

PHA 5-Year and Annual Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 8/30/2011

1.0	PHA Information PHA Name: <u>Howard County Housing Commission</u> PHA Code: <u>MD023</u> PHA Type: ☒ Small ☐ High Performing ☐ Standard ☐ HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>07/2015</u>					
2.0	Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: <u>50</u> Number of HCV units: <u>1,005</u>					
3.0	Submission Type ☒ 5-Year and Annual Plan ☐ Annual Plan Only ☐ 5-Year Plan Only					
4.0	PHA Consortia ☐ PHA Consortia: (Check box if submitting a joint Plan and complete table below.)					
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program	
	PHA 1:				PH	HCV
	PHA 2:					
	PHA 3:					
5.0	5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.					
5.1	Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years: Howard County Housing's mission is to provide safe, quality, affordable, and sustainable housing opportunities for low- and moderate-income families who live or work in Howard County and to assist them in moving toward economic independence.					

Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.

1. To integrate affordable housing with market rate housing through redevelopment activities;
2. To produce environmentally friendly and universally designed affordable housing;
3. To produce affordable housing that is financially self-sufficient;
4. To move residents of affordable housing toward economic self-sufficiency;
5. To increase homeownership opportunities for low and moderate income families;
6. To develop programs for elderly and disabled homeowners to insure that they are financially able to remain in their units, to assist with issues of accessibility and to insure that the units are properly maintained.
7. To insure that families have equal access to housing regardless of race, color, religion, national origin, sex, disability, familial status or source of income.
8. To develop and preserve affordable housing equally across all areas of the county which reflects current and/or anticipated demand based on unit size.

Progress in Meeting Goals of Previous 5-Year Plan:

1. **To integrate affordable housing with market rate housing through redevelopment activities:** The Commission redeveloped Guilford Gardens from a 100 unit subsidized development into a 269 unit mixed income development now known as Monarch Mills. The development is currently 90 percent leased. The Commission also redeveloped Hilltop from a 94 unit subsidized development into a 153 unit mixed income development now known as Burgess Mills.
2. **To produce environmentally friendly and universally designed affordable housing:** The Commission has developed 4 award winning Apartment Communities and a Community Center during the previous 5-Year Plan period. The developments incorporated numerous universal design, energy efficiency and environmentally friendly features. Specific details on awards and features are as follows:

BURGESS MILL STATION

198-UNITS

CONSTRUCTION COMPLETED DECEMBER 13'

AWARDS RECEIVED:

- **2014 Maryland Affordable Housing Coalition (MAHC) Innovation Award**
- **Semi-finalist for the 2014 Jack Kemp Excellence in Affordable and Workforce Housing Awards – Final notification pending.**

Sustainable measures implemented throughout the Burgess Mills community include:

- Greatly increased housing density. Increased density on pre-existing site reduced the need to convert greenfields (farms, parks, etc.) to housing.
- Parking deck with green roof. The courtyard created by the green roof is accessed at grade and it is almost imperceptible that it is a green roof and not an on-grade planted area. This approach reduces the amount of impervious coverage generally required for parking.

- Bio retention ponds with natural plantings. These man-made beds are designed to filter and manage storm water naturally.
- Energy Star-rated windows, appliances & light fixtures including refrigerator, dishwasher, and clothes washer.
- Low or no-VOC paint – reduced risk of health concerns from Volatile Organic Compounds found in traditional paints.
- Air Sealing – air infiltrations have been virtually eliminated by sealing all penetrations and potential leak points.
- Third Party Performance Testing for the garden apartments used to verify the building is in compliance with green programs and standards.

ROGER CARTER COMMUNITY CENTER
45,000 SQ.FT. FACILITY
CONSTRUCTION COMPLETED JUNE 13'

AWARDS RECEIVED:

- **2014 United States Green Building Council (USGBC) Maryland Chapter – Wintergreen Award. The Wintergreen Award recognizes achievement in green buildings and sustainable design.**
-

Sustainable measures included:

- The Roger Carter Recreation Center will be seeking a LEED Silver designation.
- Water efficient plumbing fixtures are used included low flow toilets, showers and sinks and irrigation is completely eliminated with specified drought tolerant plantings.
- Current energy model results show that the building is 39% more efficient than a building that is designed minimum energy requirements. This equates to about \$63,000 per year in reduced gas and electric utility costs.
- Savings are achieved by more efficient lighting and HVAC energy use reduction through more efficient equipment, heat recovery, better building envelope, and building solar orientation.
- The building structure is all steel which contains large amounts of recycled content. Other building materials were carefully selected to ensure recycled content and extraction and manufacture within 500 miles of the site.

MONARCH MILLS

269-UNITS

CONSTRUCTION COMPLETED MARCH 12'

AWARDS RECEIVED:

- **2012 Gold LEED Certification – United States Green Building Council (USGBC)**
- **2012 Novogradac Journal of Tax Credits - Development of Distinction Award – Innovative Financing**
- **2012 Maryland Department of Housing & Community Development (DHCD) Commitment to Excellence – Rental Housing Excellence**
- **2013 Housing Association of Nonprofit Developers (HAND) Housing Achievement Award – Best Large Affordable Housing Project**

Sustainable measures included:

Site Improvements

- Erosion and Sediment Control-Protection of Surrounding Lands and Bodies of Water During the Construction Process
- Landscaping-Use of Native Species
- Surface Water Management-Rain Harvesting Cisterns for Landscape Irrigation
- Storm Drain Labels-Reminder That the Site Falls Within the Chesapeake Bay Watershed

Water Conservation

- Water Conserving Appliances-Energy Star Rated Dishwashers and Clothes Dishwashers
- Water Conserving Fixtures-Toilets, Showerheads, Kitchen Faucets, and Bath Faucets

Materials Beneficial to the Environment

- Construction Waste Management-Over 75% of Construction Waste Was Recycled
- Recycled Content-Materials Include Concrete, Siding, Insulation, Drywall, and Flooring
- Reducing Heat Island Effect-Clubhouse Roof Shingles

Healthy Living Environment

- Low/No VOC Paints and Primers
- Low/No VOC Adhesives and Sealants
- Urea Formaldehyde-free Composite Wood: Kitchen Cabinets, Bathroom Vanities, and Interior Doors
- Green Label Floor Coverings: Carpets

- Bathroom Exhaust Fans-Equipped with Smart Fans To Reduce The Potential For Mold

Operations and Maintenance

- Each Residence Will Receive an Occupant Manual Which Outlines the Operation, Maintenance, and GREEN Features of The Community

As part of the overall sustainability plan for the development, Harkins Builders, general contractor made certain that two major goals were achieved throughout the project, (i) diverting construction management waste from landfills and (ii.) a percentage of regional material and recycled content were utilized for the construction of the community Clubhouse. As part of the development team seeking a LEED Gold rating for the Clubhouse, the following goals were achieved:

- Regional Material for Clubhouse – 25.9%
- Recycled Content for Clubhouse – 13.1%
- LEED CMW (%diverted from landfill) – 92.4%
- GC CMW (% diverted from landfill) – 83.9%

THE COTTAGES AT GREENWOOD 10 SINGLE FAMILY DETACHED FOR SALE HOMES CONSTRUCTION COMPLETED MARCH 12'

AWARDS RECEIVED:

- **2010 Nan McKay & Associates, Inc. – Pioneer in Housing Award**
- **2012 Platinum LEED Certification – United States Green Building Council (USGBC)**
- **2012 United States Green Building Council (USGBC) Maryland Chapter – Wintergreen Award – Socio Economic Impact. The Wintergreen Award recognizes achievement in green buildings and sustainable design.**

Sustainable measures included:

- Native Landscaping – Native, drought tolerant and non-invasive species.
- Rain Barrels – Utilized to help collect excess rainwater from impervious areas, such as the roof so it can be reused for watering the garden.
- Environmentally Friendly Cabinets – Built with FSC lumber, there is no added urea formaldehyde, and they have a Green Guard, CARB compliant finish.
- Energy Star Appliances –refrigerator, dishwasher and high efficiency ventilation hood.
- Low Flow water fixtures – low flow faucets typically use about 20% less water, with equal or superior performance.
- Air Sealing – air infiltration has been virtually eliminated by sealing all penetrations and potential leak points.
- Energy Star light fixtures, bath fans and ceiling fans
- Large Low-e, double pane insulated Energy Star-rated casement windows
- Insulated concrete slab
- Low or no-VOC paint – reduces risk of health concerns from Volatile Organic Compounds found in traditional paints
- Stained, polished concrete flooring – eliminates the need for more building materials

- Green Label Certified carpet
- Small high efficiency HVAC system
- High efficiency Energy Star front-loading washer and gas powered dryer
- Recycled glass countertop by Cosentino
- Solar Tube
- Green Guard Pad – the Mohawk bonded pad installed in the bedrooms is made from approximately 90% postindustrial recycled material.
- Carbon Monoxide Detectors – CO detectors are centrally located outside each separate sleeping area as well as in any room adjacent to the carport.
- FSC Certified Trim – raw materials gathered from a source certified by the Forest Stewardship Council.
- Dense pack cellulose and open cell foam insulation.
- Pex Plumbing – cross-linked polyethylene pipes are used for the general supply lines of the home, allowing for fewer fittings, more flexibility, and reduced heat transfer.
- FSC Certified Lumber (in some houses)- raw materials gathered from a source certified by the Forest Stewardship Council.
- Bioretention beds – an amenity benefiting the entire community, these man-made beds are designed to help filter and manage storm water naturally.
- Fiber Cement Siding– recycled content product; with exceptional curb appeal and durability.
- 30 Year Roof Shingles
- Third Party Performance Testing – used to verify the builder is in compliance with green programs, inspections are done at (framing and house completion)
- Energy Management Monitor – monitors the whole house energy use.
- Advanced Framing Techniques – insulation is weaved behind and around staggered wall studs not just in between them. Corners are framed hollow to allow insulation and air sealing and headers are all insulated.

