Federal Housing Choice Voucher (Section 8) Program
Quarterly Update of Section 8 Management Assessment Program (SEMAP)

The United States Department of Housing and Urban Development (HUD) established the Section 8 Management Program (SEMAP) to assess performance and delivery of the Section 8 Rental Assistance Program. SEMAP consists of 15 measurement indicators. Hawaii Public Housing Authority's (HPHA) performance for each indicator through December 31, 2008 and respective strategies to achieve maximum points are itemized below.

Indicator		Requirement	Max Score	07-08 Score	08-09 Antici-pated Score	Status
1	Wait List Selection (>98% = 15)	Wait List Selection Policies & procedures in place and being followed	15	15	15	Applicants are pulled from the Waiting List in compliance with the Hawaii Administrative Rules Chapter 15-185.
2	Reasonable Rent (>98% = 20; 80-97% = 15)	Procedure in place and being followed to document that rents are comparable to other units in census tract at initial lease up and annual recertification	20	15	20	HPHA's rent comparable data base is updated on a real time basis and reasonable rent is done during lease-up and re-certification. Random audits will be performed to ensure full compliance. 90% files contain no errors. EmPHAsys (ECS) Elite contains a rent comparable module to assist the HQS inspectors when making this determination and improving on this indicator.
3	Adjusted Income (>90% = 20; 80-89% = 15)	Rent computations to determine adjusted income being done accurately	20	15	20	Rent computations are formulated via ECS and backed up by manual calculations. This procedure is automated. Section 8 recipients' (S8R) file audits (10%) are conducted to ensure accuracy of the calculation. Current error rate is at 78%, however, the full quarter has not been reviewed as there is a time lag of two months to review tenant files.
4	Utility Allowance	Maintain and utilize current utility allowance rates (for each county)	5	5	5	All utility allowance schedules have been made current.
5	Housing Quality Standards (HQS) Control	Perform management inspection on 10% of units as quality control.	5	5	5	Although all the required inspections have not been completed, each month based on initial inspections, 2% of the inspections are reviewed.
6	HQS Enforcement	Enforce that landlords correct any emergency situations found during HQS inspections within 24 hours, non-emergency in 30 days	10	0	10	An extremely small percentage of the units have life threatening deficiencies reported during the HQS inspections. The Housing Inspectors immediately call to inform the landlord of all the deficiencies (life threatening and non-life threatening). Furthermore, a copy of the report and corrective actions required is mailed shortly thereafter. The inspectors schedule a follow-up inspection to ensure compliance. Any deficiencies that have not been corrected within 15 days, the HQS clerk contacts the owner/landlord to ensure that corrections were made or not. If corrections not made after 30 days, the HAP will be abated.

Indicator		Requirement	Max Score	07-08 Score	08-09 Antici-pated Score	Status
7	Expand Housing Opportunities	Encourage landlord participation in minimal and poverty participating areas through outreach strategies	5	5	5	HPHA and the City & County of Honolulu will co-sponsor a Landlord Outreach Seminar in 2009. The date has not been determined. These seminars are for landlords, property managers and service providers.
8	Fair Market Rent (FMR) Limit & Payment Standards	At least 98% of gross rents are less than or equal to current FMR or Payment Standard	5	5	5	HUD has issued a 2009 FMR update and HPHA has updated the payment standard equivalent to approximately 95% of the FMR. Exception is that for studio units, 100% of the FMR will be used to assist the elderly and disabled households. The intent is to assist families with overcoming high rent barriers.
9	Annual Re-examinations (<5% = 10; 5-10% = 5)	Complete annual recertification on time / less than 5% overdue	10	10	10	PIC SEMAP indicator shows 100% or number of families reported to be in compliance with annual re-certifications completed timely.
10	Tenant Rent Calculations	Calculations are done correctly / error rate of less than 2%	5	5	5	Monthly QC will determine whether tenant rent calculations are within the 2% error rate report.
11	Pre-contract HQS (<2%)	98% of units must pass HQS inspection before lease signed	5	5	5	QC audits will indicate whether a unit passed inspection before HAP payments are made.
12	Annual HQS Inspection	Each unit must be inspected annually / error rate of less than 2%	10	10	10	PIC Ad Hoc reports will determine whether unit inspected was completed with 12 months. QC audits will back up data.

	Indicator	Requirement	Max Score	07-08 Score	08-09 Antici-pated Score	Status
13	Lease Up (>98% = 30; 95-97% = 15)	Maximize lease up and utilization of Section 8 budget allocation.	20	0	15	As of 01/31/2009: **Adjusted Voucher Lease-Up Analysis:** Mainstream (175 / 175 or 100%) Section 8 (2,883 / 1,610 or 55.84%) VASH (70/15 or 21.4%) **Lease-Up (3,128/1,800 or 57.54%)** **Budget Authority to date ($12,488,311/$12,055,593 or 96.54%)** Improvement strategies • Increase payment standard to 95% of FMR. This will increase S8R opportunity to find affordable housing. • Continue to mass contact applicants on wait list and to conduct mass orientations. • Exhaust the "homeless" preference applicants to reach lease in placed applicants. • HUD is operating under a Continuing Resolution at this time and is authorized to only spend at the FY 2008 levels and in accordance with the requirements of the FY 2008 Appropriations Act. The estimated eligibility for all PHA has been totaled and compared to funds available to determine a standard pro-ration, which has been applied to each PHA's eligibility; that pro-ration was approximately 95%. Based on this information, HPHA will receive $87,440 less for the month of January and February 2009. Should the trend continue, the HCV program anticipates meeting indicator 13.
14	FSS (Oahu) (>80% & 30% escrow = 10; 60-79% & 30% escrow = 8; >80% & <30% escrow, or <60% & >30% escrow = 5; 60-79% & <60% escrow = 3)	Maximize enrollment up to budget allocation	10	8	8	The FSS coordinator has been receiving newly leased up referrals to increase the FSS program participants. It is anticipated to have 86 families under contract.
			145	103	138	
15	Deconcentration Bonus (Oahu)	Utilize Section 8 Vouchers to deconcentrate urban areas of poverty	5	5	0	PIC information not available. Points will be determined at the end of the FY 2009.
TOTAL SCORE PLUS BONUS POINTS			**150**	**108**	**138**	

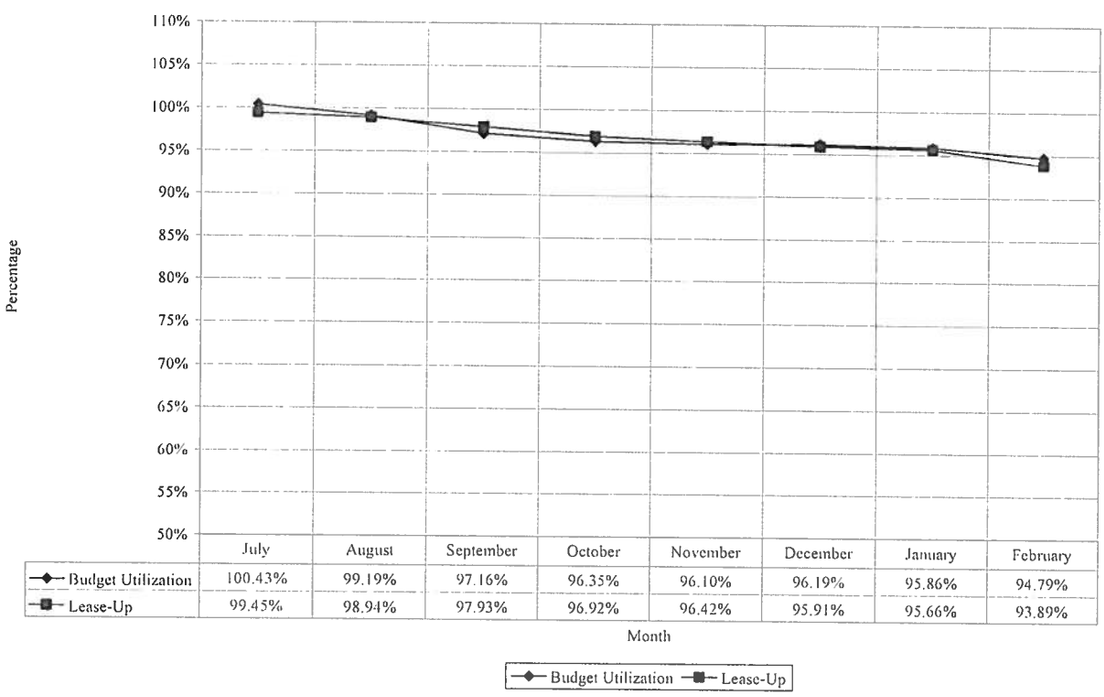
State Rent Supplement Program

2009 Fiscal Year Report (Cumulative Trend)

- For FY 2009, unadjusted average monthly lease up is 384 families or 96.89% of the total 396 possible families when based on the average subsidy payments.
- The Rent Supplement unadjusted average annual budget utilization is 97.01% of the total annual allocated budget of $924,720 or $77,060 per month.
- The monthly average per unit cost subsidy is $195.00 per month. The amount reflects the difference between what the family pays towards rent and the maximum subsidy amount of $230.00 per month.
- February 2009 Rent Supplement Subsidy payments show a 1.07% monthly decrease in from the previous month due to 6 families who left the program, which caused a reduction in the budget utilization.
- 10 contact letters have been mailed to applicants and 2 families have responded. There are no pending items.
- For FY 2010, the Department of Human Services continues to anticipate the elimination of 3 permanent general funded positions. Should personnel is loss due to elimination of these positions, the Branch would have to reduce the amount of eligible Rent Supplement assisted families to approximately 328 families.
- The values for previous reports may not be the same as the current reported due to retroactive adjustments in lease up and subsidy payments.

Monthly Report (Monthly Snapshots)

FY 2009 Rent Supplement Program Budget Utilization and Lease Up



	July	August	September	October	November	December	January	February
Budget Utilization	100.43%	99.19%	97.16%	96.35%	96.10%	96.19%	95.86%	94.79%
Lease-Up	99.45%	98.94%	97.93%	96.92%	96.42%	95.91%	95.66%	93.89%

HOMELESS PROGRAMS BRANCH
March 19, 2009

I. ACCOMPLISHMENTS

A. Shelter Occupancy Report
This report is updated weekly and available on line at www.homeless.hpha.hawaii.gov
This report is effective as of March 5, 2009, because of the internal deadline for Board items.

The shelters with an asterisk are leased or owned by HPHA.

Shelter Name(s)	Total Number of units	Number of vacant units	Wait List
*Weinberg Village Waimanalo (Waimanalo, Oahu) Family Shelter	30 units	1	187 singles 57 families
*Nakolea (McCully, Oahu) Working singles	64 units	0	0 single
*Kulaokahua (Makiki, Oahu) Trans. shelter for single seniors	29 units	0	38 singles
*Next Step Shelter (Kakaako, Oahu) Emergency shelter for singles & families	160 units	0	n/a
Next Step – Puahala	14 units	0	n/a
*Onelau'ena (Kalaeloa, Oahu) Emergency shelter for singles & families	36 units	0	125 singles 52 families
*Onemalu (Kalaeloa, Oahu) Transitional shelter for singles & families	46 units	5	175 singles 59 families
*Hale Ulu Pono (Kalaeloa, Oahu)	72 units	10 singles	22 singles
*Paiolu Kaiaulu (Leeward Oahu) Emergency shelter for singles & families	125 units	8 singles	0
*Kumuhonua (Kalaeloa, Oahu) Transitional shelter for adult families Currently taking applications	69 units	Leasing up	0
*Ulu Ke Kukui (Leeward Oahu) Transitional shelter for families Currently taking applications	80 units	Leasing up	0
Kawaihae (Big Island, Hawaii) Transitional for families	24 units	0	35 singles 8 families
Maililand (Waianae, Oahu) Transitional for families	44 units	0	25 singles 7 families
Hawaii Island Home for Recovery (formerly) Faith Against Drugs (Hilo, Hawaii) Transitional for singles	19 units	0	16 singles
Ho'olanani (Kahului, Maui) Emergency for singles & families	18 beds	0	0

Shelter Name(s)	Total Number of units	Number of vacant units	Wait List
Honolulu Family Center (Oahu) Emergency for singles & Families	14 beds	0	261 singles 63 families
Windward Family Center (Kailua, Oahu) Emergency for singles & families	14 beds	1	94 singles 27 families
Gregory House (Honolulu, Oahu) Transitional for singles	11 beds	1	43 singles
Waipahu House (Waipahu,Oahu) Transitional for singles	13 beds	3	43 singles
TLP Young Men's Keeaumoku (Honolulu, Oahu) Transitional for young men	4 units	1	0
TLP Young Men's Maka'aloa (Ewa Beach, Oahu) Transitional for young men	4 units	1	0
TLP Young Women Apaa (Ewa Beach, Oahu) Transitional for young women	6 units	0	0
Loliana (Honolulu, Oahu) Transitional for families	43 units	0	5 families
Vancouver House (Honolulu, Oahu) Transitional for students with or without families	33 units	0	22 families
IHS Ka'aahi Street (Honolulu, Oahu) Emergency for women & children	190 beds	18	0
IHS Sumner Street (Honolulu, Oahu) Emergency for men	200 beds	70	0
Kahikolu Ohana Hale O Waianae (Oahu) Transitional for singles & families	2 dorms & 72 units	15	0
Mana'olana (Lihue, Kauai) Emergency for families/singles	20 beds	0	0
Mana'olana (Lihue, Kauai) Transitional for families/singles	13 units	3	0
Komohana Group Home (Lihue, Kauai) Transitional for singles	6 beds	0	0
Lihue Court (Lihue, Kauai) Transitional for families	24 units	5	0
Ka Hale A Ke Ola Homeless Resource Ctr. (Wailuku, Maui) Emergency/Transitional for singles & families	72 units	0	152 singles 33 families
Na Hale O Wainee Resource Center (Lahaina, Maui) Emergency/Transitional for singles & families	72 units	0	13 families

Shelter Name(s)	Total Number of units	Number of vacant units	Wait List
Safe Haven (Honolulu, Oahu) Transitional for singles	25 units	0	5 singles
Beyond Shelter (Hilo, Hawaii) Transitional for singles & families	8 units	1	2 families
Kiheipua Emergency Shelter (Hilo, Hawaii) Emergency for singles & families	72 beds	0	2 singles 3 families
Wilder House (Hilo, Hawaii) Transitional for families	1 unit	0	0
Kuleana House (Hilo, Hawaii) Transitional for families	1 unit	1	2 families
Lighthouse Outreach Center (Waipahu, Oahu) Emergency for singles & families	100 beds	n/a	n/a
Veteran's in Progress (Kalaeloa, Oahu) Transitional for veterans	98 beds	0	0
Bridge to Success Transitional for families	8 units	0	3 families
Family House Transitional for women & children	15 units	1	0
Ohana Ola O Kahumana (Waianae, Oahu) Transitional for families	48 units	1	21 families
TOTAL	**1261 Units + 786 Beds**	**53 Units + 93 Beds**	**1178 Singles & 377 families**

B. State Programs Administration – (Stipend, Outreach and Grants Program)

1. Staff is currently conducting site monitoring visits for all three programs. Site visits are conducted annually, but each site is visited on a biennium rotation, unless a provider has many findings requiring corrective action. In the latter case, the provider is monitored annually.

2. Draft contracts are being prepared for the FY 2010 contract year.

C. Federal Programs

1. Five Year Consolidated Plan - Working with the three rural counties to produce a draft of the new Five Year Consolidated Plan for the years 2010 to 2014. The plan is for use of Housing and Urban Development (HUD) funds provided through Housing Opportunities for Persons with AIDS (HOPWA) and Emergency Shelter Grant (ESG) Programs over the next five years. The first draft must be completed by Sept. 2009, for a 30-day public comment period. The Consolidated Plan will be submitted to HUD by Dec. 1, 2009, for approval by Jan. 15, 2010.

2. Annual Consolidated Action Plan – Working on the draft Consolidated Action Plan which is an evaluation of the past year's performance in regard to the use of HOPWA and ESG funds and a projections of how the funds will be used to attain the stated objectives for the 2009-2010 program year. The report must be completed for public comment by April 2009, with the final form due to HUD by May 2009.

3. Emergency Shelter Grants and Housing Opportunities for Person with AIDS – Concluding the review of funding proposals for the 2009 program year in preparation for contract awards in June 2009.

4. Homeless Prevention Rapid Re-housing Program – As part of the federal stimulus package, $2,166,888 has been awarded to HPHA on behalf of the three rural counties. A Request for Information has been posted to be followed by a Request for proposal. The funds must be expended within three years. The City and County of Honolulu is receiving a separate appropriation of $4,016,074.

5. Conducting annual site audits of the contracted providers under Shelter Plus Care, Supportive Housing Program, Emergency Shelter Grant Program, and Housing Opportunities for Persons with AIDS to test compliance with Federal and State requirements in their service delivery, targeted outcomes, and contract expenditures. Thus far, all provider agencies contracted through federal funding are in compliance with their contracts and federal program requirements.

C. Other Projects

1. Point in Time Count – The sheltered count is complete for January 23. The outreach workers are still trying to complete their encounters for the point in time by inputting their data into the Homeless Management Information System (HMIS). Homeless Programs staff is working to produce an unduplicated count by monitoring the provider agency progress, running data quality tests, and creating a spread sheet of clients that are not in HMIS. Estimated completion date: April 1, 2009.

2. Repair and Maintenance of HPHA Owned Shelters – Homeless Programs staff is working to get the following needed repair issues addressed so as to not hamper shelter services for the homeless.
   a. Weinberg Village Waimanalo – Roof repair is needed for the administration building and mold remediation in seven units due to water seepage from the vents. This all evolved during the recent rainy season.
   b. Kalaeloa has four fire hydrants that are owned by HPHA and must be serviced regularly. The need to service the hydrants surfaced as the result of the recently completed topographical study and consultation with the fire dept. Homeless Programs is exploring the process of finding vendors which service fire hydrants. The hydrants probably need major work since they have not been serviced since HPHA accepted the property about ten years ago. A service agreement will also be considered.
   c. Onelauena has a crack in the roofing material which must be sealed to prevent more leakage.
   d. Kumuhonua has roof leaks near the roof vents.
   e. Kulaokahua needs to be repainted and sealed to prevent water seepage.
   f. Nakolea has a crack at one end of the top of the building. A consultant is needed to determine if the crack is structural or if it can be repaired.

II. OBJECTIVES

A. State Programs Administration

1. Stipend, Outreach and Grants Program
   a. Continue to close out contracts for FY2008
   b. Ensure that all agencies receive their third quarter payments for FY 2009
   c. Assist the two provider agencies at Kumuhonua and Ulu Ke Kukui with their community collaboration toward filling the shelter units.
   d. Work with providers to development new budgets and scopes of service for their next contracts for FY 2010.
   e. Initiate action to correct severe breaches of contract with one provider agency.

B. Federal Projects

1. 2008 CoC Competitive Application Grant Awards – Implement the final contracts for the HUD award of $1,188,255 with providers in the three rural counties for Shelter Plus Care and Supportive Housing Programs.

2. 2009 Emergency Shelter Grant Program – Execute timely contracts with the selected provider agencies.

3. 2009 Housing Opportunities for Persons with AIDS – Execute timely contracts with the selected provider agencies.

4. Homeless Prevention Rapid Re-housing – Receive and review proposals, make funding selections and execute contracts by May 15, 2009.

4. Complete the Fifth Year Action Plan for the Consolidated Plan.

5. Complete the homeless portion of the new Five Year Action Plan for 2010 – 2014, by December 10, 2009.

6. Prepare the application for the HUD 2009 Continuum of Care competitive grant on behalf of the three rural counties, which includes an RFP for inclusion in the application.

