case of family-caused errors or program abuse, the WHA will take into consideration:

- The seriousness of the offense and the extent of participation or culpability of individual family members
- Any special circumstances surrounding the case
- Any mitigating circumstances related to the disability of a family member
- The effects of a particular remedy on family members who were not involved in the offense

## Notice and Effective Dates

The WHA will inform the relevant party in writing of its findings and remedies within 14 business days of the conclusion of the investigation.

The notice will include:

- A description of the error or program abuse,
- The basis on which the WHA determined the error or program abuses,
- The remedies to be employed, and
- The family's right to appeal the results through an informal review or informal hearing.

Increases in the participant rent will be implemented retro-actively to the date of the un-reported increase. The participant may or may not be offered a repayment agreement, based on the seriousness and length of the unreported income.

Any decreases in participant rent will become effective the first of the month following the discovery or retro-actively if due to WHA error.

In the case of family-caused errors or program abuse, the family will be required to repay any amounts of rent underpaid. The WHA may offer the family a repayment agreement. If the family fails to repay the amount owed, the WHA will terminate the family's lease.

The WHA will reimburse a family for any family overpayment of rent.

## Family Prohibited Actions

Any of the following will be considered evidence of family program abuse:

- Offering bribes or illegal gratuities to the WHA Board of Commissioners, employees, contractors, or other WHA representatives
- Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements to the WHA on the family's behalf
- Use of a false name or the use of falsified, forged, or altered documents
- Intentional misreporting of family information or circumstances (e.g., misreporting of income or family composition)
- Omitted facts that were obviously known by a family member (e.g., not reporting employment income)
- Admission of program abuse by an adult family member
- The WHA may determine other actions to be program abuse based upon a preponderance of the evidence.

## WHA Prohibited Activities

Any of the following will be considered evidence of program abuse by WHA staff:

- Failing to comply with any HCV program requirements for personal gain
- Failing to comply with any HCV program requirements as a result of a conflict of interest relationship with any applicant or participant
- Seeking or accepting anything of material value from applicants, participants, owners, vendors, contractors, or other persons who provide services or materials to the WHA
- Disclosing confidential or proprietary information to outside parties
- Gaining profit as a result of insider knowledge of WHA activities, policies, or practices
- Misappropriating or misusing HCV funds
- Destroying, concealing, removing, or inappropriately using any records related to the HCV program
- Committing any other corrupt or criminal act in connection with any federal housing program

When the WHA determines that program abuse by a family or WHA staff member has occurred and the amount of underpaid rent meets or exceeds the threshold for prosecution under local or state law, the WHA will refer the matter to the appropriate entity for prosecution. When the amount of underpaid rent meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General (OIG).

Other criminal violations related to the HCV program will be referred to the appropriate local, state, or federal entity.

## Owner Prohibited Activities

Link: [Title 18 U.S.C. Section 1001](#)

An owner participating in the HCV program must not:

- Make any false statement to the WHA.
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

Any of the following will be considered evidence of owner program abuse:

- Charging the family rent above or below the amount specified by the WHA;
- Charging a security deposit other than that specified in the family's lease;
- Charging the family for services that are provided to unassisted tenants at no extra charge;
- Knowingly accepting housing assistance payments for any month(s) after the family has vacated the unit;
- Knowingly accepting incorrect or excess housing assistance payments;
- Offering bribes or illegal gratuities to the WHA Board of Commissioners, employees, contractors, or other WHA representatives;
- Offering payments or other incentives to an HCV family as an inducement for the family to make false or misleading statements to the WHA; or
- Residing in the unit with an assisted family.

## Owner Remedies and Penalties

In the case of owner-caused errors or program abuse, the WHA will take into consideration (1) the seriousness of the offense; (2) the length of time since the violation has occurred; and (3) the effects of a particular remedy on family members who were not involved in the offense.

When the WHA determines that the owner has committed program abuse, the WHA may take any of the following actions:

- Terminate the HAP contract.
- Bar the owner from future participation in any WHA programs.
- Refer the case to state or federal officials including the HUD Office of Inspector General (HUD-OIG for criminal prosecution.
- Require the owner to repay excess housing assistance payments.

WHA may recover overpaid amounts by withholding housing assistance payments due for subsequent months. If the debt is large, the WHA may allow the owner to pay in installments over a period of time.

### Corrections to Subsidy Payments

When an incorrect subsidy is identified as a result of an error, program fraud, misrepresentation or abuse, WHA will promptly correct the subsidy under- or overpayment. A subsidy under- or overpayment includes:

- An incorrect housing assistance payment to the owner;
- An incorrect family share established for the family; and
- An incorrect utility reimbursement to a family.

Families and owners will be notified of corrective actions and penalties, if any. Increases in the family share will be implemented only after the family has received 30 days advanced notice. Any decreases in family share will become effective the first of the month following the discovery of the error. The family will not be reimbursed when the family caused the underpayment.

Neither a family nor an owner is required to repay an overpayment of subsidy if the error or program abuse is caused by WHA staff.

