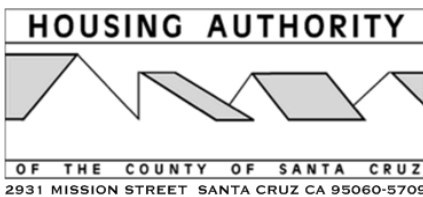


## ADMINISTRATIVE PLAN

### Section 8 Housing Choice Voucher Program

#### Housing Authority of the City of Hollister



The Administrative Plan contains those policies of the Housing Authority of the City of Hollister that have been adopted by the Board of Commissioners, as required by [24CFR 982.54](#), governing the establishment and administration of a waiting list, the issuance of Section 8 Housing Choice Vouchers, the equal opportunity housing plan, and overall program administration.

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**July 2014**

*Please note that the electronic copy of this document contains hyperlinks to applicable HUD regulations and other references. An electronic copy of this document is available at the following website: <http://www.hacosantacruz.org/agency.htm>. If you cannot access the electronic copy of this document, copies of the referenced links and regulations will be available upon request.*

## Contents

Section		Page
I.	Selecting Applicants from the Waiting List; Targeting; Preferences; Closing and Opening Waiting List	3
II.	Issuing or Denying Housing Choice Vouchers, Term of the Housing Choice Vouchers, Extensions or Suspensions of the Term	5
III.	Special Programs	5
IV.	Occupancy Policies	5
V.	Encouraging Participation by Owners Outside Areas of Low Income Concentration	8
VI.	Assisting a Family that Claims Illegal Discrimination	8
VII.	Providing Information about a Family to Prospective Owners	9
VIII.	Disapproval of Owners	9
IX.	Subsidy Standards	9
X.	Family Absence from Dwelling Units	12
XI.	How to Determine Who Remains in the Program if a Family Breaks Up	12
XII.	Informal Review Procedures for Applicants	13
XIII.	Informal Hearing Procedures for Participants	14
XIV.	The Process for Establishing and Revising Payment Standards, Including Affordability Adjustments	16
XV.	The Method for Determining that Rent to Owner is a Reasonable Rent	16
XVI.	Policies Regarding Special Housing Types	18
XVII.	Payment by a Family to the Housing Authority	22
XVIII.	Interim Redeterminations of Family Income and Composition	22
XIX.	Restrictions, if any, on the Number of Moves by a Participant Family	24
XX.	Approval by the Board of Commissioners or Other Authorized Officials to Charge the Administrative Fee Reserve	24
XXI.	Procedural Guidelines and Performance Standards for Conducting Required HQS Inspections.	24
XXII.	Screening of Applicants For Family Behavior Or Suitability For Tenancy.	25
XXIII.	Voucher Suspension Policy	25

## **I. Selecting Applicants from the Waiting List; Targeting; Preferences; Closing and Opening Waiting List**

### Selecting Applicants from the Waiting List

When the waiting list is open, the Housing Authority accepts pre-applications from all interested persons and places their name on the waiting list by the date the pre-application was received.

When it is anticipated that assistance will be available, full applications are issued to pre-applicants in the order that they placed their name on the waiting list. Those applicants, who have submitted a complete application and are certified eligible for Section 8 Housing Choice Voucher assistance, are issued vouchers based on the date that eligibility was determined, in accordance with income targeting requirements.

All households who place their name on the waiting list are informed in writing of their responsibility to report any change in address promptly; that failure to do so will result in their application being inactivated if they fail to respond to written correspondence within required time frames.

Pre-applicants (those on the waiting list) will be inactivated from the waiting list if

1. they do not respond to written correspondence within the given time period;
2. mail sent to their last reported address is returned by the Post Office.

Exceptions for persons with disabilities: Exceptions will be granted for pre-applicants and applicants with disabilities, as defined in [24CFR 5.403](#) who were not able to respond within the time frame due to their disability. Exceptions may also be granted for hospitalization of sufficient duration to be the cause of the lack of response.

The Housing Authority will consider requests for reinstatement on the waiting list. The Housing Authority will consider the date of most recent contact, the length of time between cancellation and reinstatement request, disability status, homelessness or lack of access to mail, and other factors.

### Preferences

The Housing Authority of the City of Hollister has adopted a first come, first served admission preference.

### Admission of Low-Income Families

Low-income families (up to 80% median household income) may be admitted to the program if they are working families (defined as a family in which the head, spouse or sole member is employed). In addition, low-income families in which the head and spouse or sole member is age 62 or over or is a person with disabilities may be admitted under this section. Such low-income families will not be admitted ahead of non-low-income families but will be placed on the waiting list according to the date and time of their application.

### Targeting

Notwithstanding the above, if necessary to meet the statutory requirement that 75% of newly admitted families in any fiscal year be families who are extremely low-income (incomes not exceeding 30% of area median income), the Housing Authority retains the right to skip higher income families in the waiting pool to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, the Housing Authority will monitor incomes of newly admitted families and the income of the families in the wait pool.

#### Opening and Closing the Waiting list

The Housing Authority policy on closure of the waiting list is to maintain an open waiting list. However, the Authority reserves the right to close the waiting list as deemed necessary by the Executive Director and the Board of Commissioners.

When the Housing Authority opens the waiting list, the opening will be announced publicly on our website, on our waiting list phone line, in our lobby, and in local newspapers of general circulation.

Although applications are typically maintained in order of the date of pre-application, the Housing Authority may use computerized random selection to randomly sequence the applications received during a finite period of time after the waiting list reopens. Such random selection may be used to avoid any potentially unsafe situations arising from the perception of urgency to be the first in line when the list opens. After this finite period of time, the Housing Authority will continue to maintain applications in order of the date of application.