C. Other Projects

1. Work to secure the biennium allocation by the State Legislature for homeless programs.

2. Work with the University of Hawaii Center on the Family to complete the HMIS data analysis for FY 2008 and 2009.

3. Complete the data collection and analysis to produce the results of the January 23, 2009, point in time count of the homeless in each of the four counties.

HPHA PERSONNEL REPORT
For the Period February 1, 2009 – February 28, 2009

I. Staffing:

- *Goal: Continue to attract and retain highly qualified workforce throughout this fiscal year.*

- During the month of February positions filled: Property Management and Maintenance Services Branch Chief (PMMSB), Public Housing Specialist II (Application Unit), General Laborer (AMP 34/50), and Building Maintenance Supervisor (AMP 37)
- Met with DHS and DHRD in establishing a new Civil Service Classification for Section 8 Housing Quality Standard Inspector. Tentative date of completion March 18, 2009.
- New Recruitment: Contract Specialist (Construction) and Contract Administrator.
- Completed all 6 position descriptions for additional staffing at AMP 38. Personnel completed review and submitted to DHS.
- On-going development of new interview selection packet for all trade workers (BU 1), completed Building Maintenance Worker I. The purpose of new interview instrument is to design a selection tool that will provide management the ability to recommend the right candidate for the right position.
- 25 positions identified to fill.
- 272 full time employees statewide and 102 vacant positions.
- 22 Tenant Aides and 18 vacant positions.
- Completed interviews and pending selection:
  State Housing Branch Administrator and Office Assistant (Construction Branch)
- Termination: Housing Inspector (Section 8 Branch).
- Initial contact made with all Oahu and Neighbor island Community Colleges Employment Training Center to post internship at HPHA. Internship includes Engineers, Accountants, Information Technology, Office Assistants and Account Clerk.
- On-going soliciting new committee members for the HPHA Quarterly Recognition Award.

II. Employee Safety:

- *Goal: Continue to maintain safety in the workplace, and continue to promote non-violence in all aspect of HPHA work.*

- No injuries reported for February.
- Light duty work continues to be assigned to employees to foster a quick return to work.
- Continue to work on updating the HPHA Disaster Plan. Scheduled to meet with AMP managers last in March to review updated plan.

III. Training and Development:

- *Goal: Assist Branch Chiefs and supervisors identifying training programs to address specific training needs for individual employees. Ensure staff attends all mandatory training.*

- Performance Management Training for Supervisors held on February 6, 2009.
- Recruitment and Selection Training for Maui on March 10, 2009.

- On-going development of a new "HPHA Training Plan" Completion date: March 31, 2009.
- For the month of February employees attended the following training and conference:
  Get Motivated Business Seminar, Unlawful Harassment in Employment (Supervisors), Alcohol Testing Program For BU Employees, Standard First Aid, Business Writing for Results, Contract Administration Workshop, Mediation Skills, Building Homes and Communities in a Time of Change Series, Emergency and Sole Source Procurement, Prevailing Wages, Certified Payroll Contracting Agency, Using the Request for Information (RFI) and Collaboration for Health and Human Services.

IV. Performance Management:

Goal: Continue monitoring Performance Appraisal System (PAS); send out reminder notices for delinquent appraisals.

- Reviewed all completed appraisals for accuracy and rating periods.
- Sent notices to managers for January 1, 2008 – December 31, 2008 delinquent appraisals. Deadline to submit March 27, 2009.
- Provided consultation and guidance to managers regarding individual and group performance and productivity issues.

V. Labor Relations:

Goal: Continue to provide consultation to supervisors regarding individual and group employee performance and productivity issues. When disciplinary action is appropriate advice supervisors on the appropriate level of action to take.

- Attended Prohibited Complaint Hearing on February 2, 2009, and Complainant withdrew complaint and no further action.
- Revised HPHA Non-Discrimination Policy and Complaint Procedures for Board For Action.

HAWAII PUBLIC HOUSING AUTHORITY (HPHA)
Employment Opportunities as of March 2, 2009

Branch/Office	Type of Appt.	Position No.	Title
Office of the Executive Director	Civil Service	19104	Secretary III /IV
Compliance Office	Exempt	103020	Compliance Officer
Fiscal Management Office	Civil Service	111496	Secretary II
Hearings Officer	Exempt	103012	Hearings Officer
Procurement Office (2.0 FTE)	Exempt	100882	Procurement Officer
	Exempt	117691	Contract Specialist
Construction Branch (5.0 FTE)	Civil Service	25649	State Hsg. Administrator
	Civil Service	5857	Secretary II
	Civil Service	48707	Office Assistant III
	Exempt	103024	Contract Administrator
	Exempt	102383	Project Engineer
Property Mgt. Maint. Services Branch	Civil Service	8751	Public Housing Supervisor VI
AMP 31	Civil Service	30242	Office Assistant III
AMP 31	Civil Service	11626	Bldg Maint. Worker II
AMP 32/33	Civil Service	5035	Public Housing Supervisor IV
AMP 32/33	Civil Service	9619	Secretary I
AMP 34/50	Civil Service	8842	Painter I
AMP 34/50	Civil Service	119175	Bldg. Maint. Worker I
AMP 35	Civil Service	23574	Bldg. Maint. Worker I
AMP 37	Civil Service	119121	Bldg. Maint. Worker I
AMP 38	Civil Service	8830	Secretary I
AMP 39	Civil Service	4938	Bldg. Maint. Worker I
Section 8 Branch (2.0 FTE)	Civil Service	23029	Public Housing Specialist II
	Civil Service	111465	Public Housing Specialist II

The HPHA is currently in recruitment for the above listed positions. These positions have been identified as vital to effective operations at the various Branches.

EQUAL HOUSING OPPORTUNITY

DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY (HPHA)
STAFFING REPORT
As of March 2, 2009

Branch	Section	Total Full Time Positions Civil Svc	Exempt	Total	Occupied	Vacant	% Vacant	Active Recruitment Yes	No
Office of the Executive Director		5	3	8	7	1	12.50%	1	0
		5	3	8	7	1	12.50%	1	0
Planning and Evaluation Office		1	2	3	1	2	66.67%	0	2
		1	2	3	1	2	66.67%	0	2
Compliance Office		1	3	4	2	2	50.00%	1	1
		1	3	4	2	2	50.00%	1	1
Housing Information Office		0	2	2	1	1	50.00%	0	1
		0	2	2	1	1	50.00%	0	1
Hearings Office		1	2	3	3	0	0.00%	0	0
		1	2	3	3	0	0.00%	0	0
Fiscal Management Office	FM Office	4	0	4	2	2	50.00%	0	2
	Acctg Sec	10	0	10	6	4	40.00%	0	4
	Pay & Disb	4	0	4	4	0	0.00%	0	0
	Budget	1	1	2	2	0	0.00%	0	0
	Asset Mgt	1	0	1	0	1	100.00%	0	1
		20	1	21	14	7	33.33%	0	7
Information Technology		1	5	6	3	3	50.00%	0	3
		1	5	6	3	3	50.00%	0	3
Personnel Office		4	1	5	4	1	20.00%	0	1
		4	1	5	4	1	20.00%	0	1
Procurement Office		5	4	9	5	4	44.44%	1	3
		5	4	9	5	4	44.44%	1	3
Construction Mgt. Branch		2	0	2	1	1	50.00%	1	0
	CMS	3	0	3	1	2	66.67%	2	0
	CMS I	2	7	9	5	4	44.44%	0	4
	CMS 2	4	3	7	6	1	14.29%	0	1
	DSS	1	2	3	2	1	33.33%	0	1
		12	12	24	15	9	37.50%	3	6
Homeless Branch	Homeless	1	10	11	10	1	9.09%	1	0
		1	10	11	10	1	9.09%	1	0
Section 8 Branch	Sec 8 Office	2	0	2	2	0	0.00%	0	0
	Insp Unit	1	7	8	5	3	37.50%	0	3
	Rent Sub Sec 1	15	0	15	9	6	40.00%	1	5
	Rent Sub Sec 2	13	0	13	5	8	61.54%	1	7
		31	7	38	21	17	44.74%	2	15
Property Management & Maint. Services Branch	PMMSB	3	2	5	2	3	60.00%	0	3
	MGT SEC	2	0	2	1	1	50.00%	1	0
	APP	7	0	7	6	1	14.29%	1	0
	RSS	3	8	11	7	4	36.36%	0	4
	PMCS	2	5	7	4	3	42.86%	0	3
	CMSS	23	0	23	19	4	17.39%	0	4
	OAHU 1	25	0	25	21	4	16.00%	0	4
	OAHU 2	28	0	28	21	7	25.00%	2	5
	OAHU 3	35	0	35	29	6	17.14%	3	3
	OAHU 4	28	0	28	23	5	17.86%	3	2
	OAHU 5	30	0	30	21	9	30.00%	3	6
	HAWAII 7	16	0	16	14	2	12.50%	0	2
	KAUAI 8	10	0	10	8	2	20.00%	2	0
	MAUI 9	13	0	13	10	3	23.08%	1	2
		225	15	240	186	54	22.50%	16	38
TOTAL		**307**	**67**	**374**	**272**	**102**	**27.27%**	**25**	**77**

HAWAII PUBLIC HOUSING AUTHORITY (HPHA) VACANCIES
As of March 2, 2009

Pos. No.	CS EX TA	Funding Source	Type of Pos. P/T	Authorized Position Title	SR	Status
OFFICE OF THE EXECUTIVE DIRECTOR						
19104	CS	N	P	Secretary III	SR16	Employee accepted Temp Intra-government transfer for 2 yrs; pending position description review to a Secretary IV.
COMPLIANCE OFFICE						
103020	EX	N	T	Chief Compliance Officer	SRNA	Scheduled interviews on 3/09 - 3/10/09.
42104	CS	W	P	Secretary I	SR12	No action; cost savings.
FISCAL MANAGEMENT OFFICE						
41253	CS	N	P	Secretary II	SR14	Position description in review at DHS Office.
98903K	CS	N	P	Office Assistant III	SR08	No action; cost savings.
ACCOUNTING SECTION						
41252	CS	N	P	Accountant IV	SR22	No action; cost savings.
46278	CS	W	P	Accountant II	SR18	Unable to fill; state funded.
22265	CS	W	P	Account Clerk III	SR11	Unable to fill; state funded.
111496	CS	N	P	Accountant III	SR20	Internal Announcement 2/17- 2/27/09; pending elgible listing from DHS.
ASSET MANAGEMENT OFFICE						
96908K	T	N	P	Office Assistant III	SR10	No action; cost savings.
HEARINGS OFFICE						
103012	EX	N	T	Hearings Officer	SRNA	Interview completed; pending recommendation.
HOUSING INFORMATION OFFICE						
102041	EX	W	T	Housing Information Officer	SRNA	No action; cost savings.
PROCUREMENT OFFICE						
117691	**EX**	**N**	**T**	**Contract Specialist**	**SRNA**	**Continuous recruitment (NEW)**
100882	EX	N	T	Contracts & Procurement Officer	SRNA	Continuous recruitment.
31664	CS	W	P	Procurement & Supply Specialist II	SR20	No action; cost savings.
96903K	CS	N	P	Office Assistant III	SR10	No action; cost savings.
CONSTRUCTION MANAGEMENT BRANCH						
25649	CS	N	P	State Housing Dev Administrator	EM07	Completed interviews; pending review.
2800	CS	W	P	Secretary II	SR14	No action; cost savings.
102205	SH	N	T	Student Helper II	NA	No action; cost savings.
CONSTRUCTION MANAGEMENT SECTION						
5857	CS	N	P	Secretary II	SR14	Recommendation made for 89day hire.
48707	CS	N	T	Office Assistant III	SR08	Completed interviews and no selection made.
CONSTRUCTION MGMT UNIT 1						
103024	EX	N	T	Contract Administrator	SRNA	**Continous recruitment (NEW)**
100439	EX	W	T	Housing Warranty & Inspection Asst.	SRNA	State funded unable to fill.
100202	EX	W	T	Project Engineer	SRNA	State funded unable to fill.
102383	EX	N	T	Project Engineer	SR26	Interviews tentatively scheduled for 3/11 - 3/13/09.
CONSTRUCTION MGMT UNIT 2						
102676	EX	W	T	Engineer (Building) IV	SRNA	State funded unable to fill.
DEVELOPMENT SUPPORT SECTION						
100886	EX	W	T	Housing Development Specialist I	SRNA	State funded unable to fill.
HOMELESS PROGRAM BRANCH						
103011	EX	A	P	Homeless Program Specialist	SRNA	Continuous recruitment.
INFORMATION TECHNOLOGY OFFICE						
51820	CS	N	T	Office Assistant III	SR08	No action cost savings.
100388	EX	N	T	HPHA Systems Analyst	99	No action cost savings.
106429	EX	N	T	HPHA Systems Analyst	99	No action cost savings.

HAWAII PUBLIC HOUSING AUTHORITY (HPHA) VACANCIES
As of March 2, 2009

Pos. No.	CS EX TA	Funding Source	Type of Pos. P/T	Authorized Position Title	SR	Status
PERSONNEL OFFICE						
51784	CS	N	T	Office Assistant III	SR08	No action; cost savings.
PLANNING AND EVALUATION OFFICE						
107934	EX	N	T	Housing Planner	SRNA	No action; cost savings.
98902K	EX	N	P	Office Assistant III	SR08	No action; cost savings.
PROPERTY MANAGEMENT AND MAINTENANCE SERVICES BRANCH						
96904K	EX	N	T	Hsg Maintenance Manager	SR26	No action; cost savings.
8751	CS	N	P	Public Hsg Supr VI	SR26	Pending internal vacancy announcement.
96905K	CS	N	T	Secretary II	SR14	No action; cost savings.
32210	CS	W	P	Office Assistant III	SR08	No action; cost savings.
CENTRAL MAINTENANCE SERVICES						
5968	CS	N	P	Welder I	BC10	No action; cost savings.
5647	CS	A	P	Office Assistant IV	SR10	State funded unable to fill.
8756	CS	N	P	Bldg Maint Wkr I	BC09	No action; cost savings.
17576	CS	N	P	Bldg Maint Wkr I	BC09	No action; cost savings.
PMMSB-APPLICATION SERVICES UNIT						
117850	CS	N	T	Public Hsg Spclt II	SR18	Pending request from Supervisor.
ASSET MANAGEMENT PROJECT 30 (MU 1)						
5636	CS	N	P	Public Housing Spclt II	SR18	No action; cost savings.
6171	CS	N	P	Account Clerk II	SR08	No action; cost savings.
6791	CS	N	P	General Laborer II	BC03	No action; cost savings.
4940	CS	N	P	General Laborer I	BC02	No action; cost savings.
105749	TA	N	T	Social Service Aide I	SRNA	No action; cost savings.
105756	TA	N	T	General Laborer I	SRNA	No action; cost savings.
ASSET MANAGEMENT PROJECT 31 (MU 2)						
5855	CS	W	P	Secretary I	SR12	Stated funded unable to recruit.
30242	CS	N	P	Office Assistant III	SR08	Recommendation for 89day hire.
11626	CS	N	P	Building Maintenance Worker II	WS09	No eligible listing; DHRD recruitment 3/09.
10879	CS	N	P	Building Maint. Worker I	BC09	No action; cost savings.
4939	CS	N	P	General Laborer II	BC03	No action; cost savings.
32407	CS	N	P	General Laborer I	BC02	No action; cost savings.
6642	CS	N	P	Truck Driver	BC06	No action; cost savings.
105752	TA	N	T	Janitor II	BC02	No action; cost savings.
101119	TA	N	T	General Laborer I	BC02	No action; cost savings.
101137	TA	N	T	Janitor II	BC02	No action; cost savings.
101128	TA	N	T	Social Services Aide I	SRNA	No action; cost savings.
ASSET MANAGEMENT PROJECT 32/33 (MU 3)						
5035	CS	N	P	Public Housing Supr. IV	SR22	Internal announcement 2/24 - 3/6/09.
9619	CS	N	P	Secretary I	SR12	Internal announcement 2/24 - 3/6/09.
6286	CS	N	P	Public Housing Specialist II	SR18	No action; cost savings.
46195	CS	N	P	Social Service Asst IV	SR11	Pending request to fill from AMP Supervisor.
8834	CS	N	P	Bldg Maint Wkr I	BCO9	No action; cost savings.
10541	CS	N	P	Bldg Maint Wkr I	BC09	No action; cost savings.
101126	TA	N	T	Social Service Aide I	SRNA	No action; cost savings.
ASSET MANAGEMENT PROJECT 34 (MU 4)						
6693	CS	W	P	Public Hsg Spvr IV	SR22	State funded unable to fill.
23696	CS	W	P	Public Hsg Spclt II	SR18	State funded unable to fill.
6792	CS	W	P	Building Maint. Helper	BC05	State funded unable to fill.
8842	CS	N	P	Painter I	BC09	DHRD open recruitment 2/22/09.
119175	CS	N	P	Building Maint. Wkr I	BC09	Pending start date.
101127	TA	N	T	Social Service Aide I	SRNA	No action; cost savings.

HAWAII PUBLIC HOUSING AUTHORITY (HPHA) VACANCIES
As of March 2, 2009

Pos. No.	CS EX TA	Funding Source	Type of Pos. P/T	Authorized Position Title	SR	Status
ASSET MANAGEMENT PROJECT 35 (MU 5)						
41238	CS	N	P	Bldg. Maint. Wkr II	WS09	Pending request to fill from AMP Supervisor.
23574	CS	N	P	Bldg. Maint Wkr I	BC09	Internal announcement 2/27 - 2/27/09; pending eligible listing from DHS.
5640	CS	N	P	Bldg. Maint Wkr I	BC09	No action; cost savings.
10866	CS	N	P	Bldg. Maint Wkr I	BC09	No action; cost savings.
43948	CS	N	P	General Laborer II	BC03	No action; cost savings.
15486	CS	N	P	General Laborer I	BC02	No action; cost savings.
23698	CS	W	P	Public Hsg Spclt I	SR16	State funded unable to fill.
41666	CS	N	P	Public Hsg Spclt II	SR18	Pending request to fill from AMP Supervisor.
8846	CS	N	P	Bldg. Maint. Wkr I	BC09	No action; cost savings.
101115	TA	N	T	General Laborer I	SRNA	No action; cost savings.
ASSET MANAGEMENT PROJECT 37 (MU 7)						
8719	CS	N	P	Secretary I	SR12	No action; cost savings.
6934	CS	N	P	Bldg. Maint. Supervisor I	F109	Pending start date.
119121	CS	N	T	Building Maint Worker I	BC09	Pending 89day recommendation.
ASSET MANAGEMENT PROJECT 38 (MU 8)						
8830	CS	N	P	Secretary	SR12	Start date 03/02/09.
41349	CS	N	P	Public Housing Supervisor III	SR20	Pending request to fill from AMP Supervisor.
102241	TA	N	T	General Laborer I	SRNA	No action; cost savings.
102242	TA	N	T	General Laborer I	SRNA	No action; cost savings.
ASSET MANAGEMENT PROJECT 39 (MU 9)						
23050	CS	N	P	Public Hsg Spvr III	SR20	No action; cost savings.
6352	CS	N	P	Secretary I	SR12	No action; cost savings.
4938	CS	N	P	Bldg. Maint. Wkr I	BC09	Pending eligible listing from DHRD.
101121	TA	N	T	General Laborer I	SRNA	No action; cost savings.
101122	TA	N	T	General Laborer I	SRNA	No action; cost savings.
101134	TA	N	T	Clerk I	SR04	No action; cost savings.
105750	TA	N	T	General Laborer I	SRNA	No action; cost savings.
PRIVATE MANAGEMENT CONTRACTS SECTION (PMCS)						
102048	EX	W	P	Property Management Specialist	SR22	No action; cost savings.
42096	CS	W	P	Secretary I	SR12	State funded unable to fill.
96903K	EX	N	T	Office Assistant III	SRNA	No action; cost savings.
RESIDENT SERVICES SECTION						
41254	CS	N	T	Secretary I	SR12	No action; cost savings.
51818	CS	N	T	Office Assistant III	SR08	No action; cost savings.
103036	EX	N	T	Resident Services Pgm Specialist	99	No action; cost savings.
111874	EX	N	T	Resident Services Pgm Specialist	99	No action; cost savings.
103043	TA	N	T	Social Service Aide I	SR05	No action; cost savings.
SECTION 8 - INSPECTION UNIT						
101214	EX	N	T	Lead Housing Inspector	99	No action; cost savings.
100572	EX	N	T	Housing Inspector	SRNA	No action; cost savings.
111494	EX	N	T	Housing Inspector	SRNA	Termination 2/20/09.
101130	TA	N	T	Office Assistant II	SR04	No action; cost savings.
RENT SUBSIDYSECTION 1						
29009	CS	N	P	Office Assistant III	SR08	No action; cost savings.
23029	CS	N	P	Public Hsg Spclt II	SR18	Internal announcement 2/24 - 3/6/09.
28657	CS	A	P	Public Hsg Spclt II	SR18	No action; cost savings.
46983	CS	A	P	Public Hsg Spclt II	SR18	No action; cost savings.
28995	CS	N	T	Public Housing Specialist I	SR16	No action; cost savings.
14977	CS	N	P	Office Assistant III	SR08	No action; cost savings.
RENT SUBSIDY SECTION 2						
28654	CS	N	T	Office Assistant III	SR08	No action; cost savings.
35416	CS	N	T	Public Hsg Spclt II	SR18	No action; cost savings.
23103	CS	A	P	Public Hsg Spclt II	SR18	No action; cost savings.
111465	CS	N	T	Public Hsg Spclt II	SR18	Pending internal announcement.
111467	CS	N	T	Public Hsg Spclt II	SR18	No action; cost savings.
111468	CS	N	T	Public Hsg Spclt II	SR18	No action; cost savings.
111469	CS	N	T	Public Hsg Spclt II	SR18	No action; cost savings.
101132	TA	N	T	Office Assistant II	SRNA	Pending recommendation.