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ELLCOTT GARDENS, ELLICOTT CITY

106-UNITS

NEW CONSTRUCTION COMPLETED AUGUST 2009

AWARDS RECEIVED:

- **2009 Maryland Homebuilders Outstanding Home**
- **2010 Maryland Department of Housing & Community Development (DHCD) - Rental Housing Stability**
- **2012 & 2013 Property Management Association (PACE) – Distinguished Community**

Sustainable measures included:

- White Energy Star Rated Roof
- Wind Turbine
- Specifying plant materials that are indigenous to the area and drought resistant
- Compact fluorescent down lights and surface mounted light fixtures provided outside each apartment unit

- Heating systems designed to maintain a minimum temperature of 70 degrees Fahrenheit in all occupied spaces
 - Cooling systems designed to maintain a maximum temperature of 78 degrees Fahrenheit in all occupied spaces
 - All products and adhesives are low VOC (volatile organic compounds)
 - Low flow plumbing fixtures including toilets and shower heads
 - Durable insulated, low-e glazed, thermally broken aluminum framed windows
3. **To produce affordable housing that is financially self-sufficient:** The Commission's redevelopment of Monarch Mills & Burgess Mills is projected to result in total cash flow from both developments in excess of \$800,000.00 in fiscal year 2016.
 4. **To move residents of affordable housing toward economic self-sufficiency:**
The Commission sponsors a "Getting Ahead" Program that targets Family Self Sufficiency Participants, Zero Income Families and other low income families residing in Howard County. The "Getting Ahead" Initiative examines the causes of Poverty and helps participants to understand that poverty is not simply caused by the choices of the individual, but is both "generational" and "situational". Program participants perform a Self-Assessment, identify personal strengths and establish a personal plan for building resources. The initiative focuses on "Bridges out of Poverty" and examines what the community has to offer as well as what participants can contribute to the community.
 5. **To increase homeownership opportunities for low and moderate income families:**
The Commission assisted 59 families with closing costs through the Settlement Downpayment Loan Program (SDLP) over the past 5 years providing up to \$40,000 per family. In addition, 57 home ownership opportunities for moderate income families were created under the Moderate Income Housing Unit (MIHU) Program that requires developers to create moderately priced homes for sale to the Commission, and resale to moderate income families. In addition, the Neighborhood Stabilization Program (NSP) has assisted 5 families through the purchase, renovation and re-sale of dilapidated properties to moderate income families. This program has also helped to stabilize blighted neighborhoods.

PHA Plan Update

- (a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:

The following PHA Plan elements have been revised since the last Annual Plan submission:

Housing Choice Voucher Administrative Plan:

CHAPTER 6 - ESTABLISHING PREFERENCES & WAITING LIST
CHAPTER 8 - TOTAL TENANT PAYMENT & FAMILY SHARE DETERMINATION
CHAPTER 14 – RECERTIFICATIONS
CHAPTER 20 – OWNER OR FAMILY DEBTS TO HCHC
CHAPTER 21 - COMPLAINTS AND APPEALS
CHAPTER 26– PROJECT-BASED VOUCHERS
CHAPTER 27 – RAD CONVERSION

- (b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions.

The public may obtain copies of the Annual PHA Plan at the Housing Commission Main Office, Guilford Road Satellite Office, Local County Libraries & Website:

<http://www.howardcountymd.gov/housingpublications.aspx>

6.0

Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. *Include statements related to these programs as applicable.*

Homeownership Programs

The Howard County Housing Commission operates a Homeownership Voucher Program. Currently 74% of all housing units in Howard County are owner-occupied. The Commission does not limit the number of families participating in the program. The program eligibility requirements are as follows:

Families participating in the Section 8 Homeownership Program must be in good standing, and must have participated in the Section 8 Program, or other Howard County or Housing Commission programs for at least 2 years prior to execution of the Contract of Sale. The family must also have participated in the Family Self Sufficiency Program for a period of at least 6 months prior to the date of settlement.

The minimum income required for program participation is \$24,000.00. If the family meets the HUD minimum income requirements of the Federal Minimum hourly wage rate multiplied by 2,000 hours, and has been pre-qualified for financing with a lending institution which meets the requirements of Section 25.7 of this plan, they are exempted from the \$24,000.00 minimum income requirement. Welfare assistance shall not be counted towards the \$24,000.00 minimum income requirement unless the head of household is elderly or disabled, as defined in the Administrative Plan.

Eligible families must demonstrate that at least one adult member of the family who will own the home at commencement of homeownership assistance is currently employed at least 30 hours per week, and has been continuously employed for at least one year prior to commencement of homeownership assistance. This requirement does not apply for families where the head of household is elderly or disabled.

In order to qualify for participation in the Section 8 Homeownership Program, the family must qualify as a "first-time homeowner". A first-time homeowner is defined as a family of which no member owned or presently has any ownership interest in a unit during the three years before commencement of homeownership assistance. A first-time homeowner also includes a single parent or displaced homemaker who while married, owned a home with his or her spouse, or resided in a home owned by his or her spouse.

Eligible families shall not include any family with a member who has previously received assistance under the homeownership option, and has defaulted on a mortgage securing debt incurred to purchase the home.

Prior to commencement of homeownership assistance, the family must attend and satisfactorily complete pre-assistance homeownership counseling with a HUD approved counseling agency, or an equivalent program of counseling activities as designated by the Commission.

Conversion of Public Housing

The Howard County Housing Commission is pursuing voluntary conversion of its 50 Public Housing Units through the RAD Program. The Commission is currently in the conversion process and anticipates a completion date of November of 2015. It is the Commission's belief that a conversion of the units would benefit Public Housing Residents by allowing them freedom of choice to move closer to family, work or specialized school programs that would better benefit their children. The conversion would also be beneficial in that it would lower the per unit month (pum) expense to operate the units.

Project-Based Vouchers

The Commission currently utilizes 25 Project-Based Vouchers in the mixed income development known as Burgess Mill Station which recently achieved full lease-up in December of 2013. The Commission also plans to utilize Project Based Vouchers for an upcoming 34 unit Efficiency Apartment Project that is scheduled to open sometime in the summer or fall of 2016.

7.0

8.0

Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable.

See HUD Form 50075.2 approved by HUD on June 26, 2013.

8.1	Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> , form HUD-50075.1, for each current and open CFP grant and CFFP financing.
8.2	Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i> , form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.
8.3	Capital Fund Financing Program (CFFP). ☒ Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.

Housing Needs. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.

Background: There are a total of 27,102 rental units in Howard County. Approximately 20,750 rental units (74 percent) are located in multifamily buildings. The balance of the rental units are located in Single Family Attached (15 percent), Single Family Detached (10 percent) and other structures such as mobile homes (1 percent). Thirty five (35) percent of the County's population resides in Columbia, while fifty (50) percent of all rental units are located in Columbia. The county's vacancy rate is approximately 3.5 percent. The average rent for a market rate unit in Columbia is \$1,384.00. The median income for renter households in the county is \$71,500. Low and moderate income households in Howard County are predominately Hispanic and Black.

As of the 2010 Census, Howard County had a population of 287,085 persons. Approximately 25 percent of the households in the county include a senior citizen aged 62 or older. Married couples account for 59 percent of all households and families with children account for 39 percent of the households in the County. Eighty percent of senior households age 62 or older are homeowners.

Over one-quarter (27 percent) of adults aged 65 and over in Howard County report living with a disability, of which 17 percent include persons with an ambulatory difficulty. Overall approximately seven percent of all Howard County residents reportedly live with a disability. In Columbia 23 percent of market rate multifamily units were determined to meet the minimally accessible criteria according to the Fair Housing Act.

Throughout Howard County approximately forty-seven percent of all renter households are between the ages of 35 and 61, twenty-eight percent are between the ages of 24 and 34 and Nineteen percent are aged 62 or older. Single person households are the most common renter household type in the county accounting for thirty-seven percent of all renters. Only eight percent of all renter households contain five persons or more persons.

Howard County has the lowest black/white dissimilarity index among the six jurisdictions in the Baltimore Metropolitan Area, meaning that the county has more indicators of racial integration than other jurisdictions.

HOUSING, HOMELESS AND SPECIAL NEEDS

Cost of Housing

There are a number of categories of persons affected by the lack of affordable housing. Persons with disabilities, the elderly, and persons at risk of homelessness are all vulnerable and populations in these categories are expected to dramatically increase over the next ten years. Another concern is that of families and individuals who have been displaced as homeowners due to foreclosure and are now moving into rental units. This emerging group of displaced persons is now competing with those low –and moderate – income households who are often already challenged with maintaining housing in a rental market with an extremely low vacancy rate. This serves as yet another underscore to the increasing need for expanded affordable housing opportunities within the County.

A summary of Howard County's estimated housing needs is reflected in the following Table. The CHAS data indicates a high percentage of renters and owners, particularly low and moderate income households, have some type of housing problem including cost burden, overcrowding and/or without complete kitchen or plumbing facilities. The data also indicates that most of these high percentages are due to cost burden as discussed above. Substandard housing is not a major problem in the County.

DEFINITIONS

The County has defined standard, substandard and substandard but suitable for rehabilitation as follows:

Standard housing – housing which generally meets Howard County's housing codes, is structurally sound, has operable indoor plumbing, operable electricity and heating systems and a kitchen.

Substandard housing - one which lacks operable and complete plumbing facilities; electricity; a safe source of heat; a kitchen; has been declared unfit for habitation by an agency or unit of government; and /or is overcrowded (more than one person per room).

Substandard housing but suitable for rehabilitation – housing which meets the above definition, but can be rehabilitated in compliance with the County's Single Family Rehabilitation Loan Program for costs not to exceed the Rehab Loan Program limit, which remains at \$30,000.00.