#### Changes to Head of Household or Family Members While on the Waiting List

While on the waiting list, the head of household may be changed to another family member under the following circumstances:

1. If the family splits into two or more families, the family containing the head of household retains placement on the waiting list.
2. If the head of household dies, another member can become the head of household if they provide verification of the death, and if they have the legal capacity to enter into a lease.
3. If the head of household no longer has the legal capacity to enter into a lease, another member can become the head of household if they provide verification of the incapacitation, and if they have the legal capacity to enter into a lease.

The Housing Authority may consider additional exceptions on a case-by-case basis.

The “applicant family” is defined as those persons who were included in the full initial application for assistance and who meet the definition of “family” as defined in Section IV.

Any household members whom the applicant family wishes to add after the initial eligibility determination must meet the criteria listed in Section XVIII of this Plan.

Changes to family members will not be processed while applicants are on the waiting list. All

changes will be processed at the time of the initial eligibility determination or thereafter.

## **II. Issuing or Denying Housing Choice Vouchers, Term of the Housing Choice Voucher, and Extensions or Suspensions of the Term**

All Housing Choice Vouchers are issued with an initial term of 60 days. Extensions may be granted

1. If voucher holders provide proof that despite a diligent effort, they could not find a unit suitable to their needs; or
2. In special cases only, such as a large family, a “special needs” family, hospitalization or drug rehabilitation, death in the family, etc.

Such extensions may be granted for up to 60 days if the Housing Authority is currently granting extensions. Additionally, depending on market conditions, the Housing Authority may provide extensions beyond 60 days.

The Housing Authority will grant extensions beyond 120 days on an individual case basis as a Reasonable Accommodation for Housing Choice Voucher holders with disabilities. Third party verification of disability and need for extension is required. The extension will only be granted after the Housing Authority has received such verification from a doctor, other health care professional or a social worker with medical or professional knowledge of the person’s disability. If acceptable verification is not received by the doctor, other health care professional or a social worker within 60 days of the Housing Authority’s request, the extension will be denied.

## **III. Special Programs**

Not applicable. The Housing Authority of the City of Hollister does not administer any special programs.

## **IV. Occupancy Policies**

### Definition of a Family

A family is a person or group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship. Furthermore, the Housing Authority has adopted HUD’s definition of “family” as follows:

1. A “family” may be a single person or a group of persons.
2. A “family” includes a family with a child or children.
3. A group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live in aides is a family.
4. A single person family may be an elderly person, a displaced person, a disabled person, and any other single person.

5. A child who is temporarily away from the home because of placement in foster care is considered a member of the family.

Each family contains a head of household, who must be at least eighteen years old. Additionally, each family member must reside in the assisted unit at least 51% of the time (at least 184 days out of the year). Children who are temporarily away from the home because of placement in foster care and military servicepersons on active duty are considered part of the family if they would otherwise be living in the assisted unit. However, they will not be considered for the purposes of determining voucher size while they are out of the unit. Households with children who have been placed in foster care will keep their voucher size for at least 12 months after the child is removed. However, at the annual review following 12 months after removal (the second annual reexamination after removal) the household will be downsized. If and when the child returns from foster placement, the household will be upsized at the interim and the payment standard will be updated at that time. The household will not be required to wait until their next annual re-examination to be upsized or to have their payment standard updated.

Households with military servicepersons on active duty will be downsized at the first transfer or annual review following the departure of the serviceperson. When and if military servicepersons on active duty return, the household will be upsized and the payment standard will be updated at the interim. The household will not be required to wait until their next annual re-examination to be upsized or to have their payment standard updated.

Live-in aides and family members of live-in aides are not family members, temporary family members, or guests.

#### Definition of a Temporary Family Member

A temporary family member is a member of assisted family that has been approved by the Housing Authority, and resides in the assisted unit less than 51% of the time (less than 184 days of the year). The income of a temporary family member is counted towards household income while the temporary family member resides in the assisted unit. However, temporary family members are not considered for purposes of determining voucher size, and are not eligible to receive the voucher in the event of a family break up (see Subsidy Standards below).

#### Temporary Family Members Who Move In and Out of the Unit

The income of a temporary family member is counted towards household income while the temporary family member resides in the assisted unit. Therefore, temporary family members who move in to the unit for a period of time will be added to the household with an interim while they are living in the unit. Later, they will be removed from the household when they move out of the unit. Temporary family members are not considered for purposes of determining voucher size, even if their income is counted. Additionally, temporary family members are not eligible to receive the voucher in the event that the family breaks up.

#### Temporary Minor Family Members Who Stay in the Unit a Few Days Per Week

Minor children who stay in the household a few days per week (less than 51% of the time and less than 184 days of the year) will not be added to the household. No persons other than minor

children will be approved to stay in the household for a few days per week. Instead, other individuals will be considered to be guests (see definition of guest).

#### Definition of Other Household Member

Other household members are those persons who have been approved by the Housing Authority to reside in the assisted unit, but who will not be considered for the purpose of determining voucher size, and who are not eligible to receive the voucher in the event that the family breaks up. Other household members may not reside in the assisted unit if their presence results in overcrowding. Income received by other household members is included in the household's income calculation.

#### Definition of a Guest

A guest is a person temporarily staying in the assisted unit with the consent of the family. No guest may stay in the assisted unit for more than 30 cumulative days during any twelve month period.

#### Definition of when a family is continuously assisted

Low income families are eligible for Section 8 assistance if they are continuously assisted under the 1937 Housing Act. For the purposes of determining eligibility, a 120-day break in assistance is considered "continuity of assistance".