VERBAL REPORT ONLY

For Information: Update on the Status of the Sale of Banyan Street Manor, located at 1122 Banyan Street, Honolulu, Hawaii

Approved by the Executive Director CT
March 19, 2009

FOR INFORMATION

SUBJECT: Update Of Section 8 Housing Choice Voucher Administrative Plan

I. 24 CFR 982.54(a) states, "the PHA must adopt a written administrative plan that establishes local policies for administration of the program in accordance with HUD requirements. The administrative plan and any revision of the plan must be formally adopted by the PHA Board of Commissioners or other authorized PHA officials. The Administrative plan states PHA policy on matters for which the PHA has discretion to establish local policies."

II. A major revision to the Section 8 HCV Administrative Plan was completed and approved by the Board on January 25, 2001. Subsequent revisions to the administrative plan have been approved by the Board.

III. HPHA recently made revisions to the administrative plan. Those updates did not change any Board approved policies, but makes clarifications related to HUD's requirements on the Upfront Income Verification Guidance, Persons with Disabilities, Violence Against Women Act, and Student Eligibility.

IV. The change to the administrative plan is to provide clarity to HUD's regulations only.

Attachment: Revised portions of the Section 8 Housing Choice Voucher Administrative Plan

Prepared by: Dexter Ching, Section 8 Subsidy Program Branch Chief DC

02/09 Revisions to Model Administrative Plan

Remove Pages	Insert Pages	Changes Made
Revision Page	Revision Page	Revision Date
TOC-5 thru TOC-6	TOC-5 thru TOC-6	Updated
TOC-11 thru TOC-14	TOC-11 thru TOC-14	Updated
TOC-17 thru TOC-20	TOC-17 thru TOC-20	Updated
TOC-25 thru TOC-26	TOC-25 thru TOC-26	Updated
Intro-i thru iv	Intro-i thru iv	Corrected link for final student rule Removed links for: Student Rule Supplementary Guidance Notice, HUD Guidelines for Projecting Annual Income When UIV Data is available, PIH Notices 2004-01 and 2006-23 Corrected HUDClips web link Formatting and text changes Added link for: Verification Guidance, March 2004 (attachment to Notice PIH 2004-1) Pagination changes
Page 3-17 thru 3-20	Page 3-17 thru 3-20	Changed wording in 2nd paragraph (p. 3-17) Added Person with Disabilities subsection (p. 3-19)
Page 3-31 thru 3-32	Page 3-31 thru 3-32	Changed wording to clarify information under VAWA regulations. Changed and/or added PHA policy for Notification, Victim Documentation, Perpetrator Documentation, Time Frame for Submitting Documentation, and PHA Confidentiality Requirements.
Page 7-13 thru 7-20	Page 7-13 thru 7-20	Categorize Family Relationships. Added information for students with disabilities in PHA Policy on p. 7-16 and in 1st paragraph on p. 7-31. Documentation of disability. Deleted reference to TASS in 1st PHA Policy on p. 7-17
Page 7-23 thru 7-24	Page 7-23 thru 7-24	Deleted reference to TASS in 2nd paragraph on p. 7-23
Page 7-29 thru 7-42	Page 7-29 thru 7-44	Added Student Financial Assistance and Parental Income of Students. Pagination changes.

02/09 Revisions to Model Administrative Plan

Remove Pages	Insert Pages	Changes Made
Page 11-3 thru 11-14	Page 11-3 thru 11-14	Added Ongoing Student Eligibility on p. 11-4. Pagination changes.
Page 12-3 thru 12-18	Page 12-3 thru 12-22	Reference to VAWA (inserted 12-II-E.)
Page 16-45	Page 16-45 thru 52	Clarified VAWA policy. Added Exhibit 16-1 on p. 16-47 Added Exhibit 16-2 on p. 16-50 Pagination changes

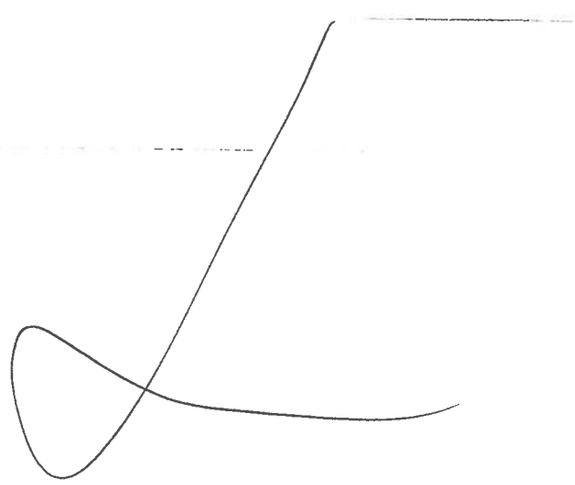
HAWAII PUBLIC HOUSING AUTHORITY

ADMINISTRATIVE PLAN

SECTION 8 – HOUSING CHOICE VOUCHER PROGRAM

Revision	Approved by HPHA Board of Directors
Chapters 1-19	January 25, 2001
Chapters 4, 6, & 11	August 18, 2005
Chapter 7	November 28, 2005
Chapters 2, 9, 10, 13, & 15	November 16, 2006
Chapters 7, 10, & 11	January 18, 2007
Table of Contents, Introduction, Chapters 1-4, 6, 8-10, 12-13, 15-17, & Glossary	April 10, 2007
Chapter 8	July 18, 2007
Chapters 1, 3, 5-7, & 12	Not applicable (no policy changes), revisions distributed October 2007
Table of Contents, Introduction, Chapters 3, 7, 11, 12, & 16	Not applicable (no policy changes), revisions distributed February 2009

Submitted to HUD February 27, 2009



3-III.G. Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking [Pub.L. 109-162] 3-30
Definitions 3-30
Notification 3-31
Documentation 3-31
PHA Confidentiality Requirements 3-32

Exhibit 3-1: Detailed Definitions Related To Disabilities 3-33
Person with Disabilities [24 CFR 5.403] 3-33
Individual with Handicaps [24 CFR 8.3] 3-35

Exhibit 3-2: Definition Of Institution Of Higher Education 3-37
Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Supplementary Guidance; Notice [Federal Register, April 10, 2006] 3-37

Chapter 4
APPLICATIONS, WAITING LIST AND TENANT SELECTION

PART I: THE APPLICATION PROCESS 4-3
4-I.A. Overview 4-3
4-I.B. Applying For Assistance [HCV GB, pp. 4-11 – 4-16] 4-3
4-I.C. Accessibility Of The Application Process 4-4
Elderly and Disabled Populations [24 CFR 8 and HCV GB, pp. 4-11 – 4-13] 4-4
Limited English Proficiency 4-4
4-I.D. Placement On The Waiting List 4-5
Ineligible for Placement on the Waiting List 4-5
Eligible for Placement on the Waiting List 4-5

PART II: MANAGING THE WAITING LIST 4-7
4-II.A. Overview 4-7
4-II.B. Organization Of The Waiting List [24 CFR 982.204 and 205] 4-7
4-II.C. Opening And Closing The Waiting List [24 CFR 982.206] 4-8
Closing the Waiting List 4-8
Reopening the Waiting List 4-8
4-II.D. Family Outreach [HCV GB, pp. 4-2 to 4-4] 4-9
4-II.E. Reporting Changes In Family Circumstances 4-10
4-II.F. Updating The Waiting List [24 CFR 982.204] 4-10
Purging the Waiting List 4-10
Removal from the Waiting List 4-11

PART III: SELECTION FOR HCV ASSISTANCE 4-13
4-III.A. Overview 4-13
4-III.B. Selection And HCV Funding Sources 4-13
Special Admissions [24 CFR 982.203] 4-13
Targeted Funding [24 CFR 982.204(e)] 4-13
Regular HCV Funding 4-13
4-III.C. Selection Method 4-14
Local Preferences [24 CFR 982.207; HCV p. 4-16] 4-14
Income Targeting Requirement [24 CFR 982.201(b)(2)] 4-17
Order of Selection 4-17
4-III.D. Notification Of Selection 4-18
4-III.E. The Application Interview 4-18
4-III.F. Completing The Application Process 4-20

Exhibit 6-1: Annual Income Inclusions 6-59
HHS Definition Of "Assistance" 6-60
Exhibit 6-2: Annual Income Exclusions 6-63
Exhibit 6-3: Treatment Of Family Assets 6-67
Exhibit 6-4: Earned Income Disallowance For Persons With Disabilities 6-69
Exhibit 6-5: The Effect Of Welfare Benefit Reduction 6-71

Chapter 7
VERIFICATION
[24 CFR 982.516, 24 CFR 982.551, 24 CFR 5.230]

PART I. GENERAL VERIFICATION REQUIREMENTS 7-1
7-I.A. Family Consent To Release Of Information [24 CFR 982.516 and 982.551, 24 CFR 5.230] 7-1
Consent Forms 7-1
Penalties for Failing to Consent [24 CFR 5.232] 7-1
7-I.B. Overview Of Verification Requirements 7-2
HUD's Verification Hierarchy 7-2
Requirements for Acceptable Documents 7-2
File Documentation 7-3
7-I.C. Up-Front Income Verification (UIV) 7-3
Use of HUD's Enterprise Income Verification (EIV) System 7-3
7-I.D. Third-Party Written And Oral Verification 7-6
Reasonable Effort and Timing 7-6
When Third-Party Information is Late 7-6
When Third-Party Verification is Not Required 7-6
7-I.E. Review Of Documents 7-8
Using Review of Documents as Verification 7-8
7-I.F. Self-Certification 7-9
PART II. VERIFYING NON-FINANCIAL FACTORS 7-10
7-II.A. Verification Of Legal Identity 7-10
7-II.B. Social Security Numbers [24 CFR 5.216 and HCV GB, p. 5-12] 7-11
7-II.C. Documentation Of Age 7-12
7-II.D. Family Relationships 7-13
Marriage 7-13
Separation or Divorce 7-13
Absence of Adult Member 7-14
Foster Children and Foster Adults 7-14
7-II.E. Verification Of Student Status 7-15
General Requirements 7-15
Restrictions on Assistance to Students Enrolled in Institutions of Higher Education 7-15
Independent Student 7-16
7-II.F. Documentation Of Disability 7-16
Family Members Receiving SSA Disability Benefits 7-17
Family Members Not Receiving SSA Disability Benefits 7-17
7-II.G. Citizenship Or Eligible Immigration Status [24 CFR 5.508] 7-18
Overview 7-18
U.S. Citizens and Nationals 7-18
Eligible Immigrants 7-18
7-II.H. Verification Of Preference Status 7-19

PART III. VERIFYING INCOME AND ASSETS 7-21
7-III.A. Earned Income 7-21
Tips 7-21
7-III.B. Business And Self Employment Income 7-22
7-III.C. Periodic Payments And Payments In Lieu Of Earnings 7-23
Social Security/SSI Benefits 7-23
7-III.D. Alimony Or Child Support 7-24
7-III.E. Assets And Income From Assets 7-25
Assets Disposed of for Less than Fair Market Value 7-25
7-III.F. Net Income From Rental Property 7-26
7-III.G. Retirement Accounts 7-27
7-III.H. Income From Excluded Sources 7-28
7-III.I. Zero Annual Income Status 7-29
7-III.J. Student Financial Assistance 7-30
7-III.K. Parental Income of Students Subject to Eligibility Restrictions 7-31

PART IV. VERIFYING MANDATORY DEDUCTIONS 7-32
7-IV.A. Dependent And Elderly/Disabled Household Deductions 7-32
Dependent Deduction 7-32
Elderly/Disabled Family Deduction 7-32
7-IV.B. Medical Expense Deduction 7-33
Amount of Expense 7-33
Eligible Household 7-33
Qualified Expenses 7-33
Unreimbursed Expenses 7-33
Expenses Incurred in Past Years 7-34
7-IV.C. Disability Assistance Expenses 7-35
Amount of Expense 7-35
Family Member is a Person with Disabilities 7-35
Family Member(s) Permitted to Work 7-36
Unreimbursed Expenses 7-36
7-IV.D. Child Care Expenses 7-37
Eligible Child 7-37
Unreimbursed Expense 7-37
Pursuing an Eligible Activity 7-37
Allowable Type of Child Care 7-38
Reasonableness of Expenses 7-38

Exhibit 7-1: Excerpt From HUD Verification Guidance Notice (PIH 2004-01, pp. 11-14) 7-39

Exhibit 7-2: Summary Of Documentation Requirements For Noncitizens [HCV GB, pp. 5-9 and 5-10] 7-43

Chapter 8
HOUSING QUALITY STANDARDS AND RENT REASONABLENESS DETERMINATIONS
[24 CFR 982 Subpart I and 24 CFR 982.507]

PART I: PHYSICAL STANDARDS 8-2
- 8.I.A. General HUD Requirements 8-2
  - HUD Performance and Acceptability Standards 8-2
  - Tenant Preference Items 8-2
  - Modifications to Provide Accessibility 8-3
- 8.I.B. Additional Local Requirements 8-4
  - Thermal Environment [HCV GB p.10-7] 8-4
  - Clarifications of HUD Requirements 8-5
- 8.I.C. Life Threatening Conditions [24 CFR 982.404(a)] 8-7
- 8-I.D. Owner And Family Responsibilities [24 CFR 982.404] 8-8
  - Family Responsibilities 8-8
  - Owner Responsibilities 8-8
- 8-I-E. Special Requirements For Children With Environmental Intervention Blood Lead Level [24 CFR 35.1225] 8-9
- 8-I-F. Violation Of HQS Space Standards [24 CFR 982.403] 8-9

PART II: THE INSPECTION PROCESS 8-10
- 8-II.A. Overview [24 CFR 982.405] 8-10
  - Types of Inspections 8-10
  - Inspection of PHA-owned Units [24 CFR 982.352(b)] 8-10
  - Inspection Costs 8-10
  - Notice and Scheduling 8-11
  - Owner and Family Inspection Attendance 8-11
- 8-II.B. Initial HQS Inspection [24 CFR 982.401(a)] 8-12
  - Timing of Initial Inspections 8-12
  - Inspection Results and Reinspections 8-12
  - Utilities 8-13
  - Appliances 8-13
- 8.II.C. Annual HQS Inspections [24 CFR 982.405(a)] 8-14
  - Scheduling the Inspection 8-14
- 8-II.D. Special Inspections [HCV GB p. 10-30] 8-14
- 8-II.E. Quality Control Inspections [24 CFR 982.405(b), HCV GB p. 10-32] 8-14
- 8.II.F. Inspection Results And Reinspections For Units Under HAP Contract 8-15
  - Notification of Corrective Actions 8-15
  - Extensions 8-16
  - Reinspections 8-16
- 8.II.G. Enforcing Owner Compliance 8-17
  - HAP Abatement 8-17
  - HAP Contract Termination 8-17

Chapter 10
MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

PART I. MOVING WITH CONTINUED ASSISTANCE 10-1
10-I.A. Allowable Moves 10-1
10-I.B. Restrictions On Moves 10-3
Denial of Moves 10-3
Restrictions on Elective Moves [24 CFR 982.314(c)] 10-4
10-I.C. Moving Process 10-5
Notification 10-5
Approval 10-5
Reexamination of Family Income and Composition 10-5
Voucher Issuance and Briefing 10-5
Housing Assistance Payments [24 CFR 982.311(d)] 10-6

PART II: PORTABILITY 10-7
10-II.A. Overview 10-7
10-II.B. Initial PHA Role 10-8
Allowable Moves under Portability 10-8
Determining Income Eligibility 10-9
Reexamination of Family Income and Composition 10-9
Briefing 10-9
Voucher Issuance and Term 10-10
Voucher Extensions and Expiration 10-10
Initial Contact with the Receiving PHA 10-11
Sending Documentation to the Receiving PHA 10-11
Initial Billing Deadline [Notice PIH 2004-12] 10-12
Monthly Billing Payments [24 CFR 982.355(e), Notice PIH 2004-12] 10-12
Annual Updates of Form HUD-50058 10-13
Subsequent Family Moves 10-13
Denial or Termination of Assistance [24 CFR 982.355(c)(9)] 10-13
10-II.C. Receiving PHA Role 10-14
Initial Contact with Family 10-14
Briefing 10-15
Income Eligibility and Reexamination 10-15
Voucher Issuance 10-16
Notifying the Initial PHA 10-17
Administering a Portable Family's Voucher 10-17
Absorbing a Portable Family 10-20

Chapter 11
REEXAMINATIONS

PART I: ANNUAL REEXAMINATIONS [24 CFR 982.516] 11-1
11-I.A. Overview 11-1
11-I.B. Scheduling Annual Reexaminations 11-2
Notification of and Participation in the Annual Reexamination Process 11-2
11-I.C. Conducting Annual Reexaminations 11-3
11-I.D. Determining Ongoing Eligibility of Certain Students 11-4
11-I.E. Effective Dates 11-5

PART II: INTERIM REEXAMINATIONS [24 CFR 982.516] 11-6
11-II.A. Overview 11-6
11-II.B. Changes In Family And Household Composition 11-6
New Family Members Not Requiring Approval 11-6
New Family and Household Members Requiring Approval 11-7
Departure of a Family or Household Member 11-8
11-II.C. Changes Affecting Income Or Expenses 11-9
PHA-Initiated Interim Reexaminations 11-9
Family-Initiated Interim Reexaminations 11-10
11-II.D. Processing The Interim Reexamination 11-11
Method of Reporting 11-11
Effective Dates 11-11

PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT 11-12
11-III.A. Overview 11-12
11-III.B. Changes In Payment Standards And Utility Allowances 11-12
Payment Standards [24 CFR 982.505] 11-12
Subsidy Standards [24 CFR 982.505(c)(4)] 11-13
Utility Allowances [24 CFR 982.517(d)] 11-13
11-III.C. Notification Of New Family Share And HAP Amount 11-13
11-III.D. Discrepancies 11-14

Chapter 12
TERMINATION OF ASSISTANCE AND TENANCY

PART I: GROUNDS FOR TERMINATION OF ASSISTANCE 12-1
12-I.A. Overview 12-1
12-I.B. Family No Longer Requires Assistance [24 CFR 982.455] 12-1
12-I.C. Family Chooses To Terminate Assistance 12-2
12-I.D. Mandatory Termination Of Assistance 12-2
Eviction [24 CFR 982.552(b)(2)] 12-2
Failure to Provide Consent [24 CFR 982.552(b)(3)] 12-2
Failure to Document Citizenship [24 CFR 982.552(b)(4) and [24 CFR 5.514(c)] 12-3
Failure to Provide Social Security Documentation [24 CFR 5.218(c)] 12-3
Methamphetamine Manufacture or Production [24 CFR 983.553(b)(1)(ii)] 12-3
Failure of Students to Meet Ongoing Eligibility Requirements 12-3
12-I.E. Mandatory Policies And Other Authorized Terminations 12-4
Mandatory Policies [24 CFR 982.553(b) and 982.551(l)] 12-4
Other Authorized Reasons for Termination of Assistance [24 CFR 982.552(c)] 12-6

PART II: APPROACH TO TERMINATION OF ASSISTANCE 12-8
12-II.A. Overview 12-8
12-II.B. Method Of Termination [24 CFR 982.552(a)(3)] 12-8
12-II.C. Alternatives To Termination Of Assistance 12-8
Change in Household Composition 12-8
Repayment of Family Debts 12-8
12-II.D. Criteria For Deciding To Terminate Assistance 12-9
Evidence 12-9
Consideration of Circumstances [24 CFR 982.552(c)(2)(i)] 12-9
Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)] 12-10
12-II.E. Terminating the Assistance of Domestic Violence, Dating, Violence, or Stalking Victims and Perpetrators [Pub.L. 109-162, Pub.L. 109-271] ... 12-10
Victim Documentation 12-11
Terminating the Assistance of a Domestic Violence Perpetrator. 12-12
12-II.F. Termination Notice [HCV GB, p. 15-7] 12-13
Notice of Termination Based on Citizenship Status [24 CFR 5.514 (c) and (d)] 12-13
12-II.G. How Termination Of Assistance Affects The HAP Contract And Lease 12-14

PART III: TERMINATION OF TENANCY BY THE OWNER 12-15
12-III.A. Overview 12-15
12-III.B. Grounds For Owner Termination Of Tenancy [24 CFR 982.310 and Form HUD-52641-A, Tenancy Addendum] 12-15
Serious or Repeated Lease Violations 12-15
Violation of Federal, State, or Local Law 12-15
Criminal Activity or Alcohol Abuse 12-15
Other Good Cause 12-16
12-III.C. Eviction [24 CFR 982.310(e) and (f) and Form HUD-52641-A, Tenancy Addendum] 12-17
12-III.D. Deciding Whether To Terminate Tenancy [24 CFR 982.310(h)] 12-17
12-III.E. Effect Of Termination Of Tenancy On The Family's Assistance 12-18
Exhibit 12-1: Statement Of Family Obligations 12-19

CHAPTER 16
PROGRAM ADMINISTRATION

PART I: ADMINISTRATIVE FEE RESERVE [24 CFR 982.155] 16-3

PART II: SETTING PROGRAM STANDARDS AND SCHEDULES 16-5
16-II.A. Overview 16-5
16-II.B. Payment Standards [24 CFR 982.503; HCV GB, Chapter 7] 16-5
Updating Payment Standards 16-6
Exception Payment Standards [982.503(c)] 16-7
Unit-by-Unit Exceptions [24 CFR 982.503(c)(2)(ii)] 16-7
"Success Rate" Payment Standard Amounts [24 CFR 982.503(e)] 16-8
Decreases in the Payment Standard Below the Basic Range [24 CFR 982.503(d)] 16-8
16-II.C. Utility Allowances [24 CFR 982.517] 16-9
Air Conditioning 16-9
Reasonable Accommodation 16-9
Utility Allowance Revisions 16-9

PART III: INFORMAL REVIEWS AND HEARINGS 16-11
16-III.A. Overview 16-11
16-III.B. Informal Reviews 16-11
Decisions Subject to Informal Review 16-11
Notice to the Applicant [24 CFR 982.554(a)] 16-12
Scheduling an Informal Review 16-12
Informal Review Procedures [24 CFR 982.554(b)] 16-12
Informal Review Decision [24 CFR 982.554(b)] 16-13
16-III.C. Informal Hearings For Participants [24 CFR 982.555] 16-14
Decisions Subject to Informal Hearing 16-14
Informal Hearing Procedures 16-16
16-III.D. Hearing And Appeal Provisions For Non-Citizens [24 CFR 5.514] 16-23
Notice of Denial or Termination of Assistance [24 CFR 5.514(d)] 16-23
USCIS Appeal Process [24 CFR 5.514(e)] 16-24
Informal Hearing Procedures for Applicants [24 CFR 5.514(f)] 16-24
Informal Hearing Procedures for Residents [24 CFR 5.514(f)] 16-26
Retention of Documents [24 CFR 5.514(h)] 16-26

PART IV: OWNER OR FAMILY DEBTS TO THE PHA 16-27
16-IV.A. Overview 16-27
16-IV.B. Repayment Policy 16-28
Owner Debts to the PHA 16-28
Family Debts to the PHA 16-28
Repayment Agreement [24 CFR 792.103] 16-28
Repayment Agreement Guidelines 16-28

PART V: MANAGEMENT ASSESSMENT (SEMAP) 16-31
16-V.A. Overview 16-31
16-V.B. SEMAP Certification [24 CFR 985.101] 16-32
HUD Verification Method 16-32
16-V.C. SEMAP Indicators [24 CFR 985.3 and form HUD-52648] 16-33
SEMAP Indicators Chart 16-33

PART VI: RECORD KEEPING 16-37
16-VI.A. Overview 16-37
16-VI.B. Record Retention [24 CFR 982.158] 16-37
16-VI.C. Records Management 16-38
Privacy Act Requirements [24 CFR 5.212 and Form-9886] 16-38
Upfront Income Verification (UIV) Records 16-38
Criminal Records 16-39
Medical/Disability Records 16-39

PART VII: REPORTING AND RECORD KEEPING FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL 16-41
16-VII.A. Overview 16-41
16-VII.B. Reporting Requirement [24 CFR 35.1225(e)] 16-41
16-VII.C. Data Collection And Record Keeping [24 CFR 35.1225(f)] 16-41

PART VIII: DETERMINATION OF INSUFFICIENT FUNDING 16-43
16-VIII.A. Overview 16-43
16-VIII.B. Methodology 16-43

PART IX: NOTIFICATION REGARDING APPLICABLE PROVISIONS OF THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005 (VAWA) 16-45
16-IX.A. Notification to Participants [Pub.L. 109-162] 16-46
16-IX.B. Notification to Applicants 16-46
16-IX.C. Notification to Owners and Managers [Pub.L. 109-162] 16-46

Exhibit 16-1: Sample Notice to Housing Choice Voucher Applicants and Tenants Regarding the Violence Against Women Act (VAWA) 16-47

Exhibit 16-2: Sample Notice to Housing Choice Voucher Owners and Managers Regarding the Violence Against Women Act (VAWA) 16-50

Introduction

ABOUT THE REFERENCES CITED IN THE MODEL ADMINISTRATIVE PLAN

AUTHORITIES IN THE MODEL ADMINISTRATIVE PLAN

Authority for PHA policies is derived from many sources. Primary among these sources are regulations and guidance issued by HUD. State law also directs PHA policy. State law must be followed where such law exists and does not conflict with federal regulations. In the absence of legal requirements or HUD guidance, industry practice may lead to PHA policy.

HUD

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

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

Content contained on the HUD website can provide further clarification of HUD policies. For example, FAQs on the HUD website can provide direction on the application of federal regulations to a specific pattern.

State Law

Where there is no mandatory federal guidance, PHAs must comply with state law, if it exists. Where state law is more restrictive than federal law, but does not conflict with it, the PHA should follow the state law.

Industry Practice

Where no law or HUD authority exists on a particular subject, industry practice may support PHA policy. An industry practice is a way of doing things that is followed by most housing authorities.

RESOURCES CITED IN THE MODEL ADMINISTRATIVE PLAN

The model administrative plan cites several documents. Where a document or resource is cited frequently, it may be abbreviated. Where it is cited only once or twice, the model administrative plan may contain the entire name of the document or resource. Following is a key to abbreviations used for various sources that are frequently cited in the administrative plan and a list of references and document locations that are referenced in the model administrative plan or that may be helpful to you.

Abbreviations

Throughout the model administrative plan, abbreviations are used to designate certain documents in citations. The following is a table of abbreviations of documents cited in the model administrative plan.

Abbreviation	Document
CFR	Code of Federal Regulations
HCV GB	Housing Choice Voucher Program Guidebook (7420.10G), April 2001.
HUD-50058 IB	HUD-50058 Instruction Booklet
RHIIP FAQs	Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions.
VG	PIH Notice 2004-01 Verification Guidance, March 9, 2004.
HB 4350.3	Occupancy Requirements of Subsidized Multifamily Housing Programs

Resources and Where to Find Them

Following is a list of resources helpful to the PHA or referenced in the model administrative plan, and the online location of each.

Document and Location
Code of Federal Regulations http://www.gpoaccess.gov/cfr/index.html
Earned Income Disregard FAQ www.hud.gov/offices/pih/phr/about/ao_faq_eid.cfm
Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Final Rule http://edocket.access.gpo.gov/2008/pdf/E8-19435.pdf
Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification data http://www.hud.gov/offices/pih/programs/ph/rhiip/docs/eivsecguidepha.pdf
Executive Order 11063 http://www.hud.gov/offices/fheo/FHLaws/EXO11063.cfm

Federal Register http://www.access.gpo.gov/su_docs/aces/fr-cont.html
General Income and Rent Determination FAQs www.hud.gov/offices/pih/programs/ph/rhiip/faq_gird.cfm
Housing Choice Voucher Program Guidebook (7420.10G), April 2001 www.hud.gov/offices/pih/programs/hcv/forms/guidebook.cfm
HUD-50058 Instruction Booklet http://www.hud.gov/offices/pih/systems/pic/50058/pubs/ib/form50058ib.pdf
Joint Statement of the Department of Housing and Urban Development and the Department of Justice, issued May 17, 2004 http://www.hud.gov/offices/fheo/library/huddojstatement.pdf
Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published December 19, 2003 http://www.hudclips.org/sub_nonhud/cgi/pdf/31267.pdf
OMB Circular A-133 http://www.whitehouse.gov/omb/circulars/a133/a133.html
PIH Notice 2002-01 (HA), Accessibility Notice http://www.hud.gov/offices/pih/publications/notices/02/pih2002-1.pdf
PIH Notice 2004-18 (HA), Verification of Social Security (SS) and Supplemental Security Income (SSI) Benefits http://www.hud.gov/offices/pih/publications/notices/04/pih2004-18.pdf
PIH Notice 2005-01 (HA), Implementation of the Consolidated Appropriations Act (HR 4818 – H Rept 108-792), 2005 Funding Provisions for the Housing Choice Voucher Program http://www.hud.gov/offices/pih/publications/notices/05/pih2005-1.pdf
PIH Notice 2005-7 (HA), Rental Integrity Monitoring (RIM) Disallowed Costs and Sanctions Under the Rental Housing Integrity Improvement Project (RHIIP) Initiative http://www.hud.gov/offices/pih/publications/notices/05/pih2005-7.pdf
PIH Notice 2005-9 (HA), Public Housing Agency (PHA) Flexibility to Manage the Housing Choice Voucher Program in 2005 http://www.hud.gov/offices/pih/publications/notices/05/pih2005-9.pdf
Project-Based Voucher Program; Final Rule http://www.hudclips.org/sub_nonhud/cgi/pdf/20035.pdf

The HUD website is http://www.hud.gov/index.html.

Guidebooks, handbooks and other HUD published and federal resources may be found at the HUDClips website: www.hudclips.org.

3-II.E. STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION [24 CFR 5.612 and FR Notice 4/10/06]

Section 327 of Public Law 109-115 and the implementing regulation at 24 CFR 5.612 established new restrictions on the eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the student's eligibility must be examined along with the income eligibility of the student's parents. In these cases, both the student and the student's parents must be income eligible for the student to receive HCV assistance. If, however, a student in these circumstances is determined independent from his/her parents in accordance with PHA policy, the income of the student's parents will not be considered in determining the student's eligibility.

The new law does not apply to students who reside with parents who are applying to receive HCV assistance. It is limited to students who are seeking assistance on their own, separately from their parents.

Definitions

In determining whether and how the new eligibility restrictions apply to a student, the PHA will rely on the following definitions [FR 4/10/06, p. 18148].

Dependent Child

In the context of the student eligibility restrictions, dependent child means a depended child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* in 24 CFR 5.603, which states that the dependent must be a member of the assisted family, other than the head of household or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. Foster children and foster adults are not considered dependents.

Independent Student

PHA Policy

The PHA will consider a student "independent" from his or her parents and the parents' income will not be considered when determining the student's eligibility if the following four criteria are met:

The individual is of legal contract age under state law.

The individual has established a household separate from his/her parents for a least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of independent student.

To be considered an independent student according to the Department of Education, a student must meet one or more of the following criteria:

Be at least 24 years old by December 31 of the award year for which aid is sought

Be an orphan or a ward of the court through the age of 18

Be a veteran of the U.S. Armed Forces

Have one or more legal dependents other than a spouse (for example, dependent children or an elderly dependent parent)

Be a graduate or professional student

Be married

The individual was not claimed as a dependent by his/her parents pursuant to IRS regulations, as demonstrated on the parents' most recent tax forms.

The individual provides a certification of the amount of financial assistance that will be provided by his/her parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.

The PHA will verify that a student meets the above criteria in accordance with the policies in Section 7-II.E.

Institution of Higher Education

The PHA will use the statutory definition under section 102 of the Higher Education Act of 1965 to determine whether a student is attending an *institution of higher education* (see Exhibit 3-2).

Parents

PHA Policy

For purposes of student eligibility restrictions, the definition of *parents* includes biological or adoptive parents, stepparents (as long as they are currently married to the biological or adoptive parent), and guardians (e.g., grandparents, aunt/uncle, godparents, etc).

Person with Disabilities

The PHA will use the statutory definition under section 3(b)(3)(E) of the 1937 Act to determine whether a student is a *person with disabilities* (see Exhibit 3-1).

Veteran

PHA Policy

A *veteran* is a person who served in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable.

Determining Student Eligibility

If a student is applying for assistance on his/her own, apart from his/her parents, the PHA must determine whether the student is subject to the eligibility restrictions contained in 24 CFR 5.612. If the student is subject to those restrictions, the PHA must ensure that: (1) the student is individually eligible for the program, (2) either the student is independent from his/her parents or the student's parents are income eligible for the program, and (3) the "family" with which the student is applying is collectively eligible for the program.

PHA Policy

For any student who is subject to the 5.612 restrictions, the PHA will:

Follow its usual policies in determining whether the student individually and the student's "family" collectively are eligible for the program

Determine whether the student is independent from his/her parents in accordance with the definition of *independent student* in this section

Follow the policies below, if applicable, in determining whether the student's parents are income eligible for the program

If the PHA determines that the student, the student's parents (if applicable), or the student's "family" is not eligible, the PHA will send a notice of denial in accordance with the policies in Section 3-III.F, and the applicant family will have the right to request an informal review in accordance with the policies in Section 16-III.B.

Determining Parental Income Eligibility

PHA Policy

For any student who is subject to the 5.612 restrictions and who does not satisfy the definition of *independent student* in this section, the PHA will determine the income eligibility of the student's parents as follows:

If the student's parents are married and living together, the PHA will obtain a joint income declaration and certification of joint income from the parents.

If the student's parent is widowed or single, the PHA will obtain an income declaration and certification of income from that parent.

If the student's parents are divorced or separated, the PHA will obtain an income declaration and certification of income from each parent.

If the student has been living with one of his/her parents and has not had contact with or does not know where to contact his/her other parent, the PHA will require the student to submit a certification under penalty of perjury describing the circumstances and stating that the student does not receive financial assistance from the other parent. The PHA will then obtain an income declaration and certification of income from the parent with whom the student has been living or had contact.

In determining the income eligibility of the student's parents, the PHA will use the income limits for the jurisdiction in which the parents live.

- The term *immediate family member* means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
  - Any other person living in the household of that person and related to that person by blood and marriage.

Notification

PHA Policy

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

A statement of the protection against denial provided by VAWA

A description of PHA confidentiality requirements

A request that an applicant wishing to claim this protection submit to the PHA documentation meeting the specifications below with her or his request for an informal review (see section 16-III.D)

Documentation

Victim Documentation

PHA Policy

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

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

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

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

Perpetrator Documentation

PHA Policy

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

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

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

Time Frame for Submitting Documentation

PHA Policy

The applicant must submit the required documentation with her or his request for an informal review (see section 16-III.D) or must request an extension in writing at that time. If the applicant so requests, the PHA will grant an extension of 10 business days, and will postpone scheduling the applicant's informal review until after it has received the documentation or the extension period has elapsed. If after reviewing the documentation provided by the applicant the PHA determines that the family is eligible for assistance, no informal review will be scheduled and the PHA will proceed with admission of the applicant family.

PHA Confidentiality Requirements

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

PHA Policy

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

7-II.D. FAMILY RELATIONSHIPS

Applicants and program participants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.

PHA Policy

Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

Marriage

PHA Policy

Certification by the head of household is normally sufficient verification. If the PHA has reasonable doubts about a marital relationship, the PHA will require the family to document the marriage.

A marriage certificate generally 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 (e.g., by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).

Separation or Divorce

PHA Policy

Certification by the head of household is normally sufficient verification. If the PHA has reasonable doubts about a separation or divorce, the PHA will require the family to document the divorce, or separation.

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.

Absence of Adult Member

PHA Policy

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., documentation of another address at which the person resides such as a lease or utility bill).

Foster Children and Foster Adults

PHA Policy

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

7-II.E. VERIFICATION OF STUDENT STATUS

General Requirements

PHA Policy

The PHA 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 reports full-time student status for an adult other than the head, spouse, or cohead.

The family reports child care expenses to enable a family member to further his or her education.

The family includes a student enrolled in an *institution of higher education.*

Restrictions on Assistance to Students Enrolled in Institutions of Higher Education

This section applies only to students who are seeking assistance on their own, separately from their parents. It does not apply to students residing with parents who are seeking or receiving HCV assistance.

PHA Policy

In accordance with the verification hierarchy described in Section 7-1.B, the PHA will determine whether the student is exempt from the restrictions in 24 CFR 5.612 by verifying any one of the following exemption criteria:

The student is enrolled at an educational institution that does not meet the definition of *institution of higher education* in the Higher Education Act of 1965 (see Section Exhibit 3-2).

The student is at least 24 years old.

The student is a veteran, as defined in Section 3-II.E.