Households by Type, Income, & Housing Problem	Elderly 1 & 2 Member Households (A)	Small Related (2 to 4) (B)	Large Related (5 or More) (C)	All Other Households (D)	Total Renters (E)	Elderly (F)	All Other Owners (G)	Total Owners (H)	Total Households (I)
	RENTERS					OWNERS			
1. Very Low (0-50% MFI)	1,599	1,882	340	1,469	5,290	1,438	1,814	3,252	8,542
2. 0 to 30% MFI	994	944	146	785	2,869	579	792	1,371	4,240
3. % with any Housing Problem	65.8%	74.6%	69.2%	66.9%	69.2%	77.5%	84.4%	81%	72.7%
4. % with cost burden >30%	64.4%	69.8%	56.2%	65.6%	66.1%	77.5%	84.4 %	80%	70.6%
5. % with cost burden >50%	52.3%	60.9%	47.9%	67.8%	57.5%	50.8%	79%	64.4%	59.7%
6. 31 to 50 MFI	650	898	159	573	2,280	780	678	1,458	3,738
7. % with any Housing Problem	67%	78%	71%	91%	78%	36%	27%	60%	70%
8. % with cost burden >30%	67%	78%	71%	86%	76%	35%	24%	59%	69%
9. % with cost burden >50%	43%	42%	35%	72%	49%	14%	20%	34%	43%
10. Other Low income (51-80% MFI)	759	2,118	488	1,732	5,097	1,318	2,453	3,771	8,868
11. % with any Housing Problem	74%	65%	62%	74%	69%	12%	19%	51%	61%
12. % with cost burden >30%	74%	63%	52%	74%	67%	12%	37%	49%	59%
13. % with cost burden >50%	26%	7%	5%	5%	9%	3%	17%	20%	14%
14. Moderate Income 81-95%	258	1,327	156	1,490	3,231	618	2,636	3,254	6,485
15. % with any Housing Problem	50%	31%	36%	42%	38%	20%	15%	50%	44%
16. % with cost burden >30%	50%	28%	25%	40%	35%	20%	29%	49%	42%
17. % with cost burden >50%	9%	0%	0%	0%	0%	2%	4%	6%	4%
18. Total Households	3,269	11,946	1,622	10,181	27,018	7,709	58,728	66,437	93,455
19. % with Housing Problems	59%	29%	41%	32%	34%	19%	33%	21%	25%

Strategy for Addressing Housing Needs. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.**

The Housing Commission's plan for addressing housing needs for low and moderate income families in Howard County includes the following strategies:

- Expanding housing supply for low income families through co-ordination with the county's Moderate Income Housing Unit (MIHU) Program which requires developers to set-a-side units for low and moderate income families;
- Increasing assistance to families in crisis through the State's Rental Allowance Program;
- Continuing to look for market opportunities to purchase market rate properties occupied primarily by low and moderate income families to insure that they remain affordable, and to create cash flow opportunities to further invest in affordable housing;
- Continue to look at policies that enhance the Commission's ability to increase assistance to additional families without increased financial resources;
- Continuing to identify new funding sources to either increase the Commission's ability to provide additional services to existing clients or to expand the Commission's ability to assist additional families;
- The redevelopment of currently owned Commission properties to introduce a mixed income model that would insure that the properties are financially sustainable in the future; (The redevelopment would improve unit quality and allow an increase in density thus expanding the supply of affordable housing. It would also provide a means for the expansion of unit sizes based on need as reflected by waiting list demand.)
- Partnering with the Office of Human Rights to educate landlords and tenants on Fair Housing Laws in Howard County. Highlighting the "Source of Income" provisions of the Fair Housing Law to new and current voucher holders to insure that owners are complying with the provisions of the law;
- Providing low interest loans to homeowners below 80% of median income for home repairs for health & safety issues, weatherization, energy conservation and to bring unit up to building code standards;
- Acquisition rehabilitation and conversion of available vacant properties for the creation of affordable rental housing;
- Continue to utilize tax credits and other favorable financing plans to encourage new construction of affordable housing;
- Support implementation of zoning laws and subdivision regulations that encourage the development of affordable housing
- Encourage and assist non-profit organizations with efforts to acquire and rehab property to be used as affordable rental housing for seniors, the disabled or other low/moderate-income individuals and families with special needs.

9.1

10.0	Additional Information. Describe the following, as well as any additional information HUD has requested. (a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan. The Commission has increased the availability of decent, safe and affordable housing by acquiring additional units and leveraging private and other public funds to create additional housing opportunities. Specifically, the Commission purchased Columbia Landing, The Verona @ Oakland Mills & Columbia Commons, three market rate developments, to insure that they continue as affordable properties, with a mixture of incomes. The cash flow from the properties has and will continue to increase significantly the Commission's ability to assist additional families through additional development or the creation of new assistance programs. The Commission's redevelopment of Guilford Gardens into a two hundred sixty-nine (269) mixed-income development known as Monarch Mills is complete and the development is currently 90 percent leased. The Commission has completed phase one of the redevelopment of Hilltop Apartments, currently known as Burgess Mills. The property contains one hundred ninety-eight (198) mixed-income units and was fully leased as of December of 2013. The redevelopment effort also included the redevelopment of a local recreation facility, known as the Roger Carter Center, which was physically transferred to a site adjacent to the rental property. Phase two will involve the redevelopment of Ellicott Terrace, a fifty-six (56) unit property located in Ellicott City. The Commission assisted ten (10) families through the Rental Allowance Program (RAP), during the previous year. The Department of Housing assisted twenty-four(24) families with downpayment assistance through the Settlement Downpayment Loan Program (SDLP). The Department also closed on thirty-five (35) properties through the Moderate Income Housing Unit (MIHU) Program, and purchased and rehabilitated one (1) unit through the Neighborhood Stabilization Program (NSP). The total inventory of rental units created by the Moderate Income Housing Unit (MIHU) Program currently stands at four hundred and thirty-four (434) units, and there have been a total of one hundred & six (106) MIHU closings since the program was created. (b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification" A "significant amendment" and "substantial deviation/modification to the Annual Plan is defined as: "A change in policy, not mandated by federal regulations, that substantially alters the nature of the Housing Choice Voucher Program, or represents a major shift in policy areas. This would include actions such as a conversion to a "Moving to Work" agency, major waiting list restructuring, the elimination of major programs, procurement actions involving the expenditure of 25% or more of program administrative funds, or capital fund changes resulting in more than a 25% difference in a spending category unless mandated by a current maintenance deficiency.

11.0	Required Submission for HUD Field Office Review. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. Note: Faxed copies of these documents will not be accepted by the Field Office. (a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights) (b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only) (c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only) (d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only) (e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only) (f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations. (g) Challenged Elements (h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only) (i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

Instructions form HUD-50075

Applicability. This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

1.0 PHA Information

Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

2.0 Inventory

Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

3.0 Submission Type

Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

4.0 PHA Consortia

Check box if submitting a Joint PHA Plan and complete the table.

5.0 Five-Year Plan

Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6). Complete only at 5-Year update.

5.1 Mission. A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan.

5.2 Goals and Objectives. Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

6.0 PHA Plan Update. In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:

- (a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.
- (b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

PHA Plan Elements. (24 CFR 903.7)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.
3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.
4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.
5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.
6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: **1)** development name and number; **2)** designation type; **3)** application status; **4)** date the designation was approved, submitted, or planned for submission, and; **5)** the number of units affected.
7. **Community Service and Self-Sufficiency.** A description of: **(1)** Any programs relating to services and amenities provided or offered to assisted families; **(2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; **(3)** How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. **(Note: applies to only public housing).**
8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: **(i)** A description of the need for measures to ensure the safety of public housing residents; **(ii)** A description of any crime prevention activities conducted or to be conducted by the PHA; and **(iii)** A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities.

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.
10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.
11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.
12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.
13. **Violence Against Women Act (VAWA).** A description of: **1)** Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; **2)** Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and **3)** Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers

- (a) **Hope VI or Mixed Finance Modernization or Development.**
 - 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and
 - 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>
- (b) **Demolition and/or Disposition.** With respect to public housing projects owned by the PHA and subject to ACCs under the Act:
 - (1) A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and
 - (2) A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm

Note: This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed.
- (c) **Conversion of Public Housing.** With respect to public housing owned by a PHA:
 - 1) A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or

that the public housing agency plans to voluntarily convert; **2)** An analysis of the projects or buildings required to be converted; and **3)** A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>

- (d) **Homeownership.** A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.
- (e) **Project-based Vouchers.** If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

8.0 Capital Improvements. This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.

8.1 Capital Fund Program Annual Statement/Performance and Evaluation Report. PHAs must complete the *Capital Fund Program Annual Statement/Performance and Evaluation Report* (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

- (a) To submit the initial budget for a new grant or CFFP;
- (b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and
- (c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

1. At the end of the program year; until the program is completed or all funds are expended;
2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and
3. Upon completion or termination of the activities funded in a specific capital fund program year.

8.2 Capital Fund Program Five-Year Action Plan

PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling basis) so that the form always covers the present five-year period beginning with the current year.

8.3 Capital Fund Financing Program (CFFP). Separate, written HUD approval is required if the PHA proposes to pledge any

portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at:
<http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm>

9.0 Housing Needs. Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

9.1 Strategy for Addressing Housing Needs. Provide a description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

10.0 Additional Information. Describe the following, as well as any additional information requested by HUD:

- (a) Progress in Meeting Mission and Goals.** PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**
- (b) Significant Amendment and Substantial Deviation/Modification.** PHA must provide the definition of "significant amendment" and "substantial deviation/modification". **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)**

- (c)** PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. **(Note: Standard and Troubled PHAs complete annually).**

11.0 Required Submission for HUD Field Office Review. In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.

- (a)** Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*
- (b)** Form HUD-50070, *Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)*
- (c)** Form HUD-50071, *Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)*
- (d)** Form SF-LLL, *Disclosure of Lobbying Activities (PHAs receiving CFP grants only)*
- (e)** Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet (PHAs receiving CFP grants only)*
- (f)** Resident Advisory Board (RAB) comments.
- (g)** Challenged Elements. Include any element(s) of the PHA Plan that is challenged.
- (h)** Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.1.
- (i)** Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.2.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 06/30/2017

Part I: Summary					
PHA Name: Howard County Housing Commission		Grant Type and Number Capital Fund Program Grant No: MD06P02350115 Replacement Housing Factor Grant No: Date of CFFP:			FFY of Grant: 2015 FFY of Grant Approval:
Type of Grant ☒ Original Annual Statement ☐ Reserve for Disasters/Emergencies ☐ Revised Annual Statement (revision no:) ☐ Performance and Evaluation Report for Period Ending: ☐ Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³				
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 21)	\$7,367			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	\$66,304			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
Expires 06/30/2017

Part I: Summary					
PHA Name: Howard County Housing Commission		Grant Type and Number Capital Fund Program Grant No: MD06P02350115 Replacement Housing Factor Grant No: Date of CFFP:			FFY of Grant: 2015 FFY of Grant Approval:
Type of Grant ☒ Original Annual Statement ☐ Reserve for Disasters/Emergencies ☐ Revised Annual Statement (revision no:) ☐ Performance and Evaluation Report for Period Ending: ☐ Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	\$73,671			
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				
Signature of Executive Director		Date 03/11/2015		Signature of Public Housing Director	
				Date	

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

¹ To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
² To be completed for the Performance and Evaluation Report.