#### Standards for denying admission or terminating assistance

The Housing Authority may deny assistance to an applicant or terminate assistance for a participant for the following reasons:

1. If the family violates any family obligations under the program as outlined under obligations of participant ([24CFR 982.551](#))
2. If any member of the family has ever been evicted from public housing
3. If a housing authority has ever terminated assistance under the certificate or voucher program for any member of the family
4. If any member of the family commits drug-related criminal activity, or violent criminal activity, including conviction for manufacturing or producing Methamphetamine
5. If any member of the family commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program
6. If the family currently owes rent or other amounts to the Housing Authority or another housing authority in connection with Section 8 or public housing assistance under the 1937 Act
7. If the family has not reimbursed any housing authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease
8. If the family breaches an agreement with the Housing Authority to pay amounts owed to a housing authority, or amounts paid to an owner by a housing authority
9. If the family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel
10. If any member of the household is subject to a lifetime sex offender registration requirement under a State sex offender program. ([24CFR 982.553](#))
11. If there is reasonable cause to believe that a household member's abuse or pattern of abuse of

alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

12. If the Housing Authority determines that any household member is currently engaged in illegal use of a drug, or if a pattern of illegal drug use by a household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
13. If the Housing Authority determines that any family member has violated the family's obligation under [24CFR 982.551](#) not to engage in any drug-related or violent criminal activity.
14. For a variety of criminal or drug-related activities as permitted under HUD regulations. ([24CFR 982.553](#))

The Housing Authority may deny admission or terminate tenancy for criminal activity or alcohol abuse in accordance with HUD regulations. The Housing Authority has the discretion to consider all factors in the case, including the seriousness of the case, the extent of participation or culpability of individual family members, past history, and the effects of denial or termination of assistance on other family members who were not involved in the action.

## **V. Encouraging Participation by Owners Outside Areas of Low-Income Concentration**

To expand the number of rental property owners participating in the Section 8 Housing Choice Voucher Program, the Housing Authority mails promotional material to property management agencies on an as needed basis, conducts landlord briefings on an annual basis, and places ads in the newspaper. The Housing Authority maintains statistics on the concentration of low-income residents. When such areas are identified, the Housing Authority will conduct additional outreach to property owners outside those areas.

Specific steps include the following:

Actions to encourage participation by owners of units outside low-income and minority areas: The Housing Authority contacts owners and endeavors to make personal or phone contact with as many owners of rental units as possible especially in the areas of lesser concentration of low-income or minorities.

Actions to explain program requirements including equal opportunity to owners:

The Housing Authority works closely with real estate professionals. Personal appearances and speeches are made to civic and other organizations and groups to explain the programs to owners and applicants. Brochures are published and made available to owners.

## **VI. Assisting a Family that Claims Illegal Discrimination**

The Housing Authority assists families that claim illegal discrimination by including discrimination complaint forms in every briefing packet and mailing complaint forms to participants upon request; and referring them to the appropriate state and/or federal agency.

Specific steps include:



Services to be provided if families allege they have encountered discrimination after finding a unit: The Housing Authority will make available the necessary informational forms and will assist where feasible with filing of any discrimination allegations. Applicants will be reminded of their Civil Rights and will be referred to appropriate local, state or federal agency for further action.

Assistance to be given to Housing Choice Voucher holders in the exercise of their rights under Federal, State and/or Local Law: Members of the Eligibility staff who are Spanish speaking will assist Spanish speaking Housing Choice Voucher holders in exercising their rights. Program participants speaking languages other than English and Spanish will be accommodated on a case by case basis.

Information on local, State and Federal Fair Housing laws and use of HUD Form-903 to provide as follows: The Fair Housing laws are outlined at the applicant's briefing, and the HUD Fair Housing forms and brochures are included in the Briefing Packets and given to all Housing Choice Voucher holders. Fair Housing posters are located in interview areas.

## **VII. Providing Information about a Family to Prospective Owners**

The Housing Authority will provide prospective owners the following information about the family when requested in writing by the prospective owner:

1. The family's current address (as shown in Housing Authority records)
2. The name and address (if known to the Housing Authority) of the landlord at the family's current and prior address

The Housing Authority will not provide any additional information about the family to the prospective owner. Owners are encouraged to do their own tenant screening.

The Housing Authority will comply with HUD regulations governing the provision of sex offender and other criminal background information to owners.

## **VIII. Disapproval of Owners**

The Housing Authority may disapprove a prospective owner for violation of a HAP contract; violation of housing quality standards; or fraud, bribery, or corruption in connection with one of the Housing Authority programs. If a locality reports to the Housing Authority that an owner has a history of renting units that fail to meet state or local housing codes, the Housing Authority may disapprove an owner for that reason. The Housing Authority may also disapprove an owner for other reasons as allowed by HUD regulation.

## **IX. Subsidy Standards**

Prior to issuing the Housing Choice Voucher or processing a change in family composition or a transfer, the appropriate voucher size for the family will be determined by applying the following criteria:

1. The Housing Authority will review each household composition to determine which household members may impact voucher size, and which household members do not impact voucher size, based on the agency plan in place at the time each member was added to the household. An unborn child will not be counted as a person, unless the pregnant woman is the only person in the household. Temporary household members, guests, family members of live-in aides, and other household members (as defined above) will not be counted for the purpose of determining voucher size. However, children who are temporarily away from the home because of placement in foster care and military servicepersons on active duty are considered part of the family (even if they are not part of the household) if they would otherwise be living in the assisted unit. Therefore, when children return from foster placement, or when military servicepersons return from active duty, they may return to the household.
2. One bedroom will be allocated to the head of household and his/her spouse or registered domestic partner or significant other. One bedroom will be allocated to every two approved family members, regardless of gender, age, or familial status.
3. A family member must be a resident of the unit at least 51% of the time (at least 184 days of the year) to be counted as part of the family for the purposes of determining voucher size.
4. The subsidy standards are as follows. For the purpose of the tables below, the number of household members includes only those persons that are included when considering voucher size. Temporary household members, guests, family members of live-in aides, and “other” household members (as defined above) are not considered when determining voucher size, so they are not reflected in the tables below.