When efforts to collect monies owed to the WHA (as described in the Family or Owner Remedies sections of this Plan) are unsuccessful, WHA may also pursue collection through credit bureaus, small claims court, civil law suit, state income tax set-off program or other debt recovery solutions.

## CHAPTER 15: Project Based Vouchers

Link: [24 CFR 983; 49 CFR Part 24; 24 CFR 152](#)

**APPROVED BY THE BOARD OF COMMISSIONERS : 03/22/2018**

### Overview

The WHA may use up to 20 percent of Housing Choice Voucher authorized units for project based assistance. The WHA may increase the use of Project Based Vouchers additional 10 percent for homeless families, families with veterans, supportive housing for persons with disabilities or elderly persons, or in areas where vouchers are difficult to use.

The proposed location of any PBV units must comply with the goals of deconcentrating poverty, expanding housing opportunities, and affirmatively furthering fair housing.

The WHA uses project-based vouchers to encourage new construction or rehabilitation, promote voucher utilization and increase supportive housing options.

### Proposal Selection

Link: [24 CFR 983.52\(a\)\(b\)\(c\); §8\(o\)\(13\)\(B\) of the 1937 Act](#)

Prior to issuing a Request for Proposal or selecting a project without following a competition process where the PHA has ownership interest, WHA will submit to the local field office all required information under §8(o)(13)(B) of the 1937 Act. The WHA will select proposals for PBV assistance using either the Request for Proposal method or the Previous Competition method.

### WHA Request for Proposals Method for Rehabilitated and Newly Constructed Units

The WHA will advertise request for proposals for rehabilitated and newly constructed housing in local newspaper(s) and on the WHA web site. The advertisement will specify the number of units the WHA estimates that it will be able to assist and the submission deadline. Incomplete proposals will not be considered.

The WHA will rate and rank proposals for rehabilitated and newly constructed housing using the following criteria:

- Owner experience and capability to build or rehabilitate housing as identified in the RFP
- Extent to which the project furthers the WHA goal of deconcentrating poverty and expanding housing and economic opportunities

- The extent to which services for special populations are provided on site or in the immediate area for occupants of the property
- Projects with less than 25 percent of the units assisted will be rated higher than projects with 25 percent of the units assisted. In the case of projects for occupancy by the elderly, persons with disabilities or families needing other services, the WHA will rate partially assisted projects on the percent of units that are available to receive assistance. Projects with the lowest percent of assisted units will receive the highest score.

#### WHA Requests for Proposals for Existing Housing Units

WHA will advertise proposals for existing housing in local newspaper(s) and on the WHA web site. The advertisement will specify the number of units the WHA estimates that it will be able to assist. Owner proposals will be accepted on a first-come first-served basis and will be evaluated using the following criteria:

- Experience as an owner in the tenant-based voucher program and owner compliance with the owner's obligations under the tenant-based program
- Extent to which the project furthers the WHA goal of deconcentrating poverty and expanding housing and economic opportunities
- If applicable, extent to which services for special populations are provided on site or in the immediate area for occupants of the property
- Extent to which units are occupied by families that are eligible to participate in the PBV program.

#### Attaching PBVs to Certain PHA-Owned Projects Without Following a Competitive Process

HOTMA section 8(o)(13)(N), allows a PHA to attach PBV assistance to units in a project in which the PHA has an ownership interest or over which the WHA has control without following a competitive process. In order to exercise this authority, the WHA must be engaged in an initiative to improve, develop, or replace a public housing property or site in accordance with conditions for non-competitive selection.

#### McGuire Court Property:

WHA plans to complete a substantial rehabilitation of McGuire Court in 2021 that includes new kitchens, bathrooms, flooring, windows, lighting upgrades, replacement of heating/cooling and mechanical units, etc, that amounts to over \$30,000 in investment per unit, and place up to 20 non-competitive project base vouchers at the site.

#### WHA Selection of Proposals Subject to a Previous Competition under a Federal, State, or Local Housing Assistance Program

WHA may accept proposals for PBV assistance from owners that were competitively selected under another federal, state or local housing assistance program, including projects that were competitively

awarded Low-Income Housing Tax Credits on an ongoing basis.

In addition to, or in place of advertising, the WHA may also directly contact specific owners that have already been selected for Federal, state, or local housing assistance based on a previously held competition, to inform them of available PBV assistance.

Proposals will be reviewed on a first-come first-served basis. The WHA will evaluate each proposal on its merits using the following factors:

- Extent to which the project furthers WHA goal of deconcentrating poverty and expanding housing and economic opportunities

- Extent to which the proposal complements other local activities such as the redevelopment of a public housing site under the HOPE VI program, the HOME program, CDBG activities, other development activities in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community.

### Notice of Owner Selection

Link: [24 CFR 983.51\(d\)](#)

WHA will notify the selected owner in writing of the owner's selection for the PBV program pursuant to HUD requirements. WHA will notify in writing all owners that submitted proposals that were not selected and advise such owners of the name of the selected owner.