The student is married.

The student has at least one dependent child, as defined in Section 3-II.E.

The student is a person with disabilities, as defined in Section 3-II.E, and was receiving assistance prior to November 30, 2005.

If the PHA cannot verify at least one of these exemption criteria, the PHA will conclude that the student is subject to the restrictions on assistance at 24 CFR 5.612. In addition to verifying the student's income eligibility, the PHA will then proceed to verify either the student's parents' income eligibility (see Section 7-III.J) or the student's independence from his/her parents (see below).

Independent Student

PHA Policy

The PHA will verify a student's independence from his/her parents to determine that the student's parents' income is not relevant for determining the student's eligibility by doing all of the following:

Either reviewing and verifying previous address information to determine whether the student has established a household separate from his/her parents for at least one year or reviewing and verifying documentation relevant to determining whether the student meets the U.S. Department of Education's definition of *independent student* (see Section 3-II.E)

Reviewing prior year income tax returns to verify whether a parent has claimed the student as a dependent

Requesting and obtaining written certification directly from the student's parents identifying the amount of support they will be providing to the student, even if the amount of support is $0.

7-II.F. DOCUMENTATION OF DISABILITY

The PHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. The PHA is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. The PHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the PHA receives a verification document that provides such information, the PHA will not place this information in the tenant file. Under no circumstances will the PHA request a participant's medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services' website at www.os.dhhs.gov.

The above cited regulation does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they are persons with disabilities [VG, p. 24]:

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability
- Inquiring whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance
- Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance

7-II.E. VERIFICATION OF STUDENT STATUS

General Requirements

PHA Policy

The PHA 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 reports full-time student status for an adult other than the head, spouse, or cohead.

The family reports child care expenses to enable a family member to further his or her education.

The family includes a student enrolled in an *institution of higher education.*

Restrictions on Assistance to Students Enrolled in Institutions of Higher Education

This section applies only to students who are seeking assistance on their own, separately from their parents. It does not apply to students residing with parents who are seeking or receiving HCV assistance.

PHA Policy

In accordance with the verification hierarchy described in Section 7-1.B, the PHA will determine whether the student is exempt from the restrictions in 24 CFR 5.612 by verifying any one of the following exemption criteria:

The student is enrolled at an educational institution that does not meet the definition of *institution of higher education* in the Higher Education Act of 1965 (see Section Exhibit 3-2).

The student is at least 24 years old.

The student is a veteran, as defined in Section 3-II.E.

The student is married.

The student has at least one dependent child, as defined in Section 3-II.E.

The student is a person with disabilities, as defined in Section 3-II.E, and was receiving assistance prior to November 30, 2005.

If the PHA cannot verify at least one of these exemption criteria, the PHA will conclude that the student is subject to the restrictions on assistance at 24 CFR 5.612. In addition to verifying the student's income eligibility, the PHA will then proceed to verify either the student's parents' income eligibility (see Section 7-III.J) or the student's independence from his/her parents (see below).

Independent Student

PHA Policy

The PHA will verify a student's independence from his/her parents to determine that the student's parents' income is not relevant for determining the student's eligibility by doing all of the following:

Either reviewing and verifying previous address information to determine whether the student has established a household separate from his/her parents for at least one year or reviewing and verifying documentation relevant to determining whether the student meets the U.S. Department of Education's definition of *independent student* (see Section 3-II.E)

Reviewing prior year income tax returns to verify whether a parent has claimed the student as a dependent

Requesting and obtaining written certification directly from the student's parents identifying the amount of support they will be providing to the student, even if the amount of support is $0.

7-II.F. DOCUMENTATION OF DISABILITY

The PHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. The PHA is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. The PHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the PHA receives a verification document that provides such information, the PHA will not place this information in the tenant file. Under no circumstances will the PHA request a participant's medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services' website at www.os.dhhs.gov.

The above cited regulation does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they are persons with disabilities [VG, p. 24]:

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability
- Inquiring whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance
- Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance

Family Members Receiving SSA Disability Benefits

Verification of the receipt of disability benefits from the Social Security Administration (SSA) is sufficient verification of disability for the purpose of qualifying for waiting list preferences (if applicable) or certain income disallowances and deductions [VG, p. 23].

PHA Policy

For family members claiming disability who receive disability benefits from the SSA, the PHA will attempt to obtain information about disability benefits through the HUD Enterprise Income Verification (EIV) system. If documentation from HUD's EIV System is not available, the PHA 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 PHA will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the applicant or participant receives the benefit verification letter they will be required to provide it to the PHA.

Family Members Not Receiving SSA Disability Benefits

Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR 5.603.

PHA Policy

For family members claiming disability who do not receive disability benefits from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. See the Eligibility chapter for the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

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

Overview

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

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

U.S. Citizens and Nationals

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

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

PHA Policy

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

Eligible Immigrants

Documents Required

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance. Exhibit 7-2 at the end of this chapter summarizes documents family members must provide.

PHA Verification [HCV GB, pp. 5-3 and 5-7]

For family members age 62 or older who claim to be eligible immigrants, proof of age is required in the manner described in 7-II.C. of this plan. No further verification of eligible immigration status is required.

For family members under the age of 62 who claim to be eligible immigrants, the PHA must verify immigration status with the United States Citizenship and Immigration Services (USCIS).

The PHA will follow all USCIS protocols for verification of eligible immigration status.

7-II.H. VERIFICATION OF PREFERENCE STATUS

The PHA must verify any preferences claimed by an applicant.

PHA Policy

The PHA will offer a preference to any family that has been determined to be considered Involuntarily Displaced, Victims of Domestic Violence or Homelessness.

The PHA will verify Involuntarily Displacement by:

- Statement from the owner of the critical elements that are inaccessible, and that the owner is not going to make the needed modifications, or permit the family to make the modifications.
- Inspection by PHA to verify inaccessibility of critical elements.
- Statement from the owner of the building that the accommodations required will not be made.
- If the owner permits the tenant to make the modifications, verification that the family cannot afford the expense.
- Determination of Standard Replacement Housing: Inspection by a PHA Inspector.
- Displacement by HUD disposition of a project: Written verification from HUD.

The PHA will verify Victims of Domestic Violence by:

- Written verification from police, social service agency, court, clergyperson, physician, and/or public or private facility giving shelter and/or counseling to victims.
- Verification must be obtained (from a landlord or other source) that the abuser still resides at the unit.
- The family must certify that the abuser will not return to the household without the advance written approval of the PHA. Before giving approval, the PHA will require verification of the following:
- That the family members involved have been through a counseling program and the service provider believes that reconciliation is likely.
- Statement from social worker, psychologist, or other professional familiar with the abuser that he/she has received counseling/treatment and is unlikely to continue the abuse.

- Statement from local law enforcement agency that no complaints have been filed since the date of the preference approval.

The PHA will verify Homelessness by:

- Verification that family is participating in or graduated from a Homeless or transitional shelter or receiving supportive services housing program.

7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

Social Security/SSI Benefits

PHA Policy

To verify the SS/SSI benefits of applicants, the PHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s), the PHA will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the applicant has received the benefit verification letter they will be required to provide it to the PHA.

To verify the SS/SSI benefits of participants, the PHA will obtain information about social security/SSI benefits through the HUD EIV System. If benefit information is not available in HUD systems, the PHA will request a current SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s) the PHA will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the participant has received the benefit verification letter they will be required to provide it to the PHA.

7-III.D. ALIMONY OR CHILD SUPPORT

PHA Policy

The way the PHA will seek verification for alimony and child support differs 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.

- Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules
- If payments are made through a state or local entity, the PHA will request a record of payments for the past 12 months and request that the entity disclose any known information about the likelihood of future payments.
- Third-party verification from the person paying the support
- Copy of the latest check and/or payment stubs
- 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

Note: Families are not required to undertake independent enforcement action.

7-III.I. ZERO ANNUAL INCOME STATUS

Families claiming to have no annual income will be required 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. Families who report zero income are required to complete a written certification every three months.

7-III.J. STUDENT FINANCIAL ASSISTANCE

Any financial assistance, in excess of amounts received for tuition, that a person attending an institution of higher education receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education must be considered income unless the student is over the age of 23 with dependent children or is residing with parents who are seeking or receiving HCV assistance [24 CFR 5.609(b)(9) and FR 4/10/06].

For students over the age of 23 with dependent children or students residing with parents who are seeking or receiving HCV assistance, the full amount of student financial assistance is excluded from annual income [24 CFR 5.609(c)(6)]. The full amount of student financial assistance is also excluded for students attending schools that do not qualify as institutions of higher education (as defined in Exhibit 3-2). Excluded amounts are verified only if, without verification, the PHA would not be able to determine whether or to what extent the income is to be excluded (see Section 7-III.H).

PHA Policy

For a student subject to having a portion of his/her student financial assistance included in annual income in accordance with 24 CFR 5.609(b)(9), the PHA will request third-party written verification of both the source and the amount from the educational institution attended by the student as well as from any other person or entity providing such assistance, as reported by the student.

In addition, the PHA will request written verification from the institution of higher education regarding the student's tuition amount.

If the PHA is unable to obtain third-party written verification of the requested information, the PHA will pursue other forms of verification following the verification hierarchy in Section 7-I.B.

7-III.K. PARENTAL INCOME OF STUDENTS SUBJECT TO ELIGIBILITY RESTRICTIONS

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the income of the student's parents must be considered when determining income eligibility, unless the student is determined independent from his or her parents in accordance with PHA policy [24 CFR 5.612 and FR 4/10/06, p. 18146].

This provision does not apply to students residing with parents who are seeking or receiving HCV assistance. It is limited to students who are seeking or receiving assistance on their own, separately from their parents.

PHA Policy

If the PHA is required to determine the income eligibility of a student's parents, the PHA will request an income declaration and certification of income from the appropriate parent(s) (as determined in Section 3-II.E). The PHA 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 PHA. The required information must be submitted (postmarked) within 10 business days of the date of the PHA's request or within any extended timeframe approved by the PHA.

The PHA 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 (IRS) 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.

PART IV. VERIFYING MANDATORY DEDUCTIONS

7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

The dependent and elderly/disabled family deductions require only that the PHA verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

Dependent Deduction

See Chapter 6 (6-II.B.) for a full discussion of this deduction. The PHA will verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse, or cohead of the family and is not a foster child
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full time student

Elderly/Disabled Family Deduction

See Eligibility chapter for a definition of elderly and disabled families and Chapter 6 (6-II.C.) for a discussion of the deduction. The PHA will verify that the head, spouse, or cohead is 62 years of age or older or a person with disabilities.

7-IV.B. MEDICAL EXPENSE DEDUCTION

Policies related to medical expenses are found in 6-II.D. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

PHA Policy

The PHA will provide a third-party verification form directly to the medical provider requesting the needed information.

Medical expenses will be verified through:

Third-party verification form signed by the provider, when possible

If third-party is not possible, copies of cancelled checks used to make medical expense payments and/or printouts or receipts from the source will be used. In this case the PHA will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The PHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months

In addition, the PHA must verify that:

- The household is eligible for the deduction.
- The costs to be deducted are qualified medical expenses.
- The expenses are not paid for or reimbursed by any other source.
- Costs incurred in past years are counted only once.

Eligible Household

The medical expense deduction is permitted only for households in which the head, spouse, or cohead is at least 62, or a person with disabilities. The PHA will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter and as described in Chapter 7 (7-IV.A.) of this plan.

Qualified Expenses

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. The PHA shall use the current IRS Publication 502 as a guide to determine allowable medical expenses.

Unreimbursed Expenses

To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

PHA Policy

The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source.

Expenses Incurred in Past Years

PHA Policy

When anticipated costs are related to on-going payment of medical bills incurred in past years, the PHA 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

7-IV.C. DISABILITY ASSISTANCE EXPENSES

Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

Attendant Care

PHA Policy

The PHA will provide a third-party verification form directly to the care provider requesting the needed information.

Expenses for attendant care will be verified through:

Third-party verification form signed by the provider, when possible

If third-party is not possible, copies of cancelled checks used to make attendant care payments and/or receipts from care source

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months

Auxiliary Apparatus

PHA Policy

Expenses for auxiliary apparatus will be verified through:

Third-party verification of anticipated purchase costs of auxiliary apparatus

If third-party is not possible, 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

If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months

In addition, the PHA must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F above).
- The expense permits a family member, or members, to work (as described in 6-II.E.).
- The expense is not reimbursed from another source (as described in 6-II.E.).

Family Member is a Person with Disabilities

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. The PHA will verify that the expense is incurred for a person with disabilities (See 7-II.F.).

Family Member(s) Permitted to Work

The PHA must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

PHA Policy

The PHA will seek 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, or members, to work (See 6-II.E.).

If third-party and document review verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

Unreimbursed Expenses

To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

PHA Policy

An attendant care provider will be asked to certify that, to the best of the provider's knowledge, the expenses are not paid by or reimbursed to the family from any source.

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.

7-IV.D. CHILD CARE EXPENSES

Policies related to child care expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part I of this chapter. In addition, the PHA must verify that:

- The child is eligible for care.
- The costs claimed are not reimbursed.
- The costs enable a family member to pursue an eligible activity.
- The costs are for an allowable type of child care.
- The costs are reasonable.

Eligible Child

To be eligible for the child care deduction, the costs must be incurred for the care of a child under the age of 13. The PHA will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).

Unreimbursed Expense

To be eligible for the child care deduction, the costs must not be reimbursed by another source.

PHA Policy

The child care provider will be asked to certify that, to the best of the provider's knowledge, the child care expenses are not paid by or reimbursed to the family from any source.

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

Pursuing an Eligible Activity

The PHA must 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.

PHA Policy

Information to be Gathered

The PHA will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

Whenever possible the PHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases the

PHA will request verification from the agency of the member's job seeking efforts to date and require the family to submit to the PHA any reports provided to the other agency.

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

Furthering Education

The PHA will ask that the academic or vocational educational institution 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.

Gainful Employment

The PHA will seek verification from the employer 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.

Allowable Type of Child Care

The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6.

PHA Policy

The PHA will verify that the type of child care selected by the family is allowable, as described in Chapter 6 (6-II.F).

The PHA 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 PHA 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.

Reasonableness of Expenses

Only reasonable child care costs can be deducted.

PHA Policy

The actual costs the family incurs will be compared with the PHA'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 PHA will request additional documentation, as required, to support a determination that the higher cost is appropriate.

EXHIBIT 7-1: EXCERPT FROM HUD VERIFICATION GUIDANCE NOTICE (PIH 2004-01, PP. 11-14)

Upfront (UIV)	Highest (Highly Recommended, highest level of third party verification)
Written 3rd Party	High (Mandatory if upfront income verification is not available or if UIV data differs substantially from tenant-reported information)
Oral 3rd Party	Medium (Mandatory if written third party verification is not available)
Document Review	Medium-Low (Use on provisional basis)
Tenant Declaration	Low (Use as a last resort)

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(Level 5)	(Level 4)	(Level 3)	(Level 2)	(Level 1)
Wages/Salaries	Use of computer matching agreements with a State Wage Information Collection Agency (SWICA) to obtain wage information electronically, by mail or fax or in person.	The PHA mails, faxes, or e-mails a verification form directly to the independent sources to obtain wage information.	In the event the independent source does not respond to the PHA's written request for information, the PHA may contact the independent source by phone or make an in person visit to obtain the requested information.	When neither form of third party verification can be obtained, the PHA may accept original documents such as consecutive pay stubs (HUD recommends the PHA review at least three months of pay stubs, if employed by the same employer for three months or more), W – 2 forms, etc. from the tenant. **Note:** The PHA must document in the tenant file, the reason third party verification was not available.	The PHA may accept a notarized statement or affidavit from the tenant that declares the family's total annual income from earnings. **Note:** The PHA must document in the tenant file, the reason third party verification was not available.
	Agreements with private vendor agencies, such as The Work Number or ChoicePoint to obtain wage and salary information.	The PHA may have the tenant sign a Request for Earnings Statement from the SSA to confirm past earnings. The PHA mails the form to SSA and the statement will be sent to the address the PHA specifies on the form.			
	Use of HUD systems when available.				

Verification of Employment Income: The PHA should always obtain as much information as possible about the employment, such as start date (new employment), termination date (previous employment), pay frequency, pay rate, anticipated pay increases in the next twelve months, year-to-date earnings, bonuses, overtime, company name, address and telephone number, name and position of the person completing the employment verification form.

Effective Date of Employment: The PHA should always confirm start and termination dates of employment.

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(Level 5)	(Level 4)	(Level 3)	(Level 2)	(Level 1)
Self-Employment	Not Available	The PHA mails or faxes, a verification form directly to the sources identified by the family to obtain income information.	The PHA may call the source to obtain income information	The PHA may accept any documents (i.e. tax returns, invoices and letters from customers) provided by the tenant to verify self-employment income. **Note:** the PHA must document in the tenant file, the reason third party verification was not obtained.	The PHA may accept a notarized statement or affidavit from the tenant that declares the family's total annual income from self-employment. **Note:** The PHA must document in the tenant file, the reason third party verification was not available.
Verification of Self-Employment Income: Typically, it is a challenge for PHAs to obtain third party verification of self-employment income. When third party verification is not available, the PHA should always request a notarized tenant declaration that includes a perjury statement.					
Social Security Benefits	Use of HUD Tenant Assessment system (TASS) to obtain current benefit history and discrepancy reports.	The PHA mails or faxes, a verification form directly to the local SSA office to obtain social security benefit information. **(Not Available in some areas because SSA makes this data available through TASS. SSA encourages PHAs to use TASS.)**	The PHA may call SSA, with the tenant on the line, to obtain current benefit amount. **(Not Available in some areas because SSA makes this data available through TASS. SSA encourages PHAs to use TASS.)**	The PHA may accept an original SSA Notice from the tenant. **Note:** The PHA must document in the tenant file, the reason third party verification was not available.	The PHA may accept a notarized statement or affidavit from the tenant that declares monthly social security benefits. **Note:** The PHA must document in the tenant file, the reason third party verification was not available.
Welfare Benefits	Use of computer matching agreements with the local Social Services Agency to obtain current benefit amount electronically, by mail or fax or in person.	The PHA mails or faxes, a verification form directly to the local Social Services Agency to obtain welfare benefit information.	The PHA may call the local Social Service Agency to obtain current benefit amount	The PHA may review an original award notice or print out from the local Social Service Agency provided by the tenant. **Note:** The PHA must document in the tenant file, the reason third party verification was not available.	The PHA may accept a notarized statement or affidavit from the tenant that declares monthly welfare benefits. **Note:** The PHA must document in the tenant file, the reason third party verification was not available.