A family with a head of household AND spouse or registered domestic partner or significant other/domestic partner will be allocated the following:

Number of Household Members Impacting Voucher Size	Voucher Size
2	1
3	2
4	2
5	3
6	3
7	4
8	4
9	5
10	5

A family with a head of household and NO spouse or registered domestic partner or significant other/domestic partner will be allocated the following:

Number of Household Members Impacting Voucher Size	Voucher Size
1	1
2	2
3	2
4	3
5	3
6	4
7	4
8	5
9	5
10	6

When the Housing Authority determines that there is an adequate supply of studio (0 BR) units for rent, the agency may issue studio instead of one-bedroom vouchers to single-person families.

Exceptions to the subsidy standards may be made as a reasonable accommodation for persons with disabilities. All requests must be reviewed and approved in advance by the Special Requests staff. Live-in aides, if approved by the Special Requests staff, are given a separate bedroom. Household members of the live-in aide may share a bedroom with the live-in aide under the following conditions.

- Only the live-in aide’s spouse, registered domestic partner, or birth child may be added to the household.
- The addition of the live-in aide’s family members will not be approved if it will cause overcrowding to the existing unit.
- The live-in aide’s family members, like the live-in aide, are subject to all Housing Authority background checks and screening procedures.
- The family will not receive a dependent allowance for the live-in aide’s child.
- The income of the spouse, registered domestic partner, or adult child of the live-in aide will not be counted.
- If the addition of the spouse, registered domestic partner or adult child causes the family to be ineligible for the program, they may not be added to the household.
- All adult family members of the live-in aide must sign an agreement confirming that they understand they are not a member of the assisted family.

The live-in aide, and the household members of the live-in aide, are not considered family members, temporary family members, or guests. The Housing Authority may consider other unusual family circumstances when determining the voucher size to be assigned to a family.

### Applicant Flexibility on Unit Size Actually Selected for Rental

It is emphasized that the unit size listed on the applicant's Housing Choice Voucher does not preclude the family from selecting either a smaller or larger sized unit.

The family may select a larger sized unit provided their portion of the rent does not exceed 40% of their adjusted monthly income at move-in. A family may select a smaller sized unit provided there is no HQS violation based on overcrowding. However, the payment standard used to determine the level of rental assistance will be based on the smaller of the payment standard for the voucher size or the payment standard for the unit size. Families electing to reside in a larger unit will pay a larger share of rent. Similarly, families electing to reside in a smaller unit will receive a smaller payment standard, and will not benefit financially from choosing a smaller unit.

### **X. Family Absence from Dwelling Units**

Families are permitted to be absent from their unit for up to thirty days without Housing Authority approval, and continue to receive a HAP. With prior notice, longer absences, up to 180 days, may be permitted for documented cases of hospitalization, nursing home stays, and drug treatment, and other unusual circumstances to be determined on a case-by-case basis. During this time, the HAP will continue and the tenant must continue to pay their portion. The HAP will not be paid for long absences for reasons other than those listed above. The contract, and therefore the lease, will automatically terminate after a 180 day absence as required by regulation.

### **XI. How to Determine who Remains in the Program if a Family Breaks Up**

The following guidelines determine who may continue to receive Section 8 assistance if the household breaks up, or if the head of household leaves or dies.

#### Persons who may NOT receive the voucher

1. No person may receive the voucher in the case of a family break up unless he/she has been a member of the family living in the household for at least the three consecutive prior years.
2. Neither a live-in aide nor any family members of a live-in aide may receive the voucher.
3. No temporary family member, other household member (as defined above), or guest may receive the voucher.
4. No minor may receive the voucher.

#### Persons who may receive the voucher

1. In the event of family break up, the voucher will automatically go to the head of household's spouse or registered domestic partner, provided that individual is not excluded above.
2. If the head of household does not have an eligible spouse or registered domestic partner, the Housing Authority has the discretion to determine whether or not any remaining household members may receive the voucher. The Housing Authority may consider the following factors:
  - a. Whether or not the remaining family member is elderly or disabled
  - b. Whether or not the remaining family member has legal dependents that are living in the assisted unit

- c. Whether or not family members have been forced to leave the unit as a result of actual or threatened violence against family members by another member of the household
- d. Whether or not the remaining family member is employed
- e. Other relevant factors as determined by the Housing Authority on a case by case basis

## **XII. Informal Review Procedures For Applicants**

Informal reviews for applicants will be conducted in compliance with HUD regulations. Once applicants have been notified of their right to an informal review, they have 15 calendar days to request a review in writing.

### Notice to Applicant

The Housing Authority must give an applicant for participation prompt notice of a decision denying assistance to the applicant. The notice must contain a brief statement of the reasons for the Housing Authority decision. The notice must also state that the applicant may request an informal review of the decision and must describe how to obtain the informal review.

### Informal Review Process

The Housing Authority must give an applicant an opportunity for an informal review of the Housing Authority decision denying assistance to the applicant. The review will be conducted by the Review Officer, designated by the Executive Director, who will appoint someone other than a person who made or approved the decision under review or a subordinate of this person.

At the informal review, the applicant must be given an opportunity to present written or oral objections to the Housing Authority decision. The Housing Authority must notify the applicant of its final decision after the informal review, including a brief statement of the reasons for the final decision.