WHA will make available its rating and ranking sheets and documents that identify the WHA basis for selecting the proposal for one month after publication of the notice. The WHA will not include sensitive owner information, such as financial statements, etc.

WHA will make these documents available for review at the WHA during normal business hours. The cost for reproduction of allowable documents will be \$.25 per page.

### Agreement to Enter into HAP Contract

Link: [24 CFR 983.152](#)

For rehabilitated or newly constructed units, WHA will enter into an Agreement to Enter into a HAP Contract with the property owner. In the Agreement the owner agrees to develop the PBV contract units to comply with HQS, and WHA agrees that upon timely completion of development the WHA will enter into a HAP Contract with the owner for the contract units.

WHA will enter into the Agreement with the owner after receiving both environmental review approval and notice that subsidy layering requirements have been met and before construction or rehabilitation work is started. Additional owner documents may be required. WHA will specify any additional documentation requirements in the Agreement.

For existing housing, the HAP contract will be executed after WHA determines that all units pass HQS.

### Site Selection Standards

Link: [24 CFR 983.57\(b\)](#)

WHA will follow HUD regulations regarding site selection requirements for existing housing, newly constructed housing and rehabilitated housing. Before entering into an agreement or HAP contract WHA will determine that the PBV assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities.

In developing standards to apply in determining whether a proposed PBV development will be selected, WHA will consider the following:

- If the poverty rate in the proposed PBV development area is greater than 20%, WHA will consider whether in the past five years there has been an overall decline in the poverty rate;
- A census tract in which the proposed PBV development will be located in a HUD- designated Enterprise Zone, Economic Community, or Renewal Community;
- A census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition;
- A census tract in which the proposed PBV development will be located is undergoing significant revitalization;
- A census tract where there are meaningful opportunities for educational and economic advancement.
- The site meets HQS standards.
- Other factors as determined by WHA to meet the needs of the community.

#### WHA Owned Units

Link: [24 CFR 983.51\(e\)](#), [983.59](#)

HUD or a HUD-approved independent entity must review the selection process for WHA owned units to confirm appropriate selection. Initial rents and annual rent changes for WHA-owned units will be determined by the independent entity based on PBV program requirements. The term of the HAP contract and any HAP contract renewal must be agreed upon by WHA and the independent entity. HQS inspections will be performed by a HUD approved independent entity.

#### Eligible Units/Cap on PBV Units

Link: [24CFR 983.52](#), [24 CFR 983.56\(a\)](#)

Project based assistance may be attached to up to 25% of the total number of units in a project. Project is defined as a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. Units occupied by the disabled, elderly, or that are eligible for families to supportive services (whether actually receiving services or not) are exempt from this cap.

#### Uniform Relocation Act

Link: [24 CFR 983.7](#), [49 CFR Part 24](#)

If as a result of the PBV selection, there are existing households that are determined to be ineligible for PBV; WHA will require the owner to comply with the Uniform Relocation Act and the implementing HUD regulations of the Act.

## Housing Assistance Payments (HAP) Contracts

Link: [24 CFR 152](#)

### Term of the HAP Contract

The term of all PBV HAP contracts will be no less than one year, and no more than 20 years, and will be negotiated with the owner on a case-by-case basis. Contracts may be extended for an additional term(s) not to exceed a total of 20 years (40 cumulative years).

### Extending the HAP Contract

When determining whether or not to extend an expiring PBV contract, the WHA will consider several factors including, but not limited to:

- The cost of extending the contract and the amount of available budget authority; The condition of the contract units;
- The owner's record of compliance with obligations under the HAP contract and lease(s);
- Whether the location of the units continues to support the goals of deconcentrating poverty and expanding housing opportunities;
- The need for and availability of supportive services for the WHA population; and
- Whether the funding could be used more appropriately for tenant-based assistance.

### Amendments to the HAP Contract

WHA will consider HAP Contract amendments to add additional PBV units in the same building. WHA will consider adding contract units to the HAP contract when the WHA determines that additional housing is needed to serve eligible low-income families. Circumstances may include, but are not limited to:

- The local housing inventory is reduced due to a disaster (either due to loss of housing units, or an influx of displaced families); and
- Voucher holders are having difficulty finding units that meet program requirements.
- Adding additional PBV units which include supportive services.

## Unit Inspections

Link: [24 CFR 983.103](#)

All contract units will be inspected and comply with Housing Quality Standards prior to HAP contract execution.

At least biennially during the term of the HAP contract, the WHA will inspect a random sample, consisting of at least 20 percent of the contract units in each building, to determine if the contract units

and the premises are maintained in accordance with the HQS. Turnover inspections are not counted toward meeting this inspection requirement.

If more than 20 percent of the inspected units in a building fail, the WHA will re-inspect 100 percent of the contract units in the building.

In the case of a property assisted with project-based vouchers that is subject to an alternative inspection, the WHA may rely upon inspections conducted at least triennially to demonstrate compliance with the inspection requirement.