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(Level 5)	(Level 4)	(Level 3)	(Level 2)	(Level 1)
Child Support	Use of agreement with the local Child Support Enforcement Agency to obtain current child support amount and payment status electronically, by mail or fax or in person.	The PHA mails, faxes, or e-mails a verification form directly to the local Child Support Enforcement Agency or child support payer to obtain current child support amount and payment status.	The PHA may call the local Child Support Enforcement Agency or child support payer to obtain current child support amount and payment status	The PHA may review an original court order, notice or printout from the local Child Support Enforcement Agency provided by the tenant to verify current child support amount and payment status. **Note:** the PHA must document in the tenant file, the reason third party verification was not obtained.	The PHA may accept a notarized statement or affidavit from the tenant that declares current child support amount and payment status. **Note:** The PHA must document in the tenant file, the reason third party verification was not available.
Unemployment Benefits	Use of computer matching agreements with a State Wage Information Collection Agency to obtain unemployment compensation electronically, by mail or fax or in person. Use of HUD systems, when available.	The PHA mails, faxes or e-mails a verification form directly to the State Wage Information Collection Agency to obtain unemployment compensation information.	The PHA may call the stae Wage Information collection Agency to obtain current benefit amount.	The PHA may review an original benefit notice or unemployment check stub, or printout from the local State Wage Information Collection Agency provided by the tenant. **Note:** the PHA must document in the tenant file, the reason third party verification was not obtained.	The PHA may accept a notarized statement or affidavit from the tenant that declares unemployment benefits. **Note:** The PHA must document in the tenant file, the reason third party verification was not. available.
Pensions	Use of computer matching agreements with a Federal, State, or Local Government Agency to obtain pension information electronically, by mail or fax or in person.	The PHA mails, faxes or e-mails a verification form directly to the pension provider to obtain pension information.	The PHA may call the pension provider to obtain current benefit amount	The PHA may review an original benefit notice from the pension provider provided by the tenant. **Note:** The PHA must document in the tenant file, the reason third party verification was not available.	The PHA may accept a notarized statement or affidavit from the tenant that declares monthly pension amounts. **Note:** The PHA must document in the tenant file, the reason third party verification was not available.

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(Level 5)	(Level 4)	(Level 3)	(Level 2)	(Level 1)
Assets	Use of cooperative agreements with sources to obtain asset and asset income information electronically, by mail or fax or in person.	The PHA mails, faxes, or e-mails a verification form directly to the source to obtain current asset and asset income information.	The PHA may call the source to obtain asset and asset income information.	The PHA may review an original documents provided by the tenant. **Note: the PHA must document in the tenant file, the reason third party verification was not obtained.**	The PHA may accept a notarized statement or affidavit from the tenant that declares assets and asset income. **Note: The PHA must document in the tenant file, the reason third party verification was not available.**
Comments	Whenever HUD makes available wage, unemployment, and SSA information, the PHA should use the information as part of the reexamination process. Failure to do so may result in disallowed costs during a RIM review.	Note: The independent source completes the form and returns the form directly to the PHA. Agency. The tenant should not hand carry documents to or from the independent source.	The PHA should document in the tenant file, the date and time of the telephone call or in person visit, along with the name and title of the person that verified the current income amount.		The PHA should use this verification method as a last resort, when all other verification methods are not possible or have been unsuccessful. **Notarized statement should include a perjury penalty statement.**

Note: The PHA must not pass verification costs along to the participant.

Note: In cases where the PHA cannot reliably project annual income, the PHA may elect to complete regular interim reexaminations (this policy should be apart of the PHA's written policies.

EXHIBIT 7-2: SUMMARY OF DOCUMENTATION REQUIREMENTS FOR NONCITIZENS [HCV GB, pp. 5-9 and 5-10]

<table>
<tr><td colspan="2">

- **All** noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to the PHA.
- Except for persons 62 or older, all noncitizens must sign a verification consent form
- Additional documents are required based upon the person's status.

</td></tr>
<tr><td colspan="2">

Elderly Noncitizens

- A person 62 years of age or older who claims eligible immigration status also must provide proof of age such as birth certificate, passport, or documents showing receipt of SS old-age benefits.

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<tr><td colspan="2">

All other Noncitizens

- Noncitizens that claim eligible immigration status also must present the applicable USCIS document. Acceptable USCIS documents are listed below.

</td></tr>
<tr><td>

- Form I-551 Alien Registration Receipt Card (for permanent resident aliens)
- Form I-94 Arrival-Departure Record annotated with one of the following:
  - "Admitted as a Refugee Pursuant to Section 207"
  - "Section 208" or "Asylum"
  - "Section 243(h)" or "Deportation stayed by Attorney General"
  - "Paroled Pursuant to Section 221 (d)(5) of the USCIS"

</td><td>

- Form I-94 Arrival-Departure Record with no annotation accompanied by:
  - A final court decision granting asylum (but only if no appeal is taken);
  - A letter from a USCIS asylum officer granting asylum (if application is filed on or after 10/1/90) or from a USCIS district director granting asylum (application filed before 10/1/90);
  - A court decision granting withholding of deportation; or
  - A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90).

</td></tr>
<tr><td>

- Form I-688 Temporary Resident Card annotated "Section 245A" or Section 210".

</td><td>

Form I-688B Employment Authorization Card annotated "Provision of Law 274a. 12(11)" or "Provision of Law 274a.12".

</td></tr>
<tr><td colspan="2">

- A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant's entitlement to the document has been verified; or
- Other acceptable evidence. If other documents are determined by the USCIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the *Federal Register*

</td></tr>
</table>

11-I.C. CONDUCTING ANNUAL REEXAMINATIONS

As part of the annual reexamination process, families are required to provide updated information to the PHA regarding the family's income, expenses, and composition [24 CFR 982.551(b)].

PHA Policy

Families will be asked to bring all required information (as described in the reexamination notice) to the reexamination appointment. The required information will include a PHA-designated reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documentation related to the family's income, expenses, and family composition.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within 10 business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension.

If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be sent a notice of termination (See Chapter 12).

The information provided by the family generally must be verified in accordance with the policies in Chapter 7. Unless the family reports a change, or the agency has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

- Legal identity
- Age
- Social security numbers
- A person's disability status
- Citizenship or immigration status

If adding a new family member to the unit causes overcrowding according to the Housing Quality Standards (HQS) (see Chapter 8), the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, the PHA must terminate the HAP contract in accordance with its terms [24 CFR 982.403].

11-I.D. DETERMINING ONGOING ELIGIBILITY OF CERTAIN STUDENTS [24 CFR 982.552(b)(5)]

Section 327 of Public Law 109-115 established new restrictions on the ongoing eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled in an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the student's eligibility must be reexamined along with the income eligibility of the student's parents on an annual basis. In these cases, both the student and the student's parents must be income eligible for the student to continue to receive HCV assistance. If, however, a student in these circumstances is determined independent from his or her parents in accordance with PHA policy, the income of the student's parents will not be considered in determining the student's ongoing eligibility.

Students who reside with parents in an HCV assisted unit are not subject to this provision. It is limited to students who are receiving assistance on their own, separately from their parents.

PHA Policy

During the annual reexamination process, the PHA will determine the ongoing eligibility of each student who is subject to the eligibility restrictions in 24 CFR 5.612 by reviewing the student's individual income as well as the income of the student's parents. If the student has been determined "independent" from his/her parents based on the policies in Sections 3-II.E and 7-II.E, the parents' income will not be reviewed.

If the student is no longer income eligible based on his/her own income or the income of his/her parents, the student's assistance will be terminated in accordance with the policies in Section 12-I.D.

If the student continues to be income eligible based on his/her own income and the income of his/her parents (if applicable), the PHA will process a reexamination in accordance with the policies in this chapter.

11-I.E. EFFECTIVE DATES

The PHA must establish policies concerning the effective date of changes that result from an annual reexamination [24 CFR 982.516].

PHA Policy

In general, an *increase* in the family share of the rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 days in advance.

If less than 30 days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.

If a family moves to a new unit, the increase will take effect on the effective date of the new lease and HAP contract, and no 30-day notice is required.

If the PHA chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the PHA, but will always allow for the 30-day notice period.

If the family causes a delay in processing the annual reexamination, *increases* in the family share of the rent will be applied retroactively, to the scheduled effective date of the annual reexamination. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement in accordance with the policies in Chapter 16.

In general, a *decrease* in the family share of the rent that results from an annual reexamination will take effect on the family's anniversary date.

If a family moves to a new unit, the decrease will take effect on the effective date of the new lease and HAP contract.

If the PHA chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the PHA.

If the family causes a delay in processing the annual reexamination, d*ecreases* in the family share of the rent will be applied prospectively, from the first day of the month following completion of the reexamination processing.

Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by the PHA by the date specified, and this delay prevents the PHA from completing the reexamination as scheduled.

PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]

11-II.A. OVERVIEW

Family circumstances may change throughout the period between annual reexaminations. HUD and PHA policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances the PHA must process interim reexaminations to reflect those changes. HUD regulations also permit the PHA to conduct interim reexaminations of income or family composition at any time. When an interim reexamination is conducted, only those factors that have changed are verified and adjusted [HCV GB, p. 12-10].

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition changes. The PHA must complete the interim reexamination within a reasonable time after the family's request.

This part includes HUD and PHA policies describing what changes families are required to report, what changes families may choose to report, and how the PHA will process both PHA- and family-initiated interim reexaminations.

11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

The PHA must adopt policies prescribing when and under what conditions the family must report changes in family composition. However, due to family obligations under the program, the PHA has limited discretion in this area.

PHA Policy

The PHA will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

New Family Members Not Requiring Approval

The addition of a family member as a result of birth, adoption, or court-awarded custody does not require PHA approval. However, the family is required to promptly notify the PHA of the addition [24 CFR 982.551(h)(2)].

PHA Policy

The family must inform the PHA of the birth, adoption or court-awarded custody of a child within 10 business days.

New Family and Household Members Requiring Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request PHA approval to add a new family member [24 CFR 982.551(h)(2)] or other household member (live-in aide or foster child) [24 CFR 982.551(h)(4)].

When any new family member is added, the PHA must conduct a reexamination to determine any new income or deductions associated with the additional family member, and to make appropriate adjustments in the family share of the rent and the HAP payment [24 CFR 982.516(e)].

If a change in family size causes a violation of Housing Quality Standards (HQS) space standards (see Chapter 8), the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, the PHA must terminate the HAP contract in accordance with its terms [24 CFR 982.403].

PHA Policy

Families must request PHA approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than 30 consecutive days, or 90 cumulative days, within a twelve month period, and therefore no longer qualifies as a "guest." Requests must be made in writing and approved by the PHA prior to the individual moving in the unit.

The PHA will not approve the addition of a new family or household member unless the individual meets the PHA's eligibility criteria (see Chapter 3).

The PHA will not approve the addition of a foster child or foster adult if it will cause a violation of HQS space standards.

If the PHA determines an individual meets the PHA's eligibility criteria as defined in Chapter 3, the PHA will provide written approval to the family. If the approval of a new family member or live-in aide will cause overcrowding according to HQS standards, the approval letter will explain that the family will be issued another voucher and will be required to move.

If the PHA determines that an individual does not meet the PHA's eligibility criteria as defined in Chapter 3, the PHA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

The PHA will make its determination within 10 business days of receiving all information required to verify the individual's eligibility.

Departure of a Family or Household Member

Families must promptly notify the PHA if any family member no longer lives in the unit

[24 CFR 982.551(h)(3)]. Because household members are considered when determining the family unit (voucher) size [24 CFR 982.402], the PHA also needs to know when any live-in aide, foster child, or foster adult ceases to reside in the unit.

PHA Policy

If a household member ceases to reside in the unit, the family must inform the PHA within 10 business days. This requirement also applies to a family member who has been considered temporarily absent at the point that the family concludes the individual is permanently absent.

If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform the PHA within 10 business days.

11-II.C. CHANGES AFFECTING INCOME OR EXPENSES

Interim reexaminations can be scheduled either because the PHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, the PHA may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.

PHA-Initiated Interim Reexaminations

PHA-initiated interim reexaminations are those that are scheduled based on circumstances or criteria defined by the PHA. They are not scheduled because of changes reported by the family.

PHA Policy

The PHA will conduct interim reexaminations in each of the following instances:

If the family has reported zero income, the PHA will conduct an interim reexamination every 3 months as long as the family continues to report that they have no income.

If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income), the PHA will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.

If at the time of the annual reexamination, tenant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, the PHA will conduct an interim reexamination.

The PHA may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

Family-Initiated Interim Reexaminations

The PHA must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 982.516(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 982.516(b)(2)].

Required Reporting

HUD regulations give the PHA the freedom to determine the circumstances under which families will be required to report changes affecting income.

PHA Policy

Families are required to report all increases in earned income, including new employment, within 10 business days of the date the change takes effect.

The PHA will note the information in the tenant file, but will not conduct an interim reexamination.

Families are not required to report any other changes in income or expenses.

Optional Reporting

The family may request an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 982.516(b)(2)]. The PHA must process the request if the family reports a change that will result in a reduced family income [HCV GB, p. 12-9].

If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's share of the rent will not be reduced [24 CFR 5.615]. For more information regarding the requirement to impute welfare income see Chapter 6.

PHA Policy

If a family reports a change that it was not required to report and that would result in an increase in the family share of the rent, the PHA will note the information in the tenant file, but will not conduct an interim reexamination.

If a family reports a change that it was not required to report and that would result in a decrease in the family share of rent, the PHA will conduct an interim reexamination. See Section 11-II.D. for effective dates.

Families may report changes in income or expenses at any time.

11-II.D. PROCESSING THE INTERIM REEXAMINATION

Method of Reporting

PHA Policy

The family must notify the PHA of changes in writing. If the family provides oral notice, the PHA will require the family to submit the changes in writing.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if the PHA determines that an interview is warranted, the family may be required to attend.

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

Effective Dates

The PHA must establish the time frames in which any changes that result from an interim reexamination will take effect [24 CFR 982.516(d)]. The changes may be applied either retroactively or prospectively, depending on whether there is to be an increase or a decrease in the family share of the rent, and whether the family reported any required information within the required time frames [HCV GB, p. 12-10].

PHA Policy

If the family share of the 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 overpaid subsidy and may be offered a repayment agreement in accordance with the policies in Chapter 16.

If the family share of the 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 all required documentation was submitted. In cases where the change cannot be verified until after the date the change would have become effective, the change will be made retroactively.

PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT

11-III.A. OVERVIEW

After gathering and verifying required information for an annual or interim reexamination, the PHA must recalculate the family share of the rent and the subsidy amount, and notify the family and owner of the changes [24 CFR 982.516(d)(2), HCV 12-6 and 12-10]. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

11-III.B. CHANGES IN PAYMENT STANDARDS AND UTILITY ALLOWANCES

In order to calculate the family share of the rent and HAP amount correctly, changes in payment standards, subsidy standards, or utility allowances may need to be updated and included in the PHA's calculations.

Specific policies governing how subsidy standards, payment standards, and utility allowances are applied are discussed below.

Payment Standards [24 CFR 982.505]

The family share of the rent and HAP calculations must use the correct payment standard for the family, taking into consideration the family unit size, the size of unit, and the area in which the unit is located [HCV GB, p. 12-5]. See Chapter 6 for information on how to select the appropriate payment standard.

When the PHA changes its payment standards or the family's situation changes, new payment standards are applied at the following times:

- If the PHA's payment standard amount changes during the term of the HAP contract, the date on which the new standard is applied depends on whether the standard has increased or decreased:
  - If the payment standard amount has *increased,* the increased payment standard will be applied at the *first annual* reexamination following the effective date of the increase in the payment standard.
  - If the payment standard amount has *decreased*, the decreased payment standard will be applied at the *second annual* reexamination following the effective date of the decrease in the payment standard.
- If the family moves to a new unit, or a new HAP contract is executed due to changes in the lease (even if the family remains in place) the current payment standard applicable to the family will be used when the new HAP contract is processed.

Subsidy Standards [24 CFR 982.505(c)(4)]

If there is a change in the family unit size that would apply to a family during the HAP contract term, either due to a change in family composition, or a change in the PHA's subsidy standards (see Chapter 5), the new family unit size must be used to determine the payment standard amount for the family at the family's *first annual* reexamination following the change in family unit size.

Utility Allowances [24 CFR 982.517(d)]

The family share of the rent and HAP calculations must reflect any changes in the family's utility arrangement with the owner, or in the PHA's utility allowance schedule [HCV GB, p. 12-5]. Chapter 16 discusses how utility allowance schedules are established.

When there are changes in the utility arrangement with the owner, the PHA must use the utility allowances in effect at the time the new lease and HAP contract are executed.

At reexamination, the PHA must use the PHA current utility allowance schedule [24 CFR 982.517(d)(2)].

PHA Policy

Revised utility allowances will be applied to a family's rent and subsidy calculations at the first annual reexamination after the allowance is adopted.

11-III.C. NOTIFICATION OF NEW FAMILY SHARE AND HAP AMOUNT

The PHA must notify the owner and family of any changes in the amount of the HAP payment [HUD-52641, HAP Contract]. The notice must include the following information [HCV GB, p. 12-6]:

- The amount and effective date of the new HAP payment
- The amount and effective date of the new family share of the rent
- The amount and effective date of the new tenant rent to owner

The family must be given an opportunity for an informal hearing regarding the PHA's determination of their annual or adjusted income, and the use of such income to compute the housing assistance payment [24 CFR 982.555(a)(1)(i)] (see Chapter 16).

PHA Policy

The notice to the family will include the annual and adjusted income amounts that were used to calculate the family share of the rent and the housing assistance payment. The notice also will state the procedures for requesting an informal hearing.

11-III.D. DISCREPANCIES

During an annual or interim reexamination, the PHA may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, the PHA may discover errors made by the PHA. When errors resulting in the overpayment or underpayment of subsidy are discovered, corrections will be made in accordance with the policies in Chapter 13.

Failure to Document Citizenship [24 CFR 982.552(b)(4) and [24 CFR 5.514(c)]

The PHA must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family; or (3) a family member, as determined by the PHA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit.

For (3) above, such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated. See Chapter 7 for a complete discussion of documentation requirements.

Failure to Provide Social Security Documentation [24 CFR 5.218(c)]

The PHA must terminate assistance if a participant family fails to provide the documentation or certification required for any family member who obtains a social security number, joins the family, or reaches 6 years of age.

Methamphetamine Manufacture or Production [24 CFR 982.553(b)(1)(ii)]

The PHA must terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR 982.552(b)(5) and FR 4/10/06]

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have dependent children, is not residing with his/her parents in an HCV assisted household, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the PHA must the terminate the student's assistance if, at the time of reexamination, either the student's income or the income of the student's parents (if applicable) exceeds the applicable income limit.

If a participant household consists of both eligible and ineligible students, the eligible students shall not be terminated, but must be issued a voucher to move with continued assistance in accordance with program regulations and PHA policies, or must be given the opportunity to lease in place if the terminated ineligible student members elect to move out of the assisted unit.

12-I.E. MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS

Mandatory Policies [24 CFR 982.553(b) and 982.551(l)]

HUD requires the PHA to establish policies that permit the PHA to terminate assistance if the PHA determines that:

- Any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents
- Any 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
- Any household member has violated the family's obligation not to engage in any drug-related criminal activity
- Any household member has violated the family's obligation not to engage in violent criminal activity

Use of Illegal Drugs and Alcohol Abuse

PHA Policy

The PHA will terminate a family's assistance if any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

The PHA will terminate assistance if any household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Currently engaged in is defined as any use of illegal drugs during the previous six months.

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

In making its decision to terminate assistance, the PHA will consider alternatives as described in Section 12-II.C and other factors described in Sections 12-II.D and 12-II.E. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate assistance.

***Drug-Related and Violent Criminal Activity* [24 CFR 5.100]**

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity is 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.

Violent criminal activity means 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.

PHA Policy

The PHA will terminate a family's assistance if any household member has violated the family's obligation not to engage in any drug-related or violent criminal activity during participation in the HCV program.

The PHA will consider all credible evidence, including but not limited to, any record of arrests and/or convictions of household members related to drug-related or violent criminal activity, and any eviction or notice to evict based on drug-related or violent criminal activity.

In making its decision to terminate assistance, the PHA will consider alternatives as described in Section 12-II.C and other factors described in Sections 12-II.D and 12-II.E. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate assistance.

Other Authorized Reasons for Termination of Assistance [24 CFR 982.552(c)]

HUD permits the PHA to terminate assistance under a number of other circumstances. It is left to the discretion of the PHA whether such circumstances in general warrant consideration for the termination of assistance. The Violence Against Women Reauthorization Act of 2005 explicitly prohibits PHAs from considering incidents or actual threatened domestic violence, dating violence, or stalking as reasons for terminating the assistance of a victim of such violence.