### When Informal Review Is Not Required

The Housing Authority is not required to provide the applicant an opportunity for an informal review for any of the following:

1. Discretionary administrative determinations by the Housing Authority.
2. General policy issues or class grievances.
3. A determination of the family unit size under the Housing Authority subsidy standards.
4. A Housing Authority determination not to approve an extension or suspension of a voucher term.
5. A Housing Authority determination not to grant approval of the tenancy.
6. A Housing Authority determination that a unit selected by the applicant is not in compliance with HQS.
7. A Housing Authority determination that the unit is not in accordance with HQS because of the family size or composition.

### **XIII. Informal Hearing Procedures for Participants**

Informal hearings for participants will be conducted in compliance with HUD regulations. Once participants have been notified of their right to an informal hearing, they have 15 calendar days to request a hearing in writing.

#### When Hearing is Required

The Housing Authority must give a participant family an opportunity for an informal hearing to consider whether the following Housing Authority decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and Housing Authority policies:

1. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
2. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the Housing Authority utility allowance schedule.
3. A determination of the family unit size under the Housing Authority subsidy standards.
4. A determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the Housing Authority subsidy standards, or the Housing Authority determination to deny the family's request for an exception from the standards.
5. A determination to terminate assistance for a participant family because of the family's action or failure to act
6. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under Housing Authority policy and HUD rules.

In the cases described above, the Housing Authority must give the opportunity for an informal hearing before the Housing Authority terminates housing assistance payments for the family under an outstanding HAP contract.

#### When Hearing is Not Required

The Housing Authority is not required to provide a participant family an opportunity for an informal hearing for any of the following:

1. Discretionary administrative determinations by the Housing Authority.
2. General policy issues or class grievances.
3. Establishment of the Housing Authority schedule of utility allowances for families in the program.
4. Housing Authority determination not to approve an extension or suspension of a voucher term.
5. Housing Authority determination not to approve a unit or tenancy.
6. Housing Authority determination that an assisted unit is not in compliance with HQS. (However, the Housing Authority must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family.)

7. Housing Authority determination that the unit is not in accordance with HQS because of the family size.
8. Housing Authority determination to exercise or not to exercise any right or remedy against the owner under a HAP contract.

#### Expeditious Hearing Process

Where a hearing for a participant family is required under this section, the Housing Authority must proceed with the hearing in a reasonably expeditious manner upon the request of the family.

#### Discovery

By family: The family must be given the opportunity to examine before the hearing any Housing Authority documents that are directly relevant to the hearing. The family must be allowed to copy any such document at the family's expense. If the Housing Authority does not make the document available for examination on request of the family, the Housing Authority may not rely on the document at the hearing.

By Housing Authority: The Housing Authority will request an opportunity to examine at Housing Authority offices before the hearing any family documents that are directly relevant to the hearing. The Housing Authority must be allowed to copy any such document at the Housing Authority's expense. If the family does not make the document available for examination on request of the Housing Authority, the Housing Authority has the right to accept or deny the document at the hearing or to postpone the hearing until the document can be adequately reviewed.

The term "documents" includes records and regulations.

#### Representation of Family, Recording of Hearing

At its own expense, the family may be represented by a lawyer or other representative. The name and title of such representative must be submitted to the Housing Authority at least 5 days prior to the hearing. If the representative is a lawyer, the Housing Authority may arrange to have its lawyer present, too.

Either the family or the Housing Authority may elect to record the hearing at its own expense. If either party wishes to record the hearing, it must notify the other in writing at least 5 days prior to the hearing.

#### Hearing Officer

The hearing may be conducted by any person or persons designated by the Executive Director, other than a person who made or approved the decision under review or a subordinate of this person.

The person who conducts the hearing may regulate the conduct of the hearing in accordance with the Housing Authority hearing procedures.

## Evidence

The Housing Authority and the family must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

## Issuance of Decision

The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

## Effect of Decision

The Housing Authority is not bound by a hearing decision

1. Concerning a matter for which the Housing Authority is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing.
2. Contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.
3. If the Housing Authority determines that it is not bound by a hearing decision, the Housing Authority must promptly notify the family of the determination, and of the reasons for the determination.

## **XIV. The Process for Establishing and Revising Payment Standards**

The Payment Standard will be reviewed and revised, if necessary, annually following the publication of the Fair Market Rents by HUD. Factors used in this analysis include the following:

1. Comparison of Payment Standard to Fair Market Rent
2. Average amount participants in the voucher program pay in rent.
3. Rent reasonableness data
4. Local vacancy rate data

At the time of annual payment standard review, and to the extent funds are available, an exception payment standard will be considered as a reasonable accommodation to expand housing opportunities for persons with disabilities.

## **XV. The Method for Determining that Rent to Owner is a Reasonable Rent**

A determination must be made that rent to owner in the Section 8 Housing Choice Voucher Program is reasonable based on current rents for comparable unassisted units (a) at the time of initial leasing, (b) if there is any increase in the rent to owner, (c) at the HAP contract anniversary if there is a 5% decrease in the FMR in effect 60 days before the HAP contract anniversary, and (d) if directed by HUD.



Rents for comparable unassisted units will be determined based upon the following:

Rents for unassisted units will be documented on a monthly basis by unit type, size, number of bedrooms, and location). Comparable rents will be based on the median rent over the most recent one to twelve month period by unit size and by geographic location within the County. A Reasonable Rent for comparable unassisted units will be adjusted based on information on the following factors obtained by Housing Authority staff and from Landlord certifications: location, maintenance, quality, amenities, size, type, age, utilities and housing services.