¹ To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
² To be completed for the Performance and Evaluation Report.

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Capital Fund Program—Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 08/30/2011

Part I: Summary					
PHA Name/Number		Howard County Housing Cor		Locality (City/County & State) Howard County, Maryland	
A.	Development Number and Name	Work Statement	Work Statement for Year 2	Work Statement for Year 3	Work Statement for Year 4
		for Year 1 FFY <u>2015</u>	FFY	FFY	FFY
B.	Physical Improvements Subtotal	Annual Statement	\$66,304	\$66,304	\$66,304
C.	Management Improvements				
D.	PHA-Wide Non-dwelling Structures and Equipment				
E.	Administration	\$7,367	\$7,367	\$7,367	\$7,367
F.	Other				
G.	Operations				
H.	Demolition				
I.	Development				
J.	Capital Fund Financing – Debt Service				
K.	Total CFP Funds				
L.	Total Non-CFP Funds				
M.	Grand Total	\$73,671	\$73,671	\$73,671	\$73,671

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/20011

[illegible]

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/20011

[illegible]

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/20011

[illegible]

Work Statement for Year 1 FFY	Work Statement for Year		Work Statement for Year:	
	FFY		FFY	
	Development Number/Name General Description of Major Work Categories	Estimated Cost	Development Number/Name General Description of Major Work Categories	Estimated Cost
See				
Annual				
Statement				
Subtotal of Estimated Cost		\$	Subtotal of Estimated Cost	

Work Statement for Year 1 FFY	Work Statement for Year		Work Statement for Year:	
	FFY		FFY	
	Development Number/Name General Description of Major Work Categories	Estimated Cost	Development Number/Name General Description of Major Work Categories	Estimated Cost
See				
Annual				
Statement				
Subtotal of Estimated Cost		\$	Subtotal of Estimated Cost \$	

Chapter 1 Statement of Policies and Objectives
Chapter 2 ACC and Administrative Fees
Chapter 3 Compliance, Recordkeeping and Reporting
Chapter 4 Program Eligibility
Chapter 5 Applying for Admission
Chapter 6 Establishing Preferences and Waiting List Maintenance
Chapter 7 Subsidy and Occupancy Standards
Chapter 8 Total Tenant Payment and Family Share Determination
Chapter 9 Verification Standards
Chapter 10 Voucher Issuance and Briefings
Chapter 11 Request for Tenancy Approval and HAP Contract Execution
Chapter 12 Housing Quality Standards and Inspections
Chapter 13 Payment Standards and Contract Rent
Chapter 14 Recertifications – Annual and Interim Examinations
Chapter 15 Continued Occupancy, Moves and Portability
Chapter 16 HAP Contract Termination
Chapter 17 Denial and Termination of Assistance
Chapter 18 Owner Disapproval and Restrictions
Chapter 19 Move/Close Out Claims and Inspections
Chapter 20 Debts to PHA
Chapter 21 Appeals and Complaints
Chapter 22 Special Housing Types
Chapter 23 HCVP Homeownership
Chapter 24 Family Self-Sufficiency
Chapter 25 HUD Special Policy Areas
Chapter 26 Project-Based Vouchers
Chapter 27 Public Housing Conversion Under RAD
Addendum A – Program Integrity
Addendum B – Reasonable Accommodation Policy
Addendum C – Record Retention

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Glossary

CHAPTER 1 - STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 Tenant-Based Assistance Program, is described in and implemented throughout this Administrative Plan. The Housing Choice Voucher rental assistance program is federally funded and administered for Howard County, Maryland by the Howard County Housing Commission (HCHC).

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

Jurisdiction

The jurisdiction of HCHC is primarily Howard County in the state of Maryland; however HCHC will administer rent subsidy payments in adjacent jurisdictions, as permitted by law or regulation, if that jurisdiction does not administer a rental assistance program or absorb Housing Choice Vouchers from Howard County.

A. MISSION STATEMENT OF HOWARD COUNTY HOUSING COMMISSION

The Howard County Housing Commission (HCHC) currently operates a Housing Choice Voucher (formerly known as Section 8 Existing) Program funded by the Department of Housing and Urban Development (HUD). The program began in 1991 when Howard County, Maryland and HUD entered into an Annual Contributions Contract (ACC) for the administration of the Housing Assistance Payments to assist 890 families. Successful operation of the program since that time has resulted in subsequent funding to HCHC from HUD through renewal funding allocations (formerly a fair share formula) and by awarding of funds through a competitive process resulting in funds supporting payments to many additional families. HCHC oversees the operation of the Housing Choice Voucher Program and approves the use of the administrative fee reserve.

HCHC's mission for the Housing Choice Voucher Program is to provide rent subsidies and affordable housing choices to qualified families while simultaneously providing quality customer service to applicants, participating families, landlords, and the community at large. The emphasis in this program is to enable families of extremely and very low income to seek decent housing of their choice in the private market, and to receive the rental assistance necessary to obtain that housing. The program provides Housing Assistance Payments (HAP) as determined in accordance with schedules and criteria established by HUD.

It is the policy of HCHC and its employees to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal

Opportunity in housing and employment. HCHC shall not deny any family or individual the opportunity to apply for or receive assistance under the Housing Choice Voucher Program on the basis of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability, sexual orientation, gender identity or income.

B. LOCAL GOALS [24 CFR 982.1]

HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.

X PHA Goal: Expand the supply of assisted housing

Objectives:

- Apply for additional rental vouchers
- Leverage private or other public funds to create additional housing opportunities
- Acquire or build units or developments

X PHA Goal: Improve the quality of assisted housing

Objectives:

- Maximize program performance: (SEMAP score)
- Improve customer satisfaction
- Focus on efforts to improve specific management functions (e.g., financial management and reporting, program productivity – quality and quantity etc.)

X PHA Goal: Increase assisted housing choices

Objectives:

- Provide limited voucher mobility counseling
- Provide free, annual education for existing and potential landlords
- Educate program participants about the role of credit in expanding housing opportunities.
- Ensure enforcement of housing quality standards.
- Expand knowledge of and participation in homeownership program

HUD Strategic Goal: Improve community quality of life and economic vitality

X PHA Goal: Provide an improved living environment

Objectives:

- Work to deconcentrate poverty by encouraging families to consider residence in areas with lower HCVP saturation, through the provision of information about public transportation, schools and other community amenities.

HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals

X PHA Goal: Promote self-sufficiency and asset development of assisted households.

Objectives:

- Create a resource bank of human service professionals and supportive services to assist Family Self-Sufficiency program participants achieve their contract goals – education, employment, transportation & homeownership.
- Upon request, direct voucher program participants to professionals and supportive services that may address their self-sufficiency needs.
- Provide free, forums/seminars/workshops that educate voucher program participants about self-sufficiency and asset building best practices and resources.

HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans

X PHA Goal: Ensure equal opportunity and affirmatively further fair housing.

Objectives:

- Undertake affirmative measures to ensure access to assisted housing regardless of race, color, creed, religion, national origin, sex, sexual orientation, personal appearance, political opinion, marital status, familial status, disability, gender identity and source of income.
- Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, creed, religion, national origin, sex, sexual orientation, personal appearance, political opinion, marital status, familial status, disability, gender identity and source of income.
- Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities.

Howard County, Maryland has a Fair Housing Law that includes source of income in the protected classes. Source of income is any lawful source of money that is paid to or for the benefit of a renter or buyer of housing, including: A lawful profession or occupation; Federal, State or state government assistance, grant, loan; private assistance; gift or inheritance, pension or annuity; alimony or child support; bank, trust or investment accounts, stocks, bonds or other financial holdings or any contract right or sale or pledge of any property or interest in property. This means that, in Howard County, rental subsidy is included as a source of income and that a landlord cannot refuse to accept a housing choice voucher because he/she does not want to

participate in the program. This does not exempt the Voucher Holder from being subject to the same screening criteria applied to all applicants.

Other HCHC Goals:

- To expand the availability of affordable housing.
- To educate the community about the necessity of affordable housing.
- To increase the quantity of quality affordable housing resources offered by HCHC.
- To operate an efficient, high-performing agency through continuous improvement of program administration, daily operation practices, support systems and employee commitment to public service.

C. PURPOSE OF THE PLAN [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the Agency Plan. The

Housing Choice Voucher Program is implemented as of October 1, 1999. The pre-merger Regular Tenancy Certificate Contracts, Housing Voucher Contracts, and Over Fair Market Rent Tenancy Contracts will remain in effect until the family's second reexamination after the merger date or whenever a new lease is executed, whichever comes first. The PHA is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. The original Plan and any changes must be approved by the Board of Commissioners of the agency, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 982: Section 8 Tenant-Based Assistance

D. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54(d)(22)]

Expenditures from the Administrative Reserve (Operating Reserve) for other housing purposes shall not be made without the prior approval of the PHA Board of Commissioners.

E. RULES AND REGULATIONS [24 CFR 982.52]

This Administrative Plan is set forth to define the PHA's local policies for operation of the housing programs in the context of Federal laws and Regulations. All issues related to the Housing Choice Voucher Program that are not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law.

F. TERMINOLOGY

The Howard County Housing Commission is referred to as "PHA" or "Housing Authority" throughout this document.