PHA Policy

The PHA **will not** terminate a family's assistance because of the family's failure to meet its obligations under the Family Self-Sufficiency or Welfare to Work voucher programs.

The PHA **will** terminate a family's assistance if:

The family has failed to comply with any family obligations under the program. See Exhibit 12-1 for a listing of family obligations and related PHA policies.

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

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

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

The family currently owes rent or other amounts to any PHA in connection with the HCV, Certificate, Moderate Rehabilitation or public housing programs.

The family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

The family has breached the terms of a repayment agreement entered into with the PHA.

A family member has engaged in or threatened violent or abusive behavior toward PHA personnel.

Abusive or violent behavior towards PHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to terminate assistance, the PHA will consider alternatives as described in Section 12-II.C and other factors described in Sections 12-II.D and 12-II.E. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate assistance.

Family Absence from the Unit [24 CFR 982.312]

The family may be absent from the unit for brief periods. The PHA must establish a policy on how long the family may be absent from the assisted unit. However, the family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. Absence in this context means that no member of the family is residing in the unit.

PHA Policy

If the family is absent from the unit for more than 180 consecutive calendar days, the family's assistance will be terminated. Notice of termination will be sent in accordance with Section 12-II.E.

Insufficient Funding [24 CFR 982.454]

The PHA may terminate HAP contracts if the PHA determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

PHA Policy

The PHA will determine whether there is sufficient funding to pay for currently assisted families according to the policies in Part VIII of Chapter 16. If the PHA determines there is a shortage of funding, prior to terminating any HAP contracts, the PHA will determine if any other actions can be taken to reduce program costs. If after implementing all reasonable cost cutting measures there is not enough funding available to provide continued assistance for current participants, the PHA will terminate HAP contracts as a last resort.

Prior to terminating any HAP contracts, the PHA will inform the local HUD field office. The PHA will terminate the minimum number needed in order to reduce HAP costs to a level within the PHA's annual budget authority.

If the PHA must terminate HAP contracts due to insufficient funding, the PHA will do so in accordance with the following criteria and instructions:

Last in, first out. Under this option the PHA will terminate families according to the date of the family's admission to the program, starting with those most recently admitted.

PART II: APPROACH TO TERMINATION OF ASSISTANCE

12-II.A. OVERVIEW

The PHA is required by regulation to terminate a family's assistance if certain program rules are violated. For other types of offenses, the regulations give the PHA the discretion to either terminate the family's assistance or to take another action. This part discusses the various actions the PHA may choose to take when it has discretion, and outlines the criteria the PHA will use to make its decision about whether or not to terminate assistance. It also specifies the requirements for the notice that must be provided before terminating assistance.

12-II.B. METHOD OF TERMINATION [24 CFR 982.552(a)(3)]

The way in which the PHA terminates assistance depends upon individual circumstances. HUD permits the PHA to terminate assistance by:

- Terminating housing assistance payments under a current HAP contract,
- Refusing to approve a request for tenancy or to enter into a new HAP contract, or
- Refusing to process a request for or to provide assistance under portability procedures.

12-II.C. ALTERNATIVES TO TERMINATION OF ASSISTANCE

Change in Household Composition

As a condition of continued assistance, the PHA may require that any household member who participated in or was responsible for an offense no longer resides in the unit [24 CFR 982.552(c)(2)(ii)].

PHA Policy

As a condition of continued assistance, the head of household must certify that the culpable family member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former family member's current address upon PHA request.

Repayment of Family Debts

PHA Policy

If a family owes amounts to the PHA, as a condition of continued assistance, the PHA will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from the PHA of the amount owed. See Chapter 16 for policies on repayment agreements.

12-II.D. CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE

Evidence

For criminal activity, HUD permits the PHA to terminate assistance if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted [24 CFR 982.553(c)].

PHA Policy

The PHA will use the concept of the preponderance of the evidence as the standard for making all termination 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

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

The PHA is permitted, but not required, to consider all relevant circumstances when determining whether a family's assistance should be terminated.

PHA Policy

The PHA will consider the following factors when making its decision to terminate assistance:

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

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

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities or (as discussed further in section 12-II.E) a victim of domestic violence, dating violence, or stalking

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

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 PHA will require the 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.

In the case of program abuse, the dollar amount of the overpaid assistance and whether or not a false certification was signed by the family.

Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]

If the family includes a person with disabilities, the PHA's decision to terminate the family's assistance is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

PHA Policy

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of assistance, the PHA will determine whether the behavior is related to the disability. If so, upon the family's request, the PHA will determine whether alternative measures are appropriate as a reasonable accommodation. The PHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed termination of assistance. See Chapter 2 for a discussion of reasonable accommodation.

12-II.E. TERMINATING THE ASSISTANCE OF DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING VICTIMS AND PERPETRATORS [Pub.L. 109-162, Pub.L. 109-271]

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

VAWA also gives PHAs the authority to "terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant."

VAWA does not limit the authority of the PHA to terminate the assistance of any participant if the PHA "can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance." However, situations where this might be relevant are extremely rare.

PHA Policy

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

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

Whether the threat is a physical danger beyond a speculative threat

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

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

If the tenant wishes to contest the PHA's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the informal hearing.

Victim Documentation

PHA Policy

When a participant family is facing assistance termination because of the actions of a participant, household member, guest, or other person under the participant's control and a participant or immediate family member of the participant's family claims that she or he is the victim of such actions and that the actions are related to domestic violence, dating violence, or stalking, the PHA will request in writing that the individual submit documentation affirming that claim. The written request will include explicit instructions on where, when, and to whom the documentation must be submitted. It will also state the consequences for failure to submit the documentation by the deadline.

The documentation will consist of a completed and signed form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking. In lieu of the certification form, the PHA will accept either of the following forms of documentation:

A police or court record documenting the actual or threatened abuse

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

The PHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice.

The individual claiming victim status must submit the requested documentation within 14 business days after receipt of the PHA's written request or must request an extension within that time frame. The PHA may, at its discretion, extend the deadline for 10 business days.

If the individual provides the requested documentation within 14 business days, or any PHA-approved extension, the PHA will reconsider its termination decision in light of the documentation.

If the individual does not provide the requested documentation within 14 business days, or any PHA-approved extension, the PHA will proceed with termination of the family's assistance in accordance with applicable law, program regulations, and the policies in this plan.

Terminating the Assistance of a Domestic Violence Perpetrator

Although VAWA provides assistance termination protection for victims of domestic violence, it does not provide protection for perpetrators. VAWA gives the PHA the explicit authority to "terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others...without terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant." This authority is not dependent on a bifurcated lease or other eviction action by an owner against an individual family member. Further, this authority supersedes any local, state, or other federal law to the contrary. However, if the PHA chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law regarding termination of assistance [Pub.L. 109-271]. This means that the PHA must follow the same rules when terminating assistance to an individual as it would when terminating the assistance of an entire family [3/16/07 *Federal Register* notice on the applicability of VAWA to HUD programs].

PHA Policy

The PHA will terminate assistance to a family member if the PHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the assistance of the remaining, nonculpable family members.

In making its decision, the PHA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-50066) or other documentation of abuse submitted to the PHA by the victim in accordance with this section. The PHA will also consider the factors in section 12-II.D. Upon such consideration, the PHA may, on a case-by-case basis, choose not to terminate the assistance of the culpable family member.

If the PHA does terminate the assistance of the culpable family member, it will do so in accordance with applicable law, HUD regulations, and the policies in this plan.

PHA Confidentiality Requirements

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

PHA Policy

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

12-II.F. TERMINATION NOTICE [HCV GB, p. 15-7]

If a family's assistance is to be terminated, whether voluntarily or involuntarily, the PHA must give the family and the owner written notice that specifies:

- The reasons for which assistance has been terminated
- The effective date of the termination
- The family's right to an informal hearing as described in Chapter 16

If a criminal record is the basis of the termination, a copy of the record must accompany the notice. A copy of the criminal record also must be provided to the subject of the record [24 CFR 982.553(d)].

PHA Policy

When termination is initiated by the PHA, the notice to terminate will be sent to the family and the owner at least 30 calendar days prior to the effective date of the termination. However, if a family vacates the unit without informing the PHA, 30 days notice will not be given. In these cases, the notice to terminate will be sent at the time the PHA learns the family has vacated the unit.

When a family requests to be terminated from the program they must do so in writing to the PHA (see section 12-I.C.). The PHA will then send a confirmation notice to the family and the owner within 10 business days of the family's request, but no later than the termination effective date (as requested by the family).

Notice of Termination Based on Citizenship Status [24 CFR 5.514 (c) and (d)]

The PHA must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or eligible immigration status; (2) evidence of citizenship and eligible immigration status is submitted timely, but USCIS primary and secondary verification does not verify eligible immigration status of a family; or (3) the PHA determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. For (3) above, such termination must be for a period of at least 24 months.

The notice of termination must advise the family of the reasons their assistance is being terminated, that they may be eligible for proration of assistance, the criteria and procedures for obtaining relief under the provisions for preservation of families, that they have the right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal, and that they have the right to request an informal hearing with the PHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal. Informal hearing procedures are contained in Chapter 16.

PHA Policy

The notice to terminate will be sent to the family and the owner at least 30 calendar days prior to the effective date of the termination.

12-II.G. HOW TERMINATION OF ASSISTANCE AFFECTS THE HAP CONTRACT AND LEASE

When the family's assistance is terminated, the lease and HAP contract terminate automatically [Form HUD-52641].

The owner may offer the family a separate unassisted lease [HCV GB, p. 15-8].

PART III: TERMINATION OF TENANCY BY THE OWNER

12-III.A. OVERVIEW

Termination of an assisted tenancy is a matter between the owner and the family; the PHA is not directly involved. However, the owner is under some constraints when terminating an assisted tenancy, and the reasons for which a tenancy is terminated dictate whether assistance also will be terminated.

12-III.B. GROUNDS FOR OWNER TERMINATION OF TENANCY [24 CFR 982.310 and Form HUD-52641-A, Tenancy Addendum]

During the term of the lease, the owner is not permitted to terminate the tenancy except for serious or repeated violations of the lease, certain violations of state or local law, or other good cause.

Serious or Repeated Lease Violations

The owner is permitted to terminate the family's tenancy for serious or repeated violations of the terms and conditions of the lease. This includes failure to pay rent or other amounts due under the lease. However, the PHA's failure to make a HAP payment to the owner is not a violation of the lease between the family and the owner.

Violation of Federal, State, or Local Law

The owner is permitted to terminate the tenancy if a family member violates federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

Criminal Activity or Alcohol Abuse

The owner may terminate tenancy during the term of the lease if any *covered person*, meaning any member of the household, a guest or another person under the tenant's control commits any of the following types of criminal activity (for applicable definitions see 24 CFR 5.100):

- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including property management staff residing on the premises);
- Any criminal activity that 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;
- Any violent criminal activity on or near the premises; or
- Any drug-related criminal activity on or near the premises.

The owner may terminate tenancy during the term of the lease if any member of the household is:

- Fleeing to avoid prosecution, custody, or confinement after conviction for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or
- Violating a condition of probation or parole imposed under federal or state law.

The owner may terminate tenancy for criminal activity by a household member in accordance with this section if the owner determines that the household member has committed the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.

The owner may terminate tenancy during the term of the lease if any member of the household has engaged in abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Evidence of Criminal Activity

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person if the owner determines they have engaged in the criminal activity, regardless of arrest or conviction and without satisfying the standard of proof used for a criminal conviction.

Other Good Cause

During the initial lease term, the owner may not terminate the tenancy for "other good cause" unless the owner is terminating the tenancy because of something the family did or failed to do. During the initial lease term or during any extension term, other good cause includes the disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises.

After the initial lease term, "other good cause" for termination of tenancy by the owner includes:

- Failure by the family to accept the offer of a new lease or revision;
- The owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or
- A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rent).

After the initial lease term, the owner may give the family notice at any time, in accordance with the terms of the lease.

12-III.C. EVICTION [24 CFR 982.310(e) and (f) and Form HUD-52641-A, Tenancy Addendum]

The owner must give the tenant a written notice that specifies the grounds for termination of tenancy during the term of the lease. The tenancy does not terminate before the owner has given this notice, and the notice must be given at or before commencement of the eviction action.

The notice of grounds may be included in, or may be combined with, any owner eviction notice to the tenant.

Owner eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. The owner may only evict the tenant from the unit by instituting a court action. The owner must give the PHA a copy of any eviction notice at the same time the owner notifies the family. The family is also required to give the PHA a copy of any eviction notice (see Chapter 5).

PHA Policy

If the eviction action is finalized in court, the owner must provide the PHA with documentation related to the eviction, including notice of the eviction date, as soon as possible, but no later than 5 business days following the court-ordered eviction.

12-III.D. DECIDING WHETHER TO TERMINATE TENANCY [24 CFR 982.310(h)]

An owner who has grounds to terminate a tenancy is not required to do so, and may consider all of the circumstances relevant to a particular case before making a decision. These might include:

- The seriousness of the offending action;
- The effect on the community of the termination, or of the owner's failure to terminate the tenancy;
- The extent of participation by the leaseholder in the offending action;
- The effect of termination of tenancy on household members not involved in the offending activity;
- The demand for assisted housing by families who will adhere to lease responsibilities;
- The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
- The effect of the owner's action on the integrity of the program.

The owner may require a family to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the owner may require the tenant 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.

The owner's termination of tenancy actions must be consistent with the fair housing and equal opportunity provisions in 24 CFR 5.105.

12-III.E. EFFECT OF TERMINATION OF TENANCY ON THE FAMILY'S ASSISTANCE

If a termination is not due to a serious or repeated violation of the lease, and if the PHA has no other grounds for termination of assistance, the PHA may issue a new voucher so that the family can move with continued assistance (see Chapter 10).

EXHIBIT 12-1: STATEMENT OF FAMILY OBLIGATIONS

Following is a listing of a participant family's obligations under the HCV program:

- The family must supply any information that the PHA or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- Any information supplied by the family must be true and complete.
- The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.

  PHA Policy

  Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit.

- The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 8 of this plan.
- The family must not commit any serious or repeated violation of the lease.

  PHA Policy

  The PHA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction, or an owner's notice to evict.

  Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criteria to be used is whether the reason for the eviction was through no fault of the tenant or guests.

- The family must notify the PHA and the owner before moving out of the unit or terminating the lease.

  PHA Policy

  The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to the PHA at the same time the owner is notified.

- The family must promptly give the PHA a copy of any owner eviction notice.
- The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

- The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly notify the PHA in writing of the birth, adoption, or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit.

  PHA Policy

  The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. The PHA will determine eligibility of the new member in accordance with the policies in Chapter 3.

- The family must promptly notify the PHA in writing if any family member no longer lives in the unit.

- If the PHA has given approval, a foster child or a live-in aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when PHA consent may be given or denied. For policies related to the request and approval/disapproval of foster children, foster adults, and live-in aides, see Chapter 3 (Sections I.K and I.M), and Chapter 11 (Section II.B).

- The family must not sublease the unit, assign the lease, or transfer the unit.

  PHA Policy

  Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

- The family must supply any information requested by the PHA to verify that the family is living in the unit or information related to family absence from the unit.

- The family must promptly notify the PHA when the family is absent from the unit.

  PHA Policy

  Notice is required under this provision only when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. Written notice must be provided to the PHA at the start of the extended absence.

- The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease [Form HUD-52646, Voucher].

- The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space).

- Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program. (See Chapter 14, Program Integrity for additional information).

- Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for HUD and PHA policies related to drug-related and violent criminal activity.

- Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for a discussion of HUD and PHA policies related to alcohol abuse.
- An assisted family or member of the family must not receive HCV program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program.
- A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities. [Form HUD-52646, Voucher]

PART IX: NOTIFICATION REGARDING APPLICABLE PROVISIONS OF THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005 (VAWA)

The Violence against Women Reauthorization Act of 2005 (VAWA) requires PHAs to inform assisted tenants of their rights under this law, including their right to confidentiality and the limits thereof. Since VAWA provides protections for applicants as well as tenants, PHAs may elect to provide the same information to applicants. VAWA also requires PHAs to inform owners and managers of their obligations under this law.

This part describes the steps that the PHA will take to ensure that all actual and potential beneficiaries of its housing choice voucher program are notified about their rights and that owners and managers are notified of their obligations under VAWA.

PHA Policy

The PHA will post the following information regarding VAWA in its offices and on its Web site. It will also make the information readily available to anyone who requests it.

A summary of the rights and protections provided by VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, or stalking (see sample notices in Exhibits 16-1 and 16-2)

The definitions of *domestic violence*, *dating violence*, and *stalking* provided in VAWA (included in Exhibits 16-1 and 16-2)

An explanation of the documentation that the PHA may require from an individual who claims the protections provided by VAWA (included in Exhibits 16-1 and 16-2)

A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking

A statement of the PHA's obligation to keep confidential any information that it receives from a victim unless (a) the PHA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibits 16-1 and 16-2)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibits 16-1 and 16-2)

Contact information for local victim advocacy groups or service providers

16-IX.A. NOTIFICATION TO PARTICIPANTS [Pub.L. 109-162]

VAWA requires PHAs to notify HCV program participants of their rights under this law, including their right to confidentiality and the limits thereof.

PHA Policy

The PHA will provide all participants with notification of their protections and rights under VAWA at the time of admission and at annual reexamination.

The notice will explain the protections afforded under the law, inform the participant of PHA confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.

The PHA will also include in all assistance termination notices a statement explaining assistance termination protection provided by VAWA (see Section 12-II.E).

16-IX.B. NOTIFICATION TO APPLICANTS

PHA Policy

The PHA will provide all applicants with notification of their protections and rights under VAWA at the time they request an application for housing assistance.

The notice will explain the protections afforded under the law, inform each applicant of PHA confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.

The PHA will also include in all notices of denial a statement explaining the protection against denial provided by VAWA (see section 3-III.G).

16-IX.C. NOTIFICATION TO OWNERS AND MANAGERS [Pub.L. 109-162]

VAWA requires PHAs to notify owners and managers of their rights and responsibilities under this law.

PHA Policy

Inform property owners and managers of their screening and termination responsibilities related to VAWA. The PHA may utilize any or all of the following means to notify owners of their VAWA responsibilities:

As appropriate in day to day interactions with owners and managers.

Inserts in HAP payments, 1099s, owner workshops, classes, orientations, and/or newsletters.

Signs in the PHA lobby and/or mass mailings which include model VAWA certification forms

EXHIBIT 16-1: SAMPLE NOTICE TO HOUSING CHOICE VOUCHER APPLICANTS AND TENANTS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

This sample notice was adapted from a notice prepared by the National Housing Law Project.

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence, and stalking. The name of the law is the Violence against Women Act, or "VAWA." This notice explains your rights under VAWA.

Protections for Victims

If you are eligible for a Section 8 voucher, the housing authority cannot deny you rental assistance solely because you are a victim of domestic violence, dating violence, or stalking.

If you are the victim of domestic violence, dating violence, or stalking, you cannot be terminated from the Section 8 program or evicted based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, or stalking that are caused by a member of your household or a guest can't be the reason for evicting you or terminating your rental assistance if you were the victim of the abuse.