Modifying factors will be documented and rated as follows:

<b>Factor</b>	<b>Factor Defined</b>	<b>Rating the Factor</b>	<b>Source of Rating</b>
1. Location	Neighborhood	1 - 5; 1= poor neighborhood 5= excellent neighborhood	Inspector
2. Maintenance (by landlord)	Physical Maintenance	1 - 5; 1= poor maintenance 5= excellent maintenance	Inspector
3. Quality	Level of materials and workmanship	1 - 5; 1= unit/property poor quality, 5 = unit/property excellent quality	Inspector
4. Amenities	Extraordinary characteristics	1-5; 1= no amenities, 5 = exceptional amenities	Inspector
5. Size	Number of bedrooms; modified by quality of bedrooms	Count of bedrooms; modified by a rating of 1-5; 1 = converted room(s) to bedroom(s) & of poor quality, small size, 3 = standard bedrooms originally built as such, 5 = bedrooms originally built as such, large and spacious	Inspector
6. Type	Single family, apartment, condo, etc	Identify unit type - no specific rating. Accounted for in context of factors 1 - 5	Inspector
7. Age	Years old	Age is noted - no specific rating. Accounted for in context of factors 1 - 5	Owner (from RTA)
8. Utilities	Who pays	Utility allowance applied when warranted.	Owner & Tenant (from RTA) for Initials; Lease for Annuals
9. Housing Services	Services by property owner	Landlord indicates on Request for Lease Approval; 1/4 point is given for provision of services.	Owner (from RTA) for Initials; from documented provision of services for Annuals.

The Rent Reasonableness determination for each individual unit will be based on the current comparable rent, by bedroom size, adjusted by the average rating score as per the appropriate Housing Choice Voucher Rent Reasonableness Worksheet.

## **XVI. Policies Regarding Special Housing Types**

### Shared Housing in the Housing Choice Voucher Program

1. Shared Housing is when a unit is occupied by two or more families. The unit must consist of shared common living space, as well as separate private space for each assisted family. Therefore, zero and one bedroom units may not be rented for shared housing. Under the lease, the assisted family must have cooking and bathroom facilities available to them. All areas (the entire unit) must be inspected initially and annually.
2. The shared housing program is designed to provide additional choices in living arrangements for assisted families. The Housing Authority will permit only the use of “individual lease shared housing”, wherein the Housing Authority enters into a separate HAP contract for each assisted family residing in the dwelling.
3. Single room occupancy units, zero bedroom efficiency units, Independent Group Residences, congregate housing units and manufactured homes for which assistance is provided under the Space Rental Assistance Program may not be used for Shared Housing.

### Eligibility for Shared Housing

Under certain conditions (such as changes in the housing market or incidences of fraud) the Housing Authority may limit shared housing to families who are both elderly or disabled, and who have a zero or one bedroom voucher. Such decisions will be made at the discretion of the Executive Director.

### Subsidy Standards

For Shared Housing, the living room/common living area will not be considered when determining voucher size or overcrowding.

### Additional Limitations for Shared Housing

1. The owner/landlord may reside in the unit but cannot be a parent, child, grandparent, grandchild, sister or brother to any member of the assisted household.
2. A husband and wife cannot split themselves into two households and live in shared housing.
3. An existing household currently living together (whether they are assisted, on the waiting list, etc.) cannot split themselves into two households and live in shared housing.
4. Shared Housing is not intended to allow assisted families to live with household members that they would normally live with, while avoiding counting the other household

member(s) income. Although it is difficult to prove who would and wouldn't regularly live with the assisted family, Housing Authority staff should be aware of the intent of the policy and try to avoid abuses and manipulations of the policy.

#### Utilities

1. The amount of the Utility Allowance for an assisted individual in Shared Housing is the individual's pro rata portion of the Utility Allowance for the entire unit.
2. Individuals enter Shared Housing arrangements on a voluntary basis and agreements on splitting tenant paid utilities and utility deposits are part of that voluntary, private agreement between or among the individuals occupying the unit. Therefore, it is not mandatory that tenants agree to pay utilities based on the same proration formula the Housing Authority uses.
3. Although, in units with tenant paid utilities, utility payments are made by the tenant and not by the owner, the owner is free to ascertain, before leasing to sharing individuals, that the individuals have reached agreements in splitting tenant paid utilities and utility deposits, with full awareness of the amount of the Housing Authority determined utility allowance for each assisted tenant.

#### Other Special Housing Types

The following conditions will be used to determine who will be eligible to use each special housing type.

1. Single non-elderly, elderly, or disabled participants in the Housing Choice Voucher program will be eligible to use Single Room Occupancy housing.
2. Elderly or disabled participants in the Housing Choice Voucher program will be eligible to use Congregate Housing and Group Home Housing.
3. All participants in the Housing Choice Voucher program will be eligible to use Cooperative Housing, Manufactured Home Housing and Manufactured Home-Space Rent Housing.
4. Any special housing type will be eligible for use if needed as a reasonable accommodation so that the program is readily available to and usable by persons with disabilities.

#### Section 8 Homeownership Program

The Housing Authority has elected to offer the homeownership option that is available in the Section 8 Housing Choice Voucher program. The purpose of this program is to allow eligible families to purchase a home using the Housing Choice Voucher.

#### Family Participation Requirements

1. A preference will be given for current or past FSS (Family Self Sufficiency) participants.
2. This program shall be open only to those families who have been assisted under the

Section 8 Housing Choice Voucher program for one year and are in good standing as participants in the Housing Choice Voucher program. In addition, 10 Homeownership vouchers per year are available to successful graduates of the Low Income Public Housing FSS Program to assist them in their transition to homeownership.

3. There is no limit on the number of vouchers that may be used for the Homeownership Program.
4. There will be no additional local eligibility requirements except those imposed by the regulations.
5. CFR 982.627(d)(2) gives the Housing Authority the discretion to determine whether and to what extent interruptions are considered to break the continuity of employment during the year. The Housing Authority will consider a household member to be continuously employed if their gross annual wages totaled at least the minimum wage times 30 hours per week.