Inspections for the entire building will occur at the same time. WHA will abate and terminate PBV HAP contracts for non-compliance with HQS in accordance with the policies used in the tenant-based voucher program.

In the case of WHA-owned units, the inspections will be performed by an independent agency designated by WHA and approved by HUD. The independent entity must furnish a copy of each inspection report to WHA and to the HUD field office where the project is located. WHA must take all necessary actions in response to inspection reports from the independent agency, including exercise of contractual remedies for violation of the HAP contract by WHA's-owner.

### Lead-based Paint

Link: [24 CFR 983.101\(c\); HUD PIH Notice 2017-13](#)

The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, apply to the PBV program. Under Subpart H, owners of target housing properties receiving more than \$5,000 annually per unit in project-based assistance are required to ensure that target housing receives a lead risk assessment by a certified risk assessor, regardless of whether there is a child under age 6 in residence, and that occupants are notified of the results of the risk assessment.

### Initial Rent and Rent Increases

Link: [24 CFR 983, Subpart G](#)

#### Initial Rent

The amount of the initial rent to an owner of units receiving PBV assistance is established at the beginning of the HAP Contract term.

#### Rent Increases

An owner's request for a rent increase must be submitted to the WHA 60 days prior to the anniversary date of the HAP contract, and must include the new rent amount the owner is proposing.

## Tenant Selection

Link: [24 CFR 983.255](#)

Except where noted in the Administrative Plan, the WHA's tenant selection procedures for its tenant-based programs apply for units assisted under the PBV Program. When adding a project to the project based voucher program, WHA will notify applicants currently on the tenant based voucher waiting list. Applicants will have fourteen business days to respond to WHA if they choose to be placed on the project based waiting list in addition to the tenant based program. Except for units which are occupied by eligible tenants upon the commencement of the project based contract term, when a vacancy exists at a PBV site, the WHA will notify the next families on the WHA Wait List. WHA's letter to the applicants will also state that if the applicant is interested in residing in the vacant PBV unit that the applicant will not lose his/her place on the WHA's HCV waiting list (if applicable) until that person has been leased in the PBV unit. An applicant who rejects an offer of a project-based unit or who is rejected by the owner of the housing unit will remain in the same position on the tenant-based assistance list, as if the offer had not been made. If a dwelling unit to which assistance is to be attached under the project-based voucher program is occupied, WHA must determine whether the unit's occupants are eligible for assistance. If a unit is occupied by an eligible family and the unit is selected by WHA, the family must be placed in an appropriately size project-based assisted unit in the project without requiring the family to be placed on the WHA's waiting list.

In the event that there are an insufficient number of eligible persons on the waiting list, the WHA will place applicants referred by the owner on the waiting list. Eligibility for selection in the Project-based voucher program will be consistent with the WHA's tenant-based and project-based assistance programs.

WHA will provide a selection preference when required by the regulation (e.g., mobility impaired persons for accessible units). The WHA will not offer any additional preferences for the PBV program or for particular PBV projects or units. WHA will adhere to HUD regulations to provide In-Place Families who are eligible to participate in the program with an absolute selection preference.

Applicants must meet all of WHA's applicable eligibility requirements. WHA will refer qualified applicants to the owner for all vacancies. If the WHA referrals do not provide the owner with a suitable tenant for the unit within 30 days, the owner may refer an eligible individual or family from the owner's waiting list to the WHA.

The owner chooses a tenant for occupancy from the qualified applicants referred by WHA based on their written tenant selection policy. WHA must approve the owner's tenant selection procedures. When a family is approved by the owner, they will execute a lease with the owner.

The owner must notify the WHA in writing (mail, fax, or e-mail) within 5 business days of learning about any vacancy or expected vacancy. The WHA will make every reasonable effort to promptly refer families to the owner after receiving a vacancy notice from the owner.

## Unit Moves/Transfers

### Overcrowded, Under-Occupied, and Accessible Units

Link: [24 CFR 983.259](#)

WHA will promptly notify the family and the owner of the family's need to move based on the occupancy of a wrong-size or accessible unit. The WHA will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

- PBV assistance in the same building or project;
- PBV assistance in another project; and
- Tenant-based voucher assistance.

When the WHA offers a family another form of assistance that is not a tenant-based voucher, the family will be given 30 days from the date of the offer to accept the offer and move out of the PBV unit. If the family does not move out within this 30-day time frame, the WHA will terminate the housing assistance payments at the expiration of this 30-day period.

The WHA may make exceptions to this 30-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member, or as a reasonable accommodation.