"Family" is used interchangeably with "Applicant" or "Participant" and can refer to a single person family.

"Tenant" is used to refer to participants in terms of their relation to landlords.

"Landlord" and "owner" are used interchangeably.

"Disability" is used where "handicap" was formerly used.

"Non-citizens Rule" refers to the regulation effective June 19, 1995 restricting assistance to U.S. citizens and eligible immigrants.

The Section 8 programs are also known as the Regular Tenancy Certificate, Over-FMR Tenancy (OFTO) and Voucher Programs.

"HQS" means the Housing Quality Standards required by regulations and as enhanced by the PHA.

"Failure to Provide" refers to all requirements in the first Family Obligation. See "Denial or Termination of Assistance" chapter.

"Merger date" refers to October 1, 1999, which is the effective date of the merging of the Section 8 Certificate and Voucher program into the Housing Choice Voucher Program.

See Glossary for other terminology.

G. FAIR HOUSING POLICY [24 CFR 982.54(d)(6)]

It is the policy of the Housing Authority to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

The PHA shall not deny any family or individual the equal opportunity to apply for or receive assistance under the Housing Choice Voucher Program on the basis of race, color, sex, religion, creed, national or ethnic origin, age, source of income, familial or marital status, handicap or disability, gender identity or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, the PHA provides Federal/State/local information to Voucher Holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act, including partnering with the Office of Human Rights (the County's fair housing enforcer) to perform fair housing presentations at briefing sessions. The same information, including how to file a complaint, is made available upon request.

All Housing Authority staff is required to attend fair housing training, which emphasizes the importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities as a part of the overall commitment to quality customer service. A Fair Housing poster is posted in the

Housing Authority reception area and the equal opportunity logo will be used on all outreach materials. Staff will attend additional fair housing refresher training sponsored by HUD or other organizations to keep current with new developments.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the PHA's facilities are inaccessible to or unusable by persons with disabilities. Posters and housing information are displayed in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair. The HCHC's office is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the Maryland Relay and Howard County's Limited English Proficiency service.

H. REASONABLE ACCOMMODATIONS POLICY [24 CFR 700.245(c)(3)]

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of his/her disability before the PHA will treat a person differently than anyone else. The PHA's policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The ability to request an accommodation will be made known to customers through communication with the PHA including briefings, publications and notices from the PHA. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities. This policy is applicable to all situations described in this Administrative Plan including when a family initiates contact with the PHA, when the PHA initiates contact with a family (including the submission of an application), and when the PHA schedules or reschedules appointments of any kind.

To be eligible to request a reasonable accommodation, the requester must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the following Americans with Disabilities (ADA) definition:

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- A record of such impairment; or
- Being regarded as having such impairment.

Note: This is not the same as the HUD definition used for purposes of determining allowances.

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 5.403(a), individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Once the person's status as a qualified person with a disability is confirmed, the PHA will require that a reliable, knowledgeable medical professional provide written verification that the

person needs the specific accommodation due to his/her disability and the change is required for the person to have equal access to the housing program.

If the PHA finds that the requested accommodation creates an undue administrative or financial burden, the PHA will either deny the request and/or present an alternate accommodation that will still meet the needs of the person.

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

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

The PHA will provide a written decision to the person requesting the accommodation within a reasonable time. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the PHA's decision.

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

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

Verification of Disability

The PHA will verify disabilities under definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, and Americans with Disabilities Act.

- **Outreach**

Outreach efforts will include notification of non-profits and County agencies, as well as all other media and agencies listed in the PHA's Administrative Plan regarding public notices (see section on opening and closing the waiting list in "Applying for Admission" chapter.)

Admission & Eligibility

All persons who wish to apply for any of the PHA's programs must submit an application as indicated in our public notice. Applications will be made available in an accessible format upon request from a person with a disability.

To provide specific accommodation to persons with disabilities, upon request, the information may be mailed to the applicant and, if requested, it will be mailed in an accessible format.

The full application is completed at the eligibility appointment in the applicant's own handwriting, unless assistance is needed, or a request for accommodation is requested by a person with a disability. Applicants will be interviewed by PHA staff to review the information on the full application form. Verification of disability as it relates to 504, Fair Housing, or ADA reasonable accommodation will be requested at the determination of program eligibility. The

full application will also include questions asking all applicants whether reasonable accommodations are necessary.

I. TRANSLATION OF DOCUMENTS

The Housing Authority has a Limited English Proficiency translation service to assist the deaf, non-English speaking families or families that speak English as a second language families.

In determining whether it is feasible to translate documents into other languages, the PHA will consider the following factors:

- Number of applicants and participants in the jurisdiction who do not speak English and speak the other languages;
- Estimated cost to PHA per client of translation of English written documents into the other language;
- The availability of local organizations to provide translation services to non-English speaking families;
- The availability of bi-lingual staff to provide translation for non-English speaking families.

J. SECTION 8 MANAGEMENT ASSESSMENT PROGRAM OBJECTIVES

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

- Selection from the Waiting List
- Reasonable Rent
- Determination of Adjusted Income
- Utility Allowance Schedule
- HQS Quality Control Inspections
- HQS Enforcement
- Expanding Housing Opportunities
- FMR/Exception Rent & Payment Standards
- Annual Re-examinations
- Correct Tenant Rent Calculations
- Pre-Contract HQS Inspections
- Annual HQS Inspections
- Lease-up
- Family Self-Sufficiency Enrollment and Escrow Account Balances

- Bonus Indicator: Deconcentration

Quality control reviews will be performed by a designated staff person other than the person who performed the work, as required by HUD, on the following SEMAP factors:

- Selection from the Waiting List
- Rent Reasonableness
- Determination of Adjusted Income
- HQS Enforcement
- HQS Quality Control Inspections

The annual sample of files and records will be drawn randomly, leaving a clear audit trail. The minimum sample size to be reviewed will relate directly to each factor, but will not be any less than 5% of the reexaminations, new admissions and interim adjustments/examinations completed. The Chief of Housing Choice Voucher and Public Housing Programs (or his designee) shall conduct a quarterly review to ensure that the process is being followed.

K. RECORDS FOR MONITORING PHA PERFORMANCE

In order to demonstrate compliance with HUD and other pertinent regulations, the PHA will maintain records, reports and other documentation for a time but not less than HUD requirements. Records will be maintained in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and or assess the PHA's operational procedures objectively and with accuracy and in accordance with SEMAP requirements with internal supervisory audits.

L. PRIVACY RIGHTS [24 CFR 982.551]

Applicants and participants, including all adults in their households (18 years of age and older), are required to sign the HUD 9886 Authorization for Release of Information. This document authorizes the PHA to request income information from the State wage information collection agency, other Federal collection agencies, local employers and other income benefit providers (e.g., Department of Social Services, Bureau of Child Enforcement, etc.) to verify household income. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD/PHA will release family information. Failure to sign this form will result in denial of eligibility or termination of housing assistance.

The PHA's policy regarding release of information is in accordance with Federal, State and local laws that may restrict the release of family information. Information that can be supplied to a landlord, upon request, is limited to that specified in Chapter 11 Request for Tenancy Approval and HAP Contract Execution.

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

PHA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

All information which would lead one to determine the nature and/or severity of a person's disability must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by Howard County Office of Law

M. FAMILY OUTREACH[24 CFR 982.153(b)(1)]

The PHA will publicize and disseminate information to make known the availability of housing assistance and related services for very low-income families on a regular basis. When the PHA's waiting list is open, the PHA will publicize the availability and nature of housing assistance for very low-income families in a newspaper of general circulation and by other suitable means.

Upon request by the family, HCHC will provide services to explain untranslated documents or to assist in verbal translation. The PHA provides information at a briefing session to all selected applicants on Federal, State and local laws and information about filing a housing discrimination complaint if he/she believes they are victims of discrimination.

The PHA will communicate to local service providers the opening of the waiting list and other housing opportunities, advising them of eligibility factors and guidelines in order that they can properly instruct clients on applying for housing assistance.

As a part of its mission, HCHC encourages families' toward self-sufficiency. HCHC provides very limited housing search assistance (e.g., available unit list) to participating families in obtaining housing units. Eligible families are responsible for finding units and negotiating lease agreements with private market owners. It should be noted that the legislative intent of this program is to place the responsibility for obtaining a home on the individual family. This responsibility provides families with greater freedom of choice as to the type, size, and location of their homes.

No family participating in any of the programs described herein may simultaneously receive the benefit of more than one of the following: Certificate, Voucher, other Section 8 housing assistance, Section 101 Rent Supplements, Section 236 Rental Assistance Payments, tenant-based assistance under the HOME Program, Public or Indian housing assistance, any local or State rent subsidy, or other duplicate subsidy as determined by HUD.

In order to administer this program effectively, both in terms of efficient management and attainment of program's goals, the PHA has developed this comprehensive Administrative Plan. The Plan allows for sufficient flexibility to provide services and support to those in leased units

as well as providing for leasing of additional units. HCHC is responsible for complying with all changes in HUD regulations pertaining to these programs.

N. **OWNER OUTREACH** [24 CFR 982.54(d)(5), 982.153(b)(1)]

The PHA makes an effort to inform participating landlords of changes in the tenant-based program, including those designed to make the program more attractive to owners and legislative changes in program requirements.

The “source of income” provision of the Fair Housing Law is the best leasing support for the program; however, the PHA does encourage owners of decent, safe and sanitary housing units to lease to participating families.

The PHA conducts annual meetings and educational opportunities and for participating and potential owners to improve owner relations and to recruit new owners.

The PHA attends and participates in, upon invitation, meetings hosted by community and homeowner associations comprised of advocates, private property owners and multi-dwelling development owners and managers

The PHA ~~maintains and/or~~ facilitates access to a listing of units available to participating families, ~~and updates this list periodically when owners update or submit new information.~~ The list includes the unit address, bedroom size, owner information and rent amount. The PHA’s maintains the list to promote mobility and housing choice to very low-income households and access to listing information is provided at briefings.