#### Housing Counseling

1. Pre-homeownership counseling is mandatory for all participants in the Homeownership program and will include those items required by regulation. ([24CFR 982.630](#))
2. If a family purchases a home using Section 8 homeownership assistance and later sells that home to purchase another, the pre-homeownership counseling requirements will not be imposed again for the second purchase.

#### Capacity Test

The Housing Authority meets the Capacity Test set forth in [24CFR 982.625](#) in the following ways:

1. The Housing Authority has established a minimum down payment requirement of at least three percent of the purchase price. At least one percent must come from the family's personal resources.
2. The Housing Authority requires that financing for purchase of a home under the Homeownership program must comply with generally accepted private sector underwriting standards. In particular, no adjustable-rate mortgages or balloon payment will be permitted.
3. The Housing Authority has demonstrated capacity to operate a Homeownership program. The agency operates a First Time Homebuyer program on behalf of local jurisdictions, operates a Mortgage Credit Certificate (MCC) program, and has developed and sold over 100 single-family homes.

#### Locating a Unit

1. There are no shopping deadlines imposed on families who are interested in purchasing a home. Because the homeownership option is only available to families currently receiving Section 8 rental assistance, their rental voucher will remain in effect as they search for a unit to purchase. The rental voucher will be converted to a homeownership voucher during the escrow process. If a family wishes to transfer to another unit and is issued a transfer voucher, the usual requirement to locate a unit within 120 days applies, regardless of whether the family chooses to move to another rental unit or wishes to purchase a home under the homeownership option. Therefore, it is highly recommended that families remain in their current unit while they undertake a search to locate a unit to purchase.
2. If a family cannot locate a unit to purchase, their rental voucher will remain in effect.

### Down payment and Financing

1. Cash down payment and equity requirements shall be the same as those required under Section D, "Capacity Test", subsection 1.
2. Prospective purchasers must demonstrate that they have adequate cash reserves to pay for the required home inspection in addition to the down payment.
3. The home inspection must be conducted by a home inspector certified through the American Society of Home Inspectors or other comparable certification to be approved by the Housing Authority on a case-by-case basis.
4. For the purposes of calculating the housing assistance payment, "Home-ownership expenses" shall be defined as those homeownership expenses listed in [24CFR 982.635](#), and shall include homeownership association dues.
5. The first mortgage lender shall be responsible for determining whether the family can afford the financing being offered. The Housing Authority will not be responsible for determining the affordability of the financing.
6. Lenders participating in the program must be approved by the Housing Authority.
7. Adjustable rate mortgages and balloon payments will not be permitted in the Homeownership program.
8. The Housing Authority must approve any refinancing or additional debt recorded against the property. The Housing Authority will record a notice against the property requiring such prior approval. In order to approve refinancing or additional debt, the Housing Authority will determine whether the family's income is sufficient to pay any additional debt service.
9. Assistant payments will be made directly to the purchaser or lender, depending on the

lender's requirements.

### Continuation of Assistance

1. The family must notify the Housing Authority if they receive a Notice of Default.
2. The Housing Authority will not prohibit families from making more than one move during any one-year period
3. The Housing Authority will not require that families using the homeownership option be FSS participants; however, a preference will be given to current or past FSS participants.
4. The Housing Authority will not require post-purchase HQS inspections.
5. In the case of a mortgage default, the Housing Authority has the option of granting the family a rental voucher to continue their assistance. Such determinations will be made on a case-by-case basis and will take into consideration the circumstances leading to the default, including but not limited to employment layoffs, a family member becoming disabled, and/or the death or departure of a family member.
6. The ongoing payment of real estate taxes is not a requirement for participation in the homeownership program. It is the responsibility of the homeowner to ensure that their taxes are paid. The lender may, at their discretion, monitor to ensure that taxes are paid.
7. In calculating the housing assistance payment, the Housing Authority will allow \$25 per month for maintenance expenses, to be adjusted from time to time if needed.
8. In calculating the housing assistance payment, the Housing Authority will allow \$25 per month as a reserve for major repairs, to be adjusted from time to time if needed.

### **XVII. Payment by a Family to the Housing Authority**

A program participant who owes the Housing Authority money may not transfer to a new unit or port out to a new jurisdiction until the money is repaid or satisfactory arrangements have been made to repay the debt. Additionally, waiting list applicants who owe money to the Housing Authority may not be issued a voucher until the money is repaid.

### **XVIII. Interim Redeterminations of Family Income and Composition**

When the Housing Authority receives information concerning a change in the family's income or household composition between regularly scheduled reexaminations, the Housing Authority will consult with the family and make any adjustments determined to be appropriate. Any change in the family income or household composition that results in an adjustment in the total Tenant Payment, Tenant Rent and HAP must be verified.

### Changes to the Head of Household

Changes to the head of household will be allowed in the case of a family break up (see Section XI above) or if the head of household no longer has the legal capacity to enter into a lease, another member can become the head of household if they provide verification of the incapacitation, and if they have the legal capacity to enter into a lease. The Housing Authority may consider additional exceptions on a case by case basis.

### Changes to Household Composition

If any family member moves out of the assisted unit, the family must inform the Housing Authority in writing within 14 calendar days of the move out. If the family wishes to add any new members (including temporary family members), the family must request advance permission in writing before any new members move into the unit. All new family members (including temporary family members) will be subject to all Housing Authority eligibility and screening criteria.

The Housing Authority will apply the following criteria when determining who may move into an assisted unit. However, children who are temporarily away from the home because of placement in foster care and military servicepersons on active duty are considered part of the family (even if they are not part of the household) if they would otherwise be living in the assisted unit. Therefore, when children return from foster placement, or when military servicepersons return from active duty, they may return to the household. The rules below about who can be added to a household do not apply to foster children and military servicepersons who were already living in the household prior to their temporary absence.