### Moves Requested by the Tenant

Link: [24 CFR 983.261](#)

PBV vouchers are mobile: after one-year families have the option to leave the PBV unit and receive a tenant-based voucher, if a voucher is available. WHA will supply the owner with a referral for a new PBV tenant. Families who wish to relocate with continued assistance must inform the owner and the WHA in writing not less than 30 days prior to the date they plan to vacate the unit and in accordance with the lease. The WHA will then place the family on a PBV-HCV Voucher program transfer list according to the date and time of receipt by the WHA of written notification of the family's 30 day notice of intent to vacate. The WHA will issue the next available tenant based voucher to families on the PBV-HCV transfer list before proceeding to its regular HCV waiting list. Families from the regular HCV waiting list who have been notified of an eligibility appointment for a tenant based voucher will not be delayed from receiving their voucher.

### Moves from Excepted Units

WHA will allow families who initially qualified to live in an excepted unit to remain when circumstances change due to factors beyond the remaining family members' control.

In all other cases, when WHA determines that a family no longer meets the criteria for a “qualifying family” in connection with the 25 percent per project cap exception, WHA will provide written notice to the family and owner within 15 business days of making the determination. The family will be given 30 days from the date of the notice to move out of the PBV unit. If the family does not move out within this 30-day time frame, WHA will terminate the housing assistance payments at the expiration of this 30-day period. WHA may make exceptions to this 30-day period if needed for reasons beyond the family’s control such as death, serious illness, or other medical emergency of a family member. WHA may refer other eligible families to the excepted units. However, if there are no eligible families on the waiting list and the owner does not refer eligible families to WHA, WHA will amend the HAP contract to reduce the total number of units under contract.

### Required Moves

The WHA subsidy standards determine the appropriate unit size for the family size and composition. If the WHA determines that a family is occupying a either a wrong-size unit, or A unit with accessibility features that the family does not require, and the unit is needed by a family that requires the accessibility features, the WHA must promptly notify the family and the owner of this determination, and of the WHAs offer of continued assistance in another unit.

The WHA will provide continued assistance either:

- (i) Project-based voucher assistance in an appropriate-size unit (in the same project or in another project);
- (ii) Other project-based housing assistance (e.g., by occupancy of a public housing unit);
- (iii) Tenant-based rental assistance under the voucher program; or
- (iv) Other comparable public or private tenant-based assistance (e.g., under the HOME program).

If the WHA offers the family the opportunity to receive tenant-based rental assistance under the voucher program, the WHA will terminate the housing assistance payments for a wrong-sized or accessible unit at the earlier of the expiration of the term of the family's voucher (including any extension granted by the WHA) or the date upon which the family vacates the unit. If the family does not move out of the wrong-sized unit or accessible unit by the expiration date of the term of the family's voucher, the PHA must remove the unit from the HAP contract.

If the WHA offers the family the opportunity for another form of continued housing assistance (not in the tenant-based voucher program), and the family does not accept the offer, does not move out of the PBV unit within 60 days, the WHA will terminate the housing assistance payments for the wrong-sized or accessible unit, at the expiration of the 60 day period, and remove the unit from the HAP

contract.

## Vacancy Payments

[24 CFR 983.352](#)

WHA will decide on a case-by-case basis if the WHA will provide vacancy payments to the owner. The HAP Contract with the owner will contain any such agreement, including the amount of the vacancy payment and the period for which the owner will qualify for these payments, which will in no event exceed 60 days.

If an assisted family moves out of the unit, the owner may keep the housing assistance payment for the calendar month when the family moves out. However, the owner may not keep the payment if the WHA determines that the vacancy is the owner's fault.

If WHA determines that the owner is responsible for a vacancy and, as a result, is not entitled to the keep the housing assistance payment, the WHA will notify the landlord of the amount of housing assistance payment that the owner must repay. The WHA will require the owner to repay the amount owed.

If an owner's HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must properly notify the WHA. In order for a vacancy payment request to be considered, it must be made within 14 business days of the end of the period for which the owner is requesting the vacancy payment. The request must include the required owner certifications and the WHA may require the owner to provide documentation to support the request. If the owner does not provide the information requested by the WHA within 14 business days of the WHA's request, no vacancy payments will be made.

## Reduction in HAP Contract Due to Vacancies

Link: [24 CFR 983.25](#)

If any contract units have been vacant for 120 days, the WHA will give notice to the owner that the HAP contract will be amended to reduce the number of contract units that have been vacant for this period. WHA will provide the notice to the owner within 14 business days of the 120th day of the vacancy. The amendment to the HAP contract will be effective the 1st day of the month following the date of the WHA's notice.

## Chapter 16: CARES Act Statutory and Regulatory Waivers Adopted

The WHA Administrative Plan provides for the implementation of certain waivers to the federal regulation and statutory requirements permitted by the US Department of Housing and Urban Development in response to the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The CARES Act provides the U.S. Department of Housing and Urban Development (HUD) with broad authority to waive or establish alternative requirements for numerous statutory and regulatory requirements for the Housing Choice Voucher (HCV) program. HUD has issued two notices detailing the discretionary waivers available: PIH Notice 2020-05 and PIH Notice 2020-13.

The WHA utilizes the waivers as needed. Notification of the waivers was provided to applicants, participants, owners and the public via the City of Wallingford website and posted in the HCV Offices.