The PHA partnered with the Office of Human Rights to add “Source of Income” as a protected class under Howard County’s Fair Housing Law. The law is a protection that prevents property owners,

especially those with property located outside areas of minority and poverty concentration, from rejecting families with rental subsidy. The PHA will apply for an exception payment standard if necessary to make the program more accessible in the PHA’s jurisdiction.

The PHA shall periodically work with the Office of Human Rights to educate County residents, real estate agents, landlords and other groups on equal opportunity requirements including the Fair Housing Act, the Americans with Disabilities Act, and the County’s Fair Housing Law.

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CHAPTER 2 - ANNUAL CONTRIBUTIONS CONTRACT (ACC), ADMINISTRATIVE FEE AND RESERVES [24 CFR 982.151, 152, 153 & 155]

INTRODUCTION

This chapter discusses the terminology that is used to describe the contractual obligations for funding and administering the Housing Choice Voucher Program. It describes the payment structure for the Housing Choice Voucher Program and the procedures for establishing and maintaining program reserves.

A. Annual Contributions Contract (ACC)

Under an ACC, HUD agrees to make payment to PHAs over a specified term for housing assistance payments and administrative fees. The PHA agrees to administer the program in accordance with HUD regulations and requirements. The ACC specifies the Contract Authority (i.e. maximum annual payment by HUD) and the Budget Authority (i.e. maximum that may be paid by HUD to a PHA over the ACC term of a funding increment).

Each Housing Choice Voucher funding increment constitutes a separate ACC. The ACC terms are typically executed for one-year periods. Commitments for all voucher funding increments in a PHA program are listed in a Consolidated ACC. Before adding funding increments to the Housing Authority's consolidated ACC, HUD must reserve budget authority from amounts authorized and appropriated by Congress.

For a given HA fiscal year, the amount of HUD's maximum annual payment for the HA program equals the sum of the Contract Authority for all the funding increments under the consolidated ACC. The maximum annual payment does not include contract authority for expired funding increments due to fiscal year end differences between HUD and the Authority. Additional payments resulting from year-end differences may be paid from the ACC reserve account subject to HUD approval.

B. Administrative Fee

Payments from HUD to the Housing Authority for operating a Housing Choice Voucher Program are referred to as administrative fees. Program administrative fees are specified in the Housing Authority's budget and prepared based on the Housing Authority's fiscal year. Administrative fees are paid in amounts approved by HUD from funds appropriated for that purpose.

Authorities are eligible to receive preliminary and on-going administrative fees. However, HUD may approve additional payments for costs associated with:

- Hard to House families (i.e. \$75 per initial or move contract of families with 3 children and or disabled members.
- Coordinate supportive services for elderly and disabled.
- Cost associated with providing reasonable accommodations to the extent that they cannot be paid out of the administrative fee.
- Families in the FSS Program.
- Cost of an independent audit.
- Other costs deemed extraordinary by HUD Headquarters.

HUD may also reduce or offset the administrative fee if the PHA fails to perform any of its program responsibilities (e.g. failure to enforce HQS, not promptly reimbursing a receiving Housing Authority for portability administration). HUD may reduce the administrative fee by 10% if the Housing Authority's MTCS reporting rate falls below 95%. HUD may [also](#) prohibit the PHA from applying for additional funding opportunities.

Ongoing administrative fees are paid for each program unit under HAP Contract on the first day of the month in an amount published by HUD. The administrative fee may only be used to cover costs incurred to perform Housing Authority's administrative responsibilities for the program in accordance with HUD regulations and requirements.

C. Reserves

There are two types of program reserve accounts: the ACC Reserve (also known as Net Restricted Assets) account and the Administrative Fee Reserve account (also known as Unrestricted Assets). The first is established for the consolidated ACC and the second is established and maintained by the HA.

The ACC Reserve account is a non-funded account established and maintained by the local HUD Office. Formally known as the project reserve, this account is a holdover term from the Project Based Section 8 Program. The account is used to account for an ongoing balance of the Housing Choice Voucher Program. At the end of each HA's fiscal year HUD credits the ACC Reserve account in an amount by which the sum of the contract authority maximum payment (i.e. annual funding increment under the consolidated ACC) exceeds the amount actually approved and paid out during the HA's fiscal year. This account is swept by HUD annually of reserves in excess of six weeks of estimated HAP needed by the HA. The HA can access the ACC Reserve account, with HUD approval, to pay amounts needed to fund up to 100% of the program's budgeted units.

The Administrative Fee Reserve account is maintained by the HA and was formally referred to as operating reserves. The HA must credit to this account the total amount of program administrative fees in excess of the program administrative expenses, plus interest earned, during the program's fiscal year. The HA may use account surpluses to cover annual

expense deficits and if reserves are available after the last funding increment, the reserve can be used for other housing purposes.

D. Threshold For Administrative Fee Reserve Expenditures

The HCHC requires that all expenditures, which exceed \$25,000 during any given fiscal year, be preapproved by the Commission Board. The maximum balance is defined as the highest outstanding balance year to date during the current fiscal year.

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CHAPTER 3 - COMPLIANCE, MONITORING, RECORDKEEPING AND REPORTING

INTRODUCTION

In accordance with its consolidated ACC to operate the Housing Choice Voucher Program, the Howard County Housing Commission (HCHC) must maintain complete and accurate records for all program activity, in accordance with HUD requirements, in a manner that permits an efficient and effective audit. In addition, HCHC must provide HUD all required information including accounts, documents, records and reports. This chapter details the compliance practices followed by HCHC in accordance HUD requirements.

A. COMPLIANCE

The HCHC participates in an annual external audit, uses HUD's third party income verification process, and has implemented a quality control process and portfolio file rating process that independently reviews program operations, reports on program strengths and weaknesses and makes recommendations for process changes as needed.

B. RECORDKEEPING

HCHC is required to maintain accurate and complete records for families assisted by the program for the application and eligibility processes and for the duration of occupancy.

Admissions & Eligibility:

- Original waiting list application
- ~~Letters or notices from HCHC to applicant~~
- ~~Letters or notices from applicant to HCHC~~
- All notices concerning the approval or denial of assistance and informal reviews
- Forms of verification and identification including:
 - Social security cards
 - Birth certificates or Certificates/Verifications of Birth
 - Picture identification
 - Proof of background checks

- o Income verification
- All required federal forms
- All records concerning supportive services provided to the family including contracts and referrals for service and responses to complaints or requests for service.

Occupancy – during the term of the assisted lease the following documents will be maintained for the three most recent years:

- Initial or move documents:
 - o Issued Voucher
 - o Request for Tenancy Approval (RFTA)
 - o Inspection
 - o Rent determination
 - o Copy of executed lease
 - o Original HAP Contract
- Reexamination and other associated documents:
 - o Reexamination notices and required forms (e.g. personal declaration, Privacy Act Statement, etc.)
 - o Income verifications
 - o Household composition verifications
 - o All vouchers issued
 - o Relevant correspondence
 - o All RFTAs and notices of lease disapprovals
 - o All rent reasonableness determinations
 - o Interim related forms and verifications
 - o All records concerning the termination of assistance and informal hearings
 - o All records concerning supportive services provided to the family including contracts and referrals for service and responses to complaints or requests for service.
- Other documents and forms:
 - o Records that provide the following information – income, racial, ethnic, gender and family status (including disability) for applicants and participants.
 - o Inactive applications and notices detailing the activity with each applicant file.
 - o HUD required reports
 - o Unit inspection reports, including lead base paint records if applicable [24CFR § 982.401(j)]
 - o Account information and other records supporting HCVP budget and financial statements.
 - o Other records specified by HUD
- Current statistical information is maintained for the following:
 - o Minority families
 - o Single parent head of households
 - o Elderly head of households and family members

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- o Families receiving welfare assistance
- o Families with earned income
- o Families with disabilities
- o Families under or over-housed
- o terminated family and owners
- o Hard to house families
- o Number of applicants denied assistance
- o Number of assisted units
- o Families in each census tract

C. MONITORING

HUD has established the Section 8 Management Assessment Program (SEMAP) [24 CFR 982, 984 and 985] to objectively measure HA performance in key program operation areas. HCHC assesses program performance at least annually. A summary of SEMAP is as follows:

SEMAP INDICATOR	MAXIMUM NUMBER OF POINTS PER INDICATOR	VERIFYING AUTHORITY	METHOD
Selection from Waiting List	15	*HA	Quality control review
Adjusted Income Determinations	20	*HA	Quality control review
Utility Allowance Schedule	5	*HA	Review of annual report
Payment Standard	5	*HA	Review of annual report
Lease Up	20	HUD	PIC MTCS submission
Reasonable Rent Determinations	20	*HA	Quality control review
Annual Recertification	10	HUD	PIC MTCS submission
Correct Tent Rent Calculations	5	HUD	PIC MTCS submission
FSS Enrollment & Escrow Accounts	5	HUD	PIC MTCS submission
Pre-Contract HQS Inspections	5	HUD	PIC MTCS submission
Annual HQS Inspection	10	HUD	PIC MTCS submission
HQS Quality Control	5	*HA	Quality control review

HQS Enforcement	10	*HA	Quality control review
Expanding Housing Opportunities	5	*HA	Briefing Package review
Deconcentration Bonus	5	*HA	Statistical report
Total Points	140		
*All HA verifications subject to confirmation audit conducted by HUD. The results of this audit can change the score filed by the HA.			