When a family member is added, staff must first redetermine the family subsidy standard, using the new subsidy standards, without this new family member. Then staff will apply the following rules. Please note that “parent” refers to the birth or adoptive parent, and “child” refers to children by birth, court awarded custody, or (for minor children only) by foster placement. The following individuals may be added to the household and may increase the family’s voucher size:

- The spouse, registered domestic partner, or significant other of the head of household
- The parent of the head of household
- The parent of the head of household’s spouse / registered domestic partner
- The child of the head of household
- The child of the head of household’s spouse / registered domestic partner

The following individuals may be added to the household, but will NOT increase the family’s voucher size. Additionally, the following individuals may only be added to the household if they do not result in over-crowding, and will not be eligible to receive the voucher if the family breaks up.

- The grandparent of the head of household.
- The grandparent of the head of household’s spouse / registered domestic partner
- The grandchild of the head of household

- The grandchild of the head of household's spouse / registered domestic partner
- The minor birth child of any household member other than the head of household or the spouse / registered domestic partner of the head of household

**No other adults or children may move into the assisted unit, other than those specifically identified above.**

Changes in Household Income: Families must notify the Housing Authority in writing within 14 days of a decrease in income. Decreases in Total Tenant Payment are to be made effective the first of the month following that in which the change was reported. However, no decrease adjustment in TTP is to be processed until all facts have been verified.

Families must notify the Housing Authority in writing within 14 days of an increase in income, and the Housing Authority may conduct an interim redetermination. This interim redetermination may serve as the family's next annual reexamination. The sole exception to this is annual increases to fixed income sources like Social Security, which will be verified and processed at the next regular annual reexamination.

**XIX. Restrictions, if any, on the Number of moves by a Participant Family**

There are no restrictions on the number of moves by a participant family other than those required by HUD regulation. In the case of a tenant who wishes to port to a higher cost area, such requests will only be denied in cases of insufficient funding, per [24CFR 982.314](#). In such cases, families will be informed of the potential for insufficient funding at the time they request to port their voucher. Additionally, the Housing Authority will keep the request to port open for consideration, and will notify the family as soon as funding becomes available.

Additionally, program participants must be in good standing in order to be eligible to transfer their assistance to another rental unit. A program participant who owes the Housing Authority or their landlord money may not transfer to a new unit or port out to a new jurisdiction until the money is repaid or satisfactory arrangements have been made to repay the debt.

**XX. Approval by the Board of Commissioners or Other Authorized Officials to Charge the Administrative Fee Reserve**

Approval by the Board of Commissioners is required for all expenditures from the Accumulated Administrative Fee Reserves. Expenditures may be approved in advance as part of the annual budget process when the expenditure is approved as an expected offset to a projected budget deficit. Any other expenditure from Administrative Reserves must be approved on an individual basis by the Board of Commissioners.

**XXI. Procedural Guidelines and Performance Standards for Conducting Required HQS Inspections**

The Housing Authority conducts HQS inspections annually as required by HUD. The agency has



implemented a system of quality control inspections and regular training to ensure that inspections are performed accurately and consistently.

If the inspector's determination of the number of bedrooms in a unit differs from the number of bedrooms on the Request for Tenancy Approval, the owner may be required to supply verification from the planning/building department on the approved number of bedrooms.

In the case of new move-ins, all units must pass inspection before the HAP contract may begin. If a unit initially fails the inspection, it must be re-inspected until it passes. However, in the case of annual re-inspections, if a unit fails the inspection, the Housing Authority may allow the owner to self-certify that the repairs or corrections have been made. The Housing Authority reserves the right to require re-inspections for significant fail items.

## **XXII. Screening of Applicants for Family Behavior or Suitability for Tenancy**

The Housing Authority performs those screenings that are required by HUD regulation. Owners are encouraged to do their own screening of tenants.

## **XXIII. Voucher Suspension Policy**

If the Housing Authority stops issuing new vouchers for a period of time due to overleasing or funding shortfalls, when the Agency is ready to resume the issuance of new vouchers, staff will review the utilization of special purpose vouchers. If the Agency is serving less than the allocation of special purpose vouchers, new special purpose vouchers will be issued first, before general purpose vouchers.

Prior to delaying or suspending the assistance of any applicants or participants (families under contract), the Housing Authority will first take any and all administrative steps available to remedy the situation. If the Housing Authority determines that there is insufficient funding to enter into additional HAP contracts, and / or insufficient funding for the HAP contracts that are already in place, the Housing Authority will suspend vouchers in the following way.

1. Applicants who have been issued general purpose vouchers but have not yet leased a unit will have their vouchers suspended until such time as funding becomes available.
2. If funding is still insufficient, applicants who have been issued a special purpose voucher but have not yet leased a unit will have their vouchers suspended until such time as funding becomes available.
3. If funding is still insufficient, the Housing Authority will suspend the contracts of existing general purpose program participants beginning with the families most recently admitted to the program.
4. If funding is still insufficient, special purpose voucher holders who are under contract would

be the last voucher holders to suspend, beginning with families most recently admitted to the program.

When funding becomes available, assistance will be restored in the following order:

1. Recently admitted special purpose voucher families who had their contracts suspended (#4, above) will have their assistance restored first.
2. Recently admitted general purpose voucher families who had their contracts suspended (#3 above) will have their assistance restored next.
3. Applicants who had been issued a special purpose voucher but had not yet leased a unit (#2 above) will have their vouchers restored next.
4. Applicants who had been issued a general purpose voucher but had not yet leased up (#1, above) will have their assistance restored last.