The WHA has implemented the following waivers in order to protect families, owners and staff from the spread of the coronavirus. These waivers will remain in effect through the period of availability defined by HUD or until circumstances permit, if sooner.

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did the PHA implement the waiver or alternative requirement?	Date of PHA adoption.
PH and HCV-1 PHA 5-Year and Annual Plan Submission Dates: Significant Amendment Requirements	<u>Statutory Authority</u> Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h)(2)  <u>Regulatory Authority</u> §§ 903.5(a)(3), 903.5(b)(3), 903.13(c), 903.21, 903.23	<ul style="list-style-type: none"> <li>Alternative dates for submission</li> <li>Changes to significant amendment process</li> </ul>	<ul style="list-style-type: none"> <li>Varies based on FYE</li> <li>12/31/20</li> </ul>		N/A
PH and HCV-2 Family Income and Composition: Delayed Annual Examinations	<u>Statutory Authority</u> Section 3(a)(1)  <u>Regulatory Authority</u> §§ 982.516(a)(1), 960.257(a)	<ul style="list-style-type: none"> <li>Permits the PHA to delay the annual reexamination of income and family composition</li> <li>HCV PHAs must implement HCV-7 for impacted families if they implement this waiver</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul> <p>All reexams due in CY20 must be completed by 12/31/20. Reexams due between 1/1/21 and 6/30/21 would need to be completed by 6/30/21.</p>	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did the PHA implement the waiver or alternative requirement?	Date of PHA adoption.
PH and HCV-3 Family Income and Composition: Annual Examination; Income Verification Requirements	<u>Regulatory Authority</u> §§ 5.233(a)(2), 960.259(c), 982.516(a)  <u>Sub-regulatory Guidance</u> Notice PIH 2018-18	<ul style="list-style-type: none"> <li>• Waives the requirements to use the income hierarchy, including the use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification</li> <li>• PHAs that implement this waiver will be responsible for addressing material income discrepancies that may arise later</li> </ul>	• 6/30/21	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020
PH and HCV-4 Family Income and Composition: Interim Examinations	<u>Statutory Authority</u> Section 3(a)(1)  <u>Regulatory Authority</u> §§ 5.233(a)(2), 982.516(c)(2), 960.257(a), (b) and (d), 960.259(c)  <u>Sub-regulatory Guidance</u> Notice PIH 2018-18	<ul style="list-style-type: none"> <li>• Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations</li> </ul>	• 6/30/21	NO	
PH and HCV-5 Enterprise Income Verification (EIV) Monitoring	<u>Regulatory Authority</u> § 5.233  <u>Sub-regulatory Guidance</u> Notice PIH 2018-18	<ul style="list-style-type: none"> <li>• Waives the mandatory EIV monitoring requirements</li> </ul>	• 6/30/21	NO	
PH and HCV-6 Family Self-Sufficiency (FSS) Contract of Participation: Contract Extension	<u>Regulatory Authority</u> § 984.303(d)	<ul style="list-style-type: none"> <li>• Provides for extensions to FSS contract of participation</li> </ul>	• 6/30/21	N/A	
PH and HCV-7 Waiting List: Opening and Closing: Public Notice	<u>Regulatory Authority</u> § 982.206(a)(2)  <u>Sub-regulatory Guidance</u> Notice PIH 2012-34	<ul style="list-style-type: none"> <li>• Waives public notice requirements for opening and closing waiting list</li> <li>• Requires alternative process</li> </ul>	• 6/30/21	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020
HQS-1 Initial Inspection Requirements	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(o)(8)(C)	<ul style="list-style-type: none"> <li>• Changes initial inspection requirements, allowing for owner certification that there are no life-threatening deficiencies</li> </ul>	• 6/30/21	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did the PHA implement the waiver or alternative requirement?	Date of PHA adoption.
	<u>Regulatory Authority</u> §§ 982.305(a), 982.305(b), 982.405	<ul style="list-style-type: none"> <li>Where self-certification was used, PHA must inspect the unit no later than 1-year anniversary of date of owner's certification</li> <li>Will include reminder that HQS waiver does not include a waiver of 24 CFR 35.15, visual assessment for deteriorated paint</li> </ul>	<ul style="list-style-type: none"> <li>1-year anniversary of date of owner's certification</li> </ul>		
HQS-2: Project-Based Voucher (PBV) Pre-HAP Contract Inspections: PHA Acceptance of Completed Units	<u>Statutory Authority:</u> Section 8(o)(8)(A)  <u>Regulatory Authority:</u> §§ 983.103(b), 983.156(a)(1)	<ul style="list-style-type: none"> <li>Changes inspection requirements, allowing for owner certification that there are no life-threatening deficiencies</li> <li>Where self-certification was used, PHA must inspect the unit no later than 1-year anniversary of date of owner's certification</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> <li>1-year anniversary of date of owner's certification</li> </ul>	YES	4/10/20 EXTENDED 7/2/20 EXTENDED 11/30/2020
HQS-3 Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option	<u>Statutory Authority</u> Section 8(o)(8)(A)(ii)  <u>Sub-regulatory Guidance</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> <li>Allows for extension of up to 30 days for owner repairs of non-life threatening conditions</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	YES	11/30/2020
HQS-4 HQS Initial Inspection Requirement: Alternative Inspection Option	<u>Statutory Authority</u> Section 8(o)(8)(A)(iii)  <u>Sub-regulatory Guidance</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> <li>Under Initial HQS Alternative Inspection Option - allows for commencement of assistance payments based on owner certification there are no life-threatening deficiencies</li> <li>Where self-certification was used, PHA must inspect the unit no later than 1-year anniversary of date of owner's certification</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> <li>1-year anniversary of date of owner's certification</li> </ul>	YES	4/10/20 EXTENDED 7/2/20 EXTENDED 11/30/2020