Reasons You Can Be Evicted

You can be evicted and your rental assistance can be terminated if the housing authority or your landlord can show there is an *actual* and *imminent* (immediate) threat to other tenants or employees at the property if you remain in your housing. Also, you can be evicted and your rental assistance can be terminated for serious or repeated lease violations that are not related to the domestic violence, dating violence, or stalking committed against you. The housing authority and your landlord cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

Removing the Abuser from the Household

Your landlord may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the assisted unit. Also, the housing authority can terminate the abuser's Section 8 rental assistance while allowing you to continue to receive assistance. If the landlord or housing authority chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, your landlord must follow federal, state, and local eviction procedures.

Moving to Protect Your Safety

The housing authority may permit you to move and still keep your rental assistance, even if your current lease has not yet expired. The housing authority may require that you be current on your rent or other obligations in the housing choice voucher program. The housing authority may ask you to provide proof that you are moving because of incidences of abuse.

Proving that You Are a Victim of Domestic Violence, Dating Violence, or Stalking

The housing authority and your landlord can ask you to prove or "certify" that you are a victim of domestic violence, dating violence, or stalking. The housing authorityyou're your landlord must give you at least 14 business days (i.e. Saturdays, Sundays, and holidays do not count) to provide this proof. The housing authority and your landlord are free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by the housing authority or your landlord. The form will ask for your name, the name of your abuser, the abuser's relationship to you, the date, time, and location of the incident of violence, and a description of the violence.
- Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing "under penalty of perjury."
- Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within the required time, the landlord may evict you, and the housing authority may terminate your rental assistance.

Confidentiality

The housing authority and your landlord must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the housing authority or your landlord to release the information.
- Your landlord needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the housing authority or your landlord to release the information.

If release of the information would put your safety at risk, you should inform the housing authority and your landlord.

VAWA and Other Laws

VAWA does not limit the housing authority's or your landlord's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

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

For Additional Information

If you have any questions regarding VAWA, please contact _____ at _____.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *stalking* as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

EXHIBIT 16-2: SAMPLE NOTICE TO HOUSING CHOICE VOUCHER OWNERS AND MANAGERS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

This sample notice was adapted from a notice prepared by the National Housing Law Project.

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence, and stalking. The name of the law is the Violence against Women Act, or "VAWA." This notice explains your obligations under VAWA.

Protections for Victims

You cannot refuse to rent to an applicant solely because he or she is a victim of domestic violence, dating violence, or stalking.

You cannot evict a tenant who is the victim of domestic violence, dating violence, or stalking based on acts or threats of violence committed against the victim. Also, criminal acts directly related to the domestic violence, dating violence, or stalking that are caused by a household member or guest cannot be cause for evicting the victim of the abuse.

Permissible Evictions

You can evict a victim of domestic violence, dating violence, or stalking if you can demonstrate that there is an *actual* or *imminent* (immediate) threat to other tenants or employees at the property if the victim is not evicted. Also, you may evict a victim for serious or repeated lease violations that are not related to the domestic violence, dating violence, or stalking. You cannot hold a victim of domestic violence, dating violence, or stalking to a more demanding standard that tenants who are not victims.

Removing the Abuser from the Household

You may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the unit. If you choose to remove the abuser, you may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, you must follow federal, state, and local eviction procedures.

Certification of Domestic Violence, Dating Violence, or Stalking

If a tenant asserts VAWA's protections, you can ask the tenant to certify that he or she is a victim of domestic violence, dating violence, or stalking. You are not required to demand official documentation and may rely upon the victim's statement alone. If you choose to request certification, you must do so in writing and give the tenant at least 14 business days to provide documentation. You are free to extend this deadline. A tenant can certify that he or she is a victim by providing any one of the following three documents:

- By completing a HUD-approved certification form. The most recent form is HUD-50066. This form is available at the housing authority, or online at www.hudclips.org.
- By providing a statement from a victim service provider, attorney, or medical professional who has helped the victim address incidents of domestic violence, dating violence, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both the victim and the professional must sign the statement under penalty of perjury.
- By providing a police or court record, such as a protective order.

If the tenant fails to provide one of these documents within 14 business days, you may evict the tenant if authorized by otherwise applicable law and lease provisions.

Confidentiality

You must keep confidential any information a tenant provides to certify that he or she is a victim of domestic violence, dating violence, or stalking. You cannot enter the information into a shared database or reveal it to outside entities unless:

- The tenant provides written permission releasing the information.
- The information is required for use in an eviction proceeding, such as to evict the abuser.
- Release of the information is otherwise required by law.

The victim should inform you if the release of the information would put his or her safety at risk.

VAWA and Other Laws

VAWA does not limit your obligation to honor court orders regarding access to or control of the property. This includes orders issued to protect the victim and orders dividing property among household members in cases where a family breaks up.

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

Additional Information

- If you have any questions regarding VAWA, please contact _____.
- HUD Notice PIH 2006-42 contains detailed information regarding VAWA's certification requirements. The notice is available at http://www.hud.gov/offices/adm/hudclips/.
- An overview of VAWA's housing provisions is available at http://hmis.info/ClassicAsp/documents/March%2016,%202007%20HUD%20Notice%20on%20VAWA.pdf

Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *stalking* as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

Approved by the Executive Director CT
March 19, 2009

FOR INFORMATION

SUBJECT: Policy and Strategy Changes Contained in the Public Housing Agency 5-Year Plan for Fiscal Years 2010 to 2014 and Annual Plan for the Period July 1, 2009 through June 30, 2010.

I. BACKGROUND

A. The Public Housing Agency (PHA) 5-Year and Annual Plans are a requirement of the Quality Housing and Work Responsibility Act of 1998 (QHWRA). All public housing agencies administering federal public housing and Section 8 tenant-based (housing choice voucher) assistance programs must submit their plans to the U.S. Department of Housing and Urban Development (HUD) to be eligible to receive administrative, Capital Fund Program, and Section 8 Housing Choice Voucher assistance monies.

B. The PHA 5-Year plan states the mission of serving the needs of low-income and very low-income families, and how the PHA will address those needs for a five-year period.

C. The Hawaii Public Housing Authority (HPHA) will be submitting information for all required Plan components using a new HUD-developed outline for the plans. The new outline differs in format from the previous template but the components are similar. Some components of the proposed 2009-2014 plan are changes from the HUD-approved 2005-2008 plan.

D. HPHA must electronically submit the new plan and attachments to the local Honolulu HUD office for their review and subsequent approval no later than April 17, 2009.

II. DISCUSSION

The PHA 5-Year and Annual Plan acts as a planning document and application for funding for HPHA and HUD, and as an informational document for tenants and other interested parties. As such, the plan changes over time in response to changing circumstances. The draft 2009-2014 plan notes the following changes in HPHA policies and goals:

A. The 2005-2008 plan lists "economic hardship" as a waiting list preference. HPHA proposes to eliminate this item and substitute a preference for working families in order to encourage self-sufficiency and improve the mix of incomes in housing projects. This change would also increase rent revenue.

B. The new plan adds mixed use redevelopment by a public/private partnership as a strategy to: increase the supply of affordable housing and improve the existing housing stock; de-concentrate poverty by co-locating households of varying income levels; and leverage scarce HPHA resources by joining them with private investment.

C. In order to further the goals of fair housing and better assist the populations with disproportionate housing needs, HPHA will arrange for training in basic skills, such as housekeeping, for applicants and tenants with acculturation needs, especially those with limited English proficiency.

D. A $25 fee would be imposed for late rent and dishonored checks in order to deter those problems.

E. HPHA will pursue elderly families-only designation for targeted federal public housing projects.

Attachment: Draft HPHA 5-Year and Annual Plan for 2009-2014

Prepared by: Alan Sarhan, HPHA Planner

Approved by the Executive Director C1
March 19, 2009

FOR INFORMATION

SUBJECT: 2008 Real Estate Assessment Center (REAC) Physical Inspections

I. FACTS

A. To ensure that families have housing that is in good repair, REAC conducts physical inspections on public housing projects each year. The physical condition is of utmost importance to the Housing and Urban Development (HUD) and providing safe, decent, sanitary housing and housing in good repair is the primary responsibility of the Public Housing Agency (PHA).

B. REAC physical inspections were conducted from October through December 2008. Attachment A is the breakdown of scores by Asset Management Projects (AMP).

II. DISCUSSION

A. In addition to the preventive maintenance plan the Hawaii Public Housing Authority (HPHA) has also implemented a sewer line jetting schedule for every property. Property Management and Maintenance Services Branch (PMMSB) will establish guidelines for mandatory pre-REAC inspections. Inspection instructions and follow up procedures for Extigent Health & Safety (EH&S) deficiencies will be included in the guidelines.

B. The site managers have been advised to serve violations where the point deductions were due to the actions of a resident. Management will follow up on all violations and conduct on going inspections until the situation is remedied.

Prepared by: Stephanie L. Fo, Property Management and Maintenance Services Branch Chief

PHAS Physical Report for Fiscal Year 2008

PHA Information

PHA Code:	HI001	PHA Name:	Hawaii Public Housing Authority	Fiscal Year End:	06/30

Number of Projects: 16 **Systemic Deficiencies**

No Physical Condition Credits were selected with the Management Assessment

Inspection Complete Date	Project ID	Inspection Number	Unit Count	Property (Development)	Overall Score		Inspection Reason
					100 - Point Basis	30 - Point Basis	
12/23/2008	HI001000049	308128	150	AMP 49 WAHIAWA TERRACE	66c*	19.9	Initial
12/23/2008	HI001000046	308127	101	AMP 46 COUNTY OF HAWAII	75c	22.6	Initial
12/18/2008	HI001000045	308126	226	AMP 45 KOOLAU VILLAGE	65c	19.6	Initial
12/12/2008	HI001000043	308124	200	AMP 43 KA HALE KAHALUU	74c*	22.2	Initial
12/11/2008	HI001000037	308120	302	AMP 37 LANAKILA HOMES	78b*	23.4	Initial
12/02/2008	HI001000044	308125	258	AMP 44 - WAIMAHA/SUNFLOWER	53c*	15.9	Initial
12/01/2008	HI001000039	308122	196	AMP 39 KAHEKILI TERRACE (MAUI AND MOLOKAI)	72b	21.6	Initial
11/24/2008	HI001000035	308119	583	AMP 35 - PUNCHBOWL HOMES	83b	24.8	Initial
11/06/2008	HI001000030	308114	360	PUUWAI MOMI	55c	16.6	Initial
11/06/2008	HI001000038	308121	321	KEKAHA HA`AHEO	65c*	19.5	Initial
11/06/2008	HI001000033	308117	371	KAMEHAMEHA HOMES	72c*	21.7	Initial
11/05/2008	HI001000032	308116	363	MAYOR WRIGHT HOMES	71c	21.2	Initial
11/03/2008	HI001000031	308115	373	KALIHI VALLEY HOMES	65b*	19.6	Initial
10/31/2008	HI001000040	308123	744	KUHIO PARK TERRACE	22c*	6.5	Initial
10/27/2008	HI001000034	308118	580	KALAKAUA HOMES	85c	25.6	Initial
10/24/2008	HI001000050	308129	114	PALOLO VALLEY HOMES	45c*	13.6	Initial

Four of the sixteen Asset Management Projects (AMPs) received failing (below 60 points) scores. All Exigent Health & Safety (EH&S) findings have been abated.

The following is a break down by AMP on the failing score it received:

AMP 30 – Puuwai Momi

	Possible Points	Area Points	H&S Deduction
Site	20.7	6.5	6.5
Bldg Ext	20.7	16.3	0
Bldg Sys	17.2	17.2	1.4
CA	1.9	1.5	0
Units	39.4	34	12.2
Final Score	55		

AMP 30 failed due to the Site findings. The site deductions included the following:

Damaged/Falling/Leaning or Missing Fencing and Gates (4.3)
Erosion (7.8)
Litter (2.5)
Play area equipment damaged/broken or deteriorated (4.4)
Damaged/Falling/Leaning Retaining walls(3.1)

The fencing has been repaired. The AMP will have Central Maintenance back fill all eroded areas in March 2009. The litter will be monitored daily. The playground surface and the retaining wall were patched.

AMP 40 – Kuhio Park Terrace (KPT)

	Possible Points	Area Points	H&S Deduction
Site	18.7	10.7	10.7
Bldg Ext	18.5	3.6	0
Bldg Sys	19.6	11.1	7.0
CA	1.9	1.2	0.1
Units	41.3	24.9	12.0
Final Score	22		

The management agent has completed repairs for all findings on the REAC report except for the spalling concrete. We are currently referring to the Construction Management Section (CMS) to determine if there is structural load bearing. If not, the AMP will have the exposed rebar repaired.

Here is the timeline for system repairs for KPT:

Elevators (Towers A&B) Start: February 2009
Complete Modernization of 6 Elevators at KPT.

Fire Alarms (Towers A&B) Start: February 2009
Design & Construction of Fire Alarm System

Trash Chutes (Towers A&B) Estimated Completion: July 2010
Demolition; Removal & Replacement of Entire Trash Chute System

Solar System/Boilers (Tower A) Start: April 2009
Repair or Replace Controls, Panels, Pipes

Roof Repairs (Tower B) Estimated Start Date: October 2009
Repair leaking roofs, abatement, removal and reroof

AMP 44 – Waimaha Sunflower

	Possible Points	Area Points	H&S Deduction
Site	19.5	0	0
Bldg Ext	16.5	14.3	0
Bldg Sys	20.2	19.2	0
CA	.7	.3	.1
Units	43.1	30.4	11
Final Score	53		

Waimaha Sunflower failed to receive any points for the site causing their AMP to fail the overall inspection. The following is the breakdown for the deductions the site received:

Damaged/Falling/Leaning/Missing Fencing and Gates (4)
Erosion (7.3)
Overgrown/Penetrating Vegetation (2.7)

Ponding/Site Drainage (3.7)
Excessive Graffiti (4.7)
Litter (2.3)
Refuse Disposal – broken/damaged enclosure, inadequate space (2.7)

The management agent will jet drain to see if it clears the ponding issue. If not, CMS will be notified to see what else can be done. The management agent will hire our Central Maintenance to back fill all eroded areas by May 2009. All hinges from former gates will be removed by May 2009 at Nanakuli Homes. The graffiti will be abated by April 2009. The paint has been ordered.

AMP 50 - Palolo Valley Homes

	Possible Points	Area Points	H&S Deduction
Site	20	0	0
Bldg Ext	17.	13.5	0
Bldg Sys	16.8	16.8	0
CA	.4	.4	0
Units	45.7	30.7	16.2
Final Score	45		

Palolo Valley Homes received zero points for the site. Here's a list of what the findings were and the points deducted for each finding. Followed by the AMPs plan to remedy the findings on an on going basis.

Damaged/Falling/Leaning Fencing/Missing and Gates (4.1)
Erosion (3.8)
Overgrown/Penetrating Vegetation (2.8)
Graffiti (2.4)
Potholes/Loose Material(1.3)
Refuse Disposal – broken/damaged enclosure, inadequate space(2.8)
Retaining Walls – damaged/falling/leaning (3)
Storm Drainage – damaged/obstructed(6.3)

The repairs to the fencing have been completed. The erosion will be addressed by June 2009. Overgrown vegetation will be addressed in April 2009. Graffiti was found on fence slats, the slates will be painted by April 2009. Potholes will be remedied in April 2009. Bulky items were removed and will be checked on a daily basis. Retaining walls will be addressed during the modernization of the site scheduled for 2012. Storm drain will be checked for obstruction on a daily basis.

FORTHCOMING

For Information: Report HPHA's Fiscal Performance on the Review of Bad Debts, Conversion to Accrual Based Accounting, Budgeting, Operating Procedures at the AMPs, and Analysis of HPHA's Vehicle Inventory

Approved by the Executive Director CJ
March 19, 2009

FOR INFORMATION

SUBJECT: Information on U.S. Department of Housing and Urban Development's Moving to Work Designation for Public Housing Agencies

I. FACTS

A. Moving to Work (MTW) is a demonstration program first authorized by the U.S. Department of Housing and Urban Development (HUD) in 1996.

B. The program was designed to afford public housing agencies (PHA) the opportunity to design and test innovative, locally designed housing and self-sufficiency strategies for low income families by allowing exemptions from existing public housing and tenant-based Housing Choice Voucher rules and permitting PHAs to combine operating, capital and tenant-based assistance funds as approved by HUD.

C. The purpose of the demonstration is to give flexibility to design and test various approaches for providing and administering housing assistance that accomplish three primary goals:
1. Reduce cost and achieve greater cost effectiveness in Federal expenditures;
2. Give incentives to families with children where the head is working or preparing to work by participating in job training and become economically self-sufficient;
3. Increase housing choices for low income families.

D. The term of a demonstration program is 10 years.

E. The standard requirements of the demonstration are:
1. Serve essentially the same number of households;
2. Ensure 75% of MTW participants are very-low income;
3. Establish a reasonable rent policy to encourage employment and self-sufficiency;
4. Assure that housing provided under the demonstration meets housing quality standards established by HUD.

F. The demonstration Agency's activities will be guided by the MTW Annual Plan that outlines the demonstration activities and an Annual MTW Report that will measure agency compliance with terms of the MTW Agreement and Annual Plan.

G. Some policies that MTW agencies have implemented:
1. Capped Rents;
2. Time limits in housing for non-elderly and non-disabled households;
3. Combined public housing and Section 8 wait lists;
4. Fixed Section 8 subsidies.

Prepared by: Michael J. Hee, Chief, Private Management Contract Section MH

Reviewed by: Stephanie Fo, Property Management & Maintenance Services Branch Chief SF

Approved by the Executive Director CT
March 19, 2009

FOR INFORMATION

SUBJECT: Update on Elderly Families-Only Designation for Targeted Federal Public Housing Project(s)

I. FACTS

A. At its regular meeting of January 15, 2009, the HPHA Board of Directors authorized the Executive Director to pursue elderly families only designation for targeted federal public housing projects. The Board also directed that once a targeted project(s) has been identified, staff shall seek approval from the Board of Directors to proceed with the required consultation and application process for the targeted site(s).

B. The following timeframe for action was approved:

1/15/09	Board approval of For Action
4/1/09	Completion of project profile for all Federal elderly projects
5/15/09	Submit recommendation to HPHA Board for targeted project(s)
6/15/09	Initiate consultation process
7/15/09	Secure consultant to complete needs assessment & draft allocation plan
12/1/09	Produce draft allocation plan;
4/1/10	Complete public hearing and 60 day comment period
5/1/10	Revise allocation plan and address all comments
6/1/10	Submit allocation plan to HUD for approval. HUD has 90 days to review and approve the HPHA's allocation plan.

9/1/10 HUD Approval (tentative)

C. HPHA staff met with Mike Flores of the Department of Housing and Urban Development, and Dolores Foley, Chair and Associate Professor of the University of Hawaii Department of Urban and Regional Planning. Professor Foley offered the services of a group of graduate students in her Housing Policy class to conduct research and make a proposal to HPHA regarding which housing projects would be appropriate candidates for elderly-only designation.

D. Subsequent discussion established that by the end of the class project on May 11, 2009 the students expected to be able to deliver the following products:

1) Written justification for designation of specified housing projects based on research conducted by the students.

2) A plan which HPHA can submit to HUD as part of the approval process. The plan will include the required justifications, a plan for

conversion of the target projects with as little displacement of tenants as possible, and a description of supportive services to be provided to tenants.

E. HPHA Planner met with the Housing Policy class on February 2, 2009 and outlined for them why we are pursuing this and answered questions about the project, about our residents, and about the human services system in general. We discussed how they would proceed and how much they expect to accomplish before the class ends in May 2009.

F. The class met with and interviewed the managers of the Makua Alii, Kalanihuia, Paokalani and Makamae projects, and is in the process of interviewing residents. The class has members who speak Vietnamese, Chinese and Korean, which will help them get a cross section of opinions from residents.

Prepared by: Alan Sarhan, HPHA Planner AS