The HCHC has a Compliance and Monitoring Officer that periodically assesses the performance of the following HCVP areas:

SEMAP INDICATOR	PERFORMANCE STANDARD	REVIEW PROCESS
Selection from Waiting List	Applicants selected from waiting list according to HAs order of selection policy.	Review a statistically representative sample of applicants pulled from the waiting list in comparison to the all the applicants on the waiting list at that time and the selection policies.
Adjusted Income Determinations	Accurate determination of income for applicants selected from the waiting list.	Review a statistically representative sample of applicants pulled from the waiting list to determine the accuracy of income determinations when applying HUD rules (including allowable deductions and expenses) for calculating income.
Utility Allowance Schedule	Update annually to reflect current market conditions.	Review method and resources used to update allowance schedule. Review of schedule effective date.
Payment Standard	Update annually as prompted by publishing of HUD FMRs.	Review of calculations and standard effective date.
Lease Up	Maximize utilization by	Review of current and projected

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	monitoring funding availability and commitment to subsidized households to determine if vouchers should be issued.	HAP in comparison to HUD funding disbursements.
Reasonable Rent Determinations	Approve contract rents that are comparable to similar unassisted units in the same census tracts.	Review a statistically representative sample of rent determinations in comparison to HA method
Annual Recertification	Complete determination of continued program eligibility in accordance with regulatory time tables.	Review a statistically representative sample of annual actions to determine the timeliness of transmission submitted timely to PIC.
Correct Tent Rent Calculations	Ensure maximum utilization of subsidy by accurately determining HAP and TP.	Review a statistically representative sample of recertifications to determine the level of accuracy when applying HUD income and verification rules including use of the PS and UA, to family situations.
FSS Enrollment & Escrow Accounts	Meet HUD specified graduation benchmark through assertive recruitment efforts, sustaining optimal enrollment thresholds and establishing realistic plan with obtainable goals to ensure participant graduation.	Review records detailing recruitment efforts, participant performance, quality of case management, program activities and board involvement. Review the accuracy of rent determinations as it pertains to monthly escrow deposits.
HQS Inspections: • Pre Contract • Annual • Quality Control • Enforcement	Ensure that: initial occupancy does not precede the “pass” inspection date; every occupied unit is inspected annually; inspections staff sufficiently applies HUD standards to all inspected units; and all units that do not meet HUD standards are abated timely.	Review a statistically relevant sample of inspection records, in all categories, to determine the accurate applicability of HUD HQS standards.
Expanding Housing Opportunities		Review all briefing materials and observe briefing meetings

		for quality and relevance.
Deconcentration Bonus	Ensure that participating families have access to a diverse housing stock, across the entire jurisdiction.	Review the location of all program participants to identify pockets of concentration and evaluate the reasons the concentration exists.

D. REPORTING

HCHC is required to submit routine reports to HUD detailing various aspects of program performance throughout the year as follows:

REPORT	PURPOSE/CONTENT	SUBMISSION RATE
Voucher Management System (VMS) Reporting	Reports the following: - Committed voucher subsidy. - Voucher subsidy committed to assisting the elderly or disabled.	Monthly
Budgets HUD-52672 & 52673	Reports status of HA ACC prior to new projects being added.	90 calendar days prior to the start of the fiscal year
Annual Contributions Contract (ACC) Monthly Payment	HUD approved funding allocations, paid periodically to the PHA for the operation of the program.	Prior to the expiration of a funding allocation.
Year End Settlement HUD-52681	Reports operating receipts and expenses.	Fiscal year end
Balance Sheets HUD-52595	Reports Has assets and liabilities.	Fiscal year end
Recertifications	Reports the income, resources, family status, etc of participating	Annually

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HUD-50058	families used to determine continued eligibility.	
Family Self-Sufficiency HUD-50058-FSS	Reports the number of families participating (initial, continued occupancy or terminated) in the program.	Annually
Portability HUD-50058	Reports the number of families, living outside the original authorizing jurisdiction, that a HA is administering and billing for, paying for or have absorbed from another jurisdiction.	Annually

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CHAPTER 4 - PROGRAM ELIGIBILITY

[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

INTRODUCTION

This Chapter defines both HUD and the PHA's criteria for eligibility for admission to the program. The policy of this HCHC is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply. The HCHC staff will review all information provided by the family carefully and without regard to factors other than those defined in this Chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the HCHC pertaining to their eligibility.

A. ELIGIBILITY FACTORS [24 CFR 982.201]

The HCHC accepts applications only from families whose head or spouse is at least 18 years of age or an emancipated minor. To be eligible for participation, an applicant family must meet HUD's eligibility criteria, as well as any permissible additional criteria established by the HCHC.

The HUD eligibility criteria are:

- An applicant must be a "family".
- An applicant must be within the appropriate Income Limits.
- An applicant must furnish Social Security Numbers for all family members.
- At least one member of the applicant family must be a U.S. citizen or have eligible

immigration status, as verified by the HCHC before rental assistance can be provided.

- No family member has been convicted of a felonious drug related or violent criminal act within the last 10 years. No family member has been convicted of a misdemeanor drug related or violent criminal act with the last five years, with the exception of simple possession.
- No family member can be subject to a lifetime sex offender registration requirement.

The HUD regulations render a family ineligible for any of the following behaviors:

- A family member has been evicted from federally assisted housing for drug related criminal activity within the past three years.
- A family member is currently engaging in the illegal use of a drug.
- A family member's illegal drug use or pattern of illegal drug use creates reasonable cause to believe such use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- A family member's abuse or pattern of abuse of alcohol creates reasonable cause to believe such use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- A family member has been convicted of drug related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing.
- A family member is subject to a lifetime registration requirement under a State sex offender registration program.

The initial eligibility determination is based on the information supplied by the applicant head of household member for the family. The application will be reviewed for completeness and data consistency. Key information documented on the application will be verified.

The initial application review is completed only for the purpose of placing and ranking the applicant on the waiting list. Final determination of program eligibility will not begin until the family reaches the top of the waiting list. At that time all the eligibility factors will be verified before the applicant is approved for admission.

Reasons for denial of admission are addressed in Chapter 17 Denial or Termination of Assistance.

B. OTHER CRITERIA FOR ADMISSIONS [24 CFR 982.552(b)]

The HCHC will apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program:

- The family must not have violated any family obligation during a previous participation in the Housing Choice Voucher Program for five years prior to final eligibility determination. The HCHC may make an exception, if the family member who violated the family obligation is not a current member of the household on the application.
- A family will not be admitted to the program if any member of the family has been

evicted from federally assisted housing for a serious lease violation within the last five years.

- A family will be denied admission to the program if any member of the family fails to sign and submit consent forms for obtaining information required by HUD or HCHC.
- The family must pay any outstanding debt owed the HCHC or another Housing Authority as a result of prior participation in any federal housing program within 30 days of HCHC notice to repay.
- The family must be in good standing regarding any current payment agreement made with another HCHC for a previous debt incurred, before the HCHC will allow participation in its Housing Choice Voucher Program.
- The HCHC will check criminal history for all adults in the household to determine whether any member of the family has violated any of the prohibited behaviors as referenced in the section on One-Strike policy in the Chapter 17 Denial or Termination of Assistance.
- If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, the HCHC may deny assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum).
- If any applicant voluntarily changes their circumstances in order to make themselves eligible for admission, their name may be removed from the waiting list, or HCHC may apply an ineligibility period of up to 12 months.
- No family member can be a lifetime registered sex offender or subject to a lifetime registration requirement.

C. PROHIBITED ADMISSIONS CRITERIA [982.202(b)]

Admission to the program may not be based on where the family lives before admission to the program or the following:

- Where the family lives prior to admission or where the family will live after admission.
- Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock;
- Discrimination because a family includes children;
- Whether a family decides to participate in a family self sufficiency program; or
- Other reasons as listed in the "Statement of Policies and Objectives" chapter under the Fair Housing and Reasonable Accommodations sections.

D. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Changes that occur during the period between issuance of a voucher and lease up may affect the family's eligibility or share of the rental payment.

E. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to non-citizen status. See "Complaints and Appeals" chapter for additional information about reviews and hearings.

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F. FAMILY COMPOSITION [24 CFR 982.201]

Family

The applicant must qualify as a "family". A "family" may be a single person or a group of persons.

~~In Howard County a "family" includes at least one adult with a child or dependent; a group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live in aides is a family. The HCHC determines if any other group of persons qualifies as a "family". A family also includes two or more persons who intend to share residency whose income and resources are available to meet the family's needs and who have a history as a family unit or show evidence of a stable family relationship.~~ Further, a family must meet at least one of the criteria in the following two areas:

- Household members related by blood, marriage or adoption,
- Household members that can demonstrate a stable family relationship over a 12-month period,
- ~~• A household with dependent child under the age of 18,~~
- ~~• A household with a child who is currently receiving disability benefits, or~~
- ~~• A household with a child below the age of 21 who is a full time student.~~

Evidence of "stable family relationship" may include any of the following:

- Joint tax return,
- A prior lease held jointly,
- Birth certificates of the children demonstrating parentage,
- Joint bank account statements,
- Insurance policies, or
- A combination of ~~Other~~ other documentation deemed credible by HCHC.

A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members.

Two or more unrelated elderly or disabled individuals who have not demonstrated a "stable family relationship" will be eligible as a family since they are individually eligible as an elderly or disabled household.

Single Person

A single person family may be:

- An elderly person
- A displaced person
- A person with a disability
- Any other single person with no dependents

~~In Howard County, eligible single persons must meet one of the following criteria:~~

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- ~~Single persons, other than those who meet the definition of family as above, are eligible when the sole member is:~~
 - ~~Elderly 62 years of age or older~~
 - ~~Disabled, regardless of age~~
 - ~~Single persons may qualify as a family with the same status as a family with two or more persons under the following circumstances:~~
 - ~~Single pregnant, female with no other children that can provide medical certification of status.~~
 - ~~Single person who is in the process of obtaining documented, legal custody.~~

Head of Household

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law. Emancipated minors who qualify will be recognized as head of household.

Spouse of Head of Household

Spouse means the husband or wife of the head of household. For proper application of the Non-citizens Rule, the definition of spouse is: the marriage partner, who in order to dissolve the relationship, and would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Co-Head of Household

An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

Live-in Aide

A Family may include a live-in aide provided that such live-in aide:

- Is determined by the HCHC to be essential to the care and well being, on a twenty-four (24) hour basis, of an elderly person, ~~a near elderly person~~, or a person with disabilities, (a person providing sporadic care will not be eligible to be considered as a live-in aide)
- Is not obligated for the support of the person(s), and
- Would not be living in the unit except to provide care for the person(s).

A live-in aide is treated differently than family members:

- Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits, and
- Live-in aides are not subject to Non-Citizen Rule requirements, and
- Live-in aides may not be considered as a remaining member of the tenant family.