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HQS-5 HQS Inspection Requirement: Biennial Inspections	<u>Statutory Authority</u> Section 8(o)(D)  <u>Regulatory Authority</u> §§ 982.405(a), 983.103(d)	<ul style="list-style-type: none"> <li>Allows for delay in biennial inspections</li> <li>PHAs must require owner certification there are no life-threatening deficiencies</li> <li>All delayed biennial inspections must resume by 6/30/21 and be completed by 12/31/21</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> <li>12/31/21</li> </ul>	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020
HQS-6 HQS Interim Inspections	<u>Statutory Authority</u> Section 8(o)(8)(F)  <u>Regulatory Authority</u> §§ 982.405(g), 983.103(e)	<ul style="list-style-type: none"> <li>Waives the requirement for the PHA to conduct interim inspection and requires alternative method</li> <li>Allows for repairs to be verified by alternative methods</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020
HQS-7 PBV Turnover Unit Inspections	<u>Regulatory Authority</u> § 983.103(c)	<ul style="list-style-type: none"> <li>Allows PBV turnover units to be filled based on owner certification there are no life-threatening deficiencies</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020

		<ul style="list-style-type: none"> <li>Allows for delayed full HQS inspection NLT than 1-year anniversary of date of owner's certification</li> </ul>	<ul style="list-style-type: none"> <li>1-year anniversary of date of owner's certification</li> </ul>		
HQS-8: PBV HAP Contract: HQS Inspections to Add or Substitute Units	<u>Statutory Authority</u> Section 8(o)(8)(A)  <u>Regulatory Authority</u> §§ 983.207(a), 983.207(b)  <u>Sub-regulatory Guidance</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> <li>Allows for PBV units to be added or substituted in the HAP contract based on owner certification there are no life-threatening deficiencies</li> <li>Allows for delayed full HQS inspection NLT 1-year anniversary of date of owner's certification</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> <li>1-year anniversary of date of owner's certification</li> </ul>	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020

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HQS-9 HQS Quality Control Inspections	<u>Regulatory Authority</u> §§ 982.405(b), 983.103(e)(3)	<ul style="list-style-type: none"> <li>Provides for a suspension of the requirement for QC sampling inspections</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020
HQS-10 Housing Quality Standards: Space and Security	<u>Regulatory Authority</u> § 982.401(d)	<ul style="list-style-type: none"> <li>Waives the requirement that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons.</li> </ul>	Remains in effect one year from lease term or date of this Notice, whichever is longer		
HQS-11 Homeownership Option: Initial HQS Inspection	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(y)(3)(B) <u>Regulatory Authority</u> § 982.631(a)	<ul style="list-style-type: none"> <li>Waives the requirement to perform an initial HQS inspection in order to begin making homeownership assistance payments</li> <li>Requires family to obtain independent professional inspection</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	N/A	
HCV-1 Administrative Plan	<u>Regulatory Authority</u> § 982.54(a)	<ul style="list-style-type: none"> <li>Establishes an alternative requirement that policies may be adopted without board approval until 3/31/21</li> <li>Any provisions adopted informally must be adopted formally by 6/30/21</li> </ul>	<ul style="list-style-type: none"> <li>3/31/21</li> <li>6/30/21</li> </ul>	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020
HCV-2 Information When Family is Selected: PHA Oral Briefing	<u>Regulatory Authority</u> §§ 982.301(a)(1), 983.252(a)	<ul style="list-style-type: none"> <li>Waives the requirement for an oral briefing</li> <li>Provides for alternative methods to conduct required voucher briefing</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020
HCV-3 Term of Voucher: Extensions of Term	<u>Regulatory Authority</u> § 982.303(b)(1)	<ul style="list-style-type: none"> <li>Allows PHAs to provide voucher extensions regardless of current PHA policy</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020
HCV-4 PHA Approval of Assisted Tenancy: When HAP Contract is Executed	<u>Regulatory Authority</u> § 982.305(c)	<ul style="list-style-type: none"> <li>Provides for HAP payments for contracts not executed within 60 days</li> <li>PHA must not pay HAP to owner until HAP contract is executed</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020

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HCV-5 Absence from Unit	<u>Regulatory Authority</u> § 982.312	<ul style="list-style-type: none"> <li>Allows for PHA discretion on absences from units longer than 180 days</li> <li>PHAs must not make HAP payments beyond</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020
		12/31/20 for units vacant more than 180 consecutive days			
HCV-6 Automatic Termination of HAP Contract	<u>Regulatory Authority</u> § 982.455	<ul style="list-style-type: none"> <li>Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically.</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	NO	
HCV-7 Increase in Payment Standard During HAP Contract Term	<u>Regulatory Authority</u> § 982.505(c)(4)	<ul style="list-style-type: none"> <li>Provides PHAs with the option to increase the payment standard for the family at any time after the effective date of the increase, rather than waiting for the next regular reexamination.</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	YES	4/10/20 EXTENDED 7/2/20  EXTENDED 11/30/2020
HCV-8 Utility Allowance Schedule: Required Review and Revision	<u>Regulatory Authority</u> § 982.517	<ul style="list-style-type: none"> <li>Provides for delay in updating utility allowance schedule</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	NO	UPDATED 11/1/20
HCV-9 Homeownership Option: Homeownership Counseling	<u>Statutory Authority</u> Section 8(y)(1)(D)  <u>Regulatory Authority</u> §§ 982.630, 982.636(d)	<ul style="list-style-type: none"> <li>Waives the requirement for the family to obtain pre-assistance counseling</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	N/A	
HCV-10 Family Unification Program (FUP): FUP Youth Age Eligibility to Enter HAP Contract	<u>Statutory Authority</u> Section 8(x)(2)	<ul style="list-style-type: none"> <li>Allows PHAs to increase age to 26 for foster youth initial lease up</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	N/A	
HCV-11 Family Unification Program (FUP): Length of Assistance for Youth	<u>Statutory Authority</u> Section 8(x)(2)	<ul style="list-style-type: none"> <li>Allows PHAs to suspend terminations of assistance for FUP youth who will reach the 36-month limit between April 10, 2020, and December 31, 2020</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	N/A	

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HCV-12 Family Unification Program (FUP): Timeframe for Referral	<u>Statutory Authority</u> Section 8(x)(2)	<ul style="list-style-type: none"> <li>Allows PHAs to accept referrals of otherwise eligible youth who will leave foster care within 120 days</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	N/A	
11b SEMAP	<u>Regulatory Authority</u> 24 CFR Part 985	<ul style="list-style-type: none"> <li>PHA to retain prior year SEMAP score unless requests otherwise</li> </ul>	HUD will resume issuing new SEMAP scores starting with PHAs with FYE dates of 06/30/21	YES	11/30/2020
11b-1 SEMAP	<u>Regulatory Authority</u> § 985.105(d)	<ul style="list-style-type: none"> <li>Allows field offices to perform a remote SEMAP confirmatory review instead of an on-site confirmatory review before changing a PHA's rating from troubled to standard or high performer</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	YES	11/30/2020
11b-2 SEMAP	<u>Regulatory Authority</u> § 985.101(a)	<ul style="list-style-type: none"> <li>Waives the requirement for PHAs to submit an annual SEMAP certification in PIC within 60 days of FYE during the period of time that HUD will roll forward prior year SEMAP scores</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	YES	11/30/2020
11c Uniform Financial Reporting Standards: Filing of Financial Reports: Reporting Compliance Dates	<u>Regulatory Authority</u> §§ 5.801(c), 5.801(d)(1)	<ul style="list-style-type: none"> <li>Allows for extensions of financial reporting deadlines</li> </ul>	Varies by PHA FYE		

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MS-1 Mainstream Initial Lease Term	<u>Statutory Authority</u> Section 8(o)(7)(A)  <u>Regulatory Authority</u> § 982.309(a)(2)(ii)	<ul style="list-style-type: none"> <li>PHA may enter initial lease terms of less than one year regardless of whether the shorter lease term is a prevailing market practice</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	YES	11/30/2020
MS-2 Mainstream Criminal Background Screening	<u>Statutory Authority</u> 42 U.S.C. 13663(a), 42 U.S.C. 13661	<ul style="list-style-type: none"> <li>PHAs may establish, as an alternative requirement, screening</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	YES	11/30/2020
	<u>Regulatory Authority</u> §§ CFR 5.856, 982.553(a)	requirements for applicants for Mainstream vouchers which are distinct from those in place for its HCV program in general			
MS-3 Mainstream Age Eligibility to Enter HAP Contract Statutory Authority	<u>Statutory Authority</u> 42 U.S.C. 8013(k)(2)	<ul style="list-style-type: none"> <li>As an alternative requirement, the PHA may choose to expand the definition of an eligible non-elderly family member to include those who were issued a voucher prior to turning 62 and were not yet 63 on the effective date of the HAP Contract</li> </ul>	<ul style="list-style-type: none"> <li>6/30/21</li> </ul>	YES	11/30/2020