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Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above. A person working more than 20 hours per week, considering their work schedule and the need(s) of the program participant, will be excluded from consideration. A live-in aide may only reside in the unit with the approval of the HCHC. Written verification will be required from a reliable, knowledgeable medical professional. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, ~~near-elderly (50-61)~~ or disabled. Verification must include the hours the care will be provided.

The HCHC will periodically require the family to submit documentation to support the continued need for a live-in aide.

At any time, the HCHC will refuse to approve a particular person as a live-in aide or may withdraw such approval, in accordance with 24 CFR 982.316, if:

- The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- The person commits drug-related criminal activity or violent criminal activity; or
- The person currently owes rent or other amounts to the HCHC or to another HCHC in connection with Section 8 or public housing assistance under the 1937 Act.

Split Households Prior to Voucher Issuance

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation and the new families both claim the same placement on the waiting list, and there is no court determination, the HCHC will make the decision taking into consideration the following factors:

- Which family member applied as head of household;
- Which family unit retains the children or any disabled or elderly members;
- Restrictions that were in place at the time the family applied;
- Role of domestic violence in the split; or
- Recommendations of social service agencies or qualified professionals such as children's protective services.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by the HCHC.

Multiple Families in the Same Household

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 180 days of the year, which do not have to run consecutively. Families claiming joint custody or temporary guardianship status will be required to provide documentation of such.

When both parents are on the Waiting List and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

Split Households during Program Participation

When families currently receiving assistance split, the policies previously outlined for split families prior to voucher issuance will apply. Remaining family members must separately apply when the waiting list is open to receive assistance.

G. INCOME LIMITATIONS [24 CFR 982.201(b), 982.353]

To be eligible for assistance, an applicant must have an annual income at the time of admission that does not exceed the very low- income limits for occupancy established by HUD.

To be income eligible the applicant must be a family in the very low-income category, which is a family, whose income does not exceed 50 percent of the area median income. The HCHC will not admit families whose income exceeds 50 percent of the area median income except those families included in 24 CFR 982.201(b).

To be income eligible the family may be under the low-income limit in any of the following categories: [24 CFR 982.201(b)]:

- An extremely low-income family, such that the family's annual income does not exceed 80% of the area median income (AMI) as determined by HUD.
- A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 120 days of voucher issuance. Programs include any housing federally assisted under the 1937 Housing Act.
- A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.
- A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.
- A low-income non-purchasing family residing in a project subject to a home-ownership program under 24 CFR 248.173.
- A low-income family or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.
- A low-income family that qualifies for Voucher assistance as a non-purchasing family residing in a project that is subject to a resident home ownership program.

To determine if the family is income-eligible, the HCHC compares the Annual Income of the family to the applicable income limit for the family's size. The applicable income limit used for initial issuance of a voucher is the highest income limit within the jurisdiction where the voucher will be used. Families whose Annual Income exceeds the income limit will be denied admission and offered an informal review.

Portability: For initial lease-up at admission, families who exercise portability must be within the applicable income limit for the jurisdiction of the receiving HCHC in which they want to live.

H. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216, 5.218]

Families are required to provide verification of social security numbers for all family members prior to admission. This requirement also applies to persons joining the family after admission to the program. Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

Persons who have not been issued a social security number must sign a certification that they have never been issued a number. Persons who disclose their social security number but cannot provide verification must sign a certification and provide verification within 60 days. Elderly persons must provide verification within 120 days. An applicant that submits an application without a social security number will be notified of the requirement in writing and given 180 days to supply the number. Failure to supply the social security number will result in the application being rejected.

I. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR Part 5, Subpart E]

In order to receive assistance, at least one family member must be a U.S. citizen or eligible immigrant. Individuals, who are neither, may elect not to contest their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

Mixed Families. Families that include eligible and ineligible individuals are called "mixed." Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

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

Non-citizen students. Defined by HUD in the non-citizen regulations. Not eligible for assistance.

Appeals. For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

Verification of Status Before Admission

The HCHC will not provide assistance to families prior to the verification of eligibility for the
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individual or at least one member of the family pursuant to this section.

J. SCREENING FOR TENANCY SUITABILITY [24 CFR 982.307)]

The HCHC will take into consideration any of the criteria for admission described in the Chapter 17 Denial or Termination of Assistance.

The HCHC will not screen family behavior or suitability for tenancy. The HCHC will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before HCHC approval of the tenancy, the HCHC will inform the owner that screening and selection for tenancy is the responsibility of the owner.

The owner is responsible for screening families based on their tenancy histories, including such factors as: [24 CFR 982.307(a)(3)]:

- Payment of rent and utility bills;
- Caring for a unit and premises;
- Respecting the rights of other residents to the peaceful enjoyment of their housing;
- Drug-related criminal activity or other criminal activity that is a threat to the health; safety or property of others; and
- Compliance with other essential conditions of tenancy.

Upon request, HCHC will give a potential landlord the following information:

- The family's current and prior recorded address.
- The landlord's name and address of the current and prior address, if on record.
- Documented Information regarding Rental History or Lease Violations

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

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CHAPTER 5 - APPLYING FOR ADMISSION

[24 CFR 982.204]

INTRODUCTION

The policy of the PHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but the HCHC will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Plan.

A. OVERVIEW OF THE APPLICATION TAKING PROCESS

The purpose of application process is to permit the HCHC to gather information and determine placement on the waiting list. The application will contain questions designed to obtain pertinent program information.

Families who wish to be added to the HCVP waiting list must submit a complete application when the waiting list is open. Duplicate, emailed or faxed applications will not be accepted. Ineligible families will not be placed on the waiting list. Applications will be made available in an accessible format upon request from a person with a disability. As a reasonable accommodation for persons with disabilities, assistance completing the application can be given by telephone. Applications can also be mailed to the applicant and provided in an accessible format, including translations services for non-English speaking applicants, upon request.

The eligibility process occurs in two phases. Phase I is the submission of the application and placement on the waiting list. Phase II is the eligibility determination.

Phase I allows the HCHC to preliminarily assess family eligibility or ineligibility for placement on the waiting list and includes the following:

- Initial application submission - the application will be dated and time stamped.
- Review – the application will be reviewed for completeness and eligibility to be placed on the waiting list. Applications that are missing key information (e.g. family member first & last name, social security numbers, race & ethnicity, birth dates, etc.) will be returned to the applicant and not added to the waiting list until the application is returned complete. Applicants will be given 30 days. Applications not eligible to be added to the waiting list will be returned to the applicant. If the application is returned to HCHC by the United States Postal Service as undeliverable (addressee unknown, no forwarding address, etc.) the application will be destroyed. Applicants reporting income greater than 80% of Median Income will be determined ineligible for addition to the waiting list.
- Waiting list – the application will be placed on the waiting list, ranked by preference, date and time; and maintained until the application reaches the top of the waiting list.

Phase I of the process does not require an interview. Information documented on the application will not be verified until the application reaches the top of the waiting list and has been selected for a final eligibility determination (Phase II).

While on the waiting list, all applicants are required to notify the HCHC, in writing, of any of the following changes in the information initially reported on the application. These changes include, but are not limited to the following:

- Name of head of household
- ~~Marital status~~
- Household size
- Address
- ~~Income source and amount~~
- Social security number
- *Telephone number
- *Email address

**Information optional*

Phase II is the final determination of eligibility. In this Phase the application has reached the top of the waiting list and during an interview the information on the application will be updated and verified in order to determine the family's eligibility for program participation.

B. OPENING/CLOSING OF WAITING LIST [24 CFR 982.206, 982.54(d)(1)]

The HCHC will utilize the following procedures for opening the waiting list:

When HCHC opens or closes the waiting list, advertisements through public notice will be made in newspapers of general circulation, other media entities, in strategic locations and other suitable means (e.g., relevant community and government programs) including but not limited to the following:

- The Baltimore Sun
- The Howard County Times
- The Columbia Flyer
- The County Executive's Office
- The County Council's Office
- The Community Action Council
- The Department of Social Services
- The County Library system
- The Office of Citizen Services
- The Office of Human ~~Rights Affairs~~, and
- other local non-profits.

The notice will contain:

- The dates, times, and the locations where families may apply.
- The programs for which applications will be taken.
- A brief description of the program.
- A statement that public housing residents or participants in other HCHC programs must designate separately on the application that they want to apply for a Housing Choice Voucher eligibility.
- Limitations, if any, on who may apply and procedures for requesting a special accommodation.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the HCHC address and telephone number, how to submit an application, information on eligibility requirements, and the availability of local preferences.

Upon request from a person with a disability, additional time may be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a human/social service organization provides inaccurate or untimely information about the closing date.

If the waiting list is open, the HCHC will accept applications from eligible families unless there

is good cause for not accepting the application, such as denial of assistance because of action or inaction by members of the family for the grounds stated in Chapter 17 Denial or Termination of Assistance[24 CFR 982.206(b)(2)].

Closing the Waiting List

Except for emergency preference or priority applications, HCHC may close the waiting list if there are enough applicants to fill anticipated openings for the next 12 months. However the waiting list will not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

The HCHC will announce the closing of the waiting list by public notice, which may be at the same time that the announcement is made to open the waiting list. The open period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over the next 12 months. The HCHC will give at least ~~thirty~~ **free** days' notice prior to closing the list. When the period for accepting applications is over, the HCHC will add the new applicants to the list according to preference or priority.

HCHC can continue to accept applications for certain preferences or priorities while the waiting list is closed. The decision can be made by the Executive Director without Board approval, but will be advertised by public notice.

Limits on Who May Apply

When the waiting list is open:

- Any family asking to be placed on the waiting list for rental assistance will be given the opportunity to submit an application.
- Depending upon the composition of the waiting list with regard to family type, preferences or priorities and to better serve the needs of the community, the HCHC may only accept applications from any family claiming preference(s).

Victims of Domestic Violence

HCHC will not deny admission to an otherwise eligible and suitable applicant on the basis that the applicant is or has been the victim of domestic violence dating violence or stalking. When an applicant reports being a victim of domestic violence, dating violence, or stalking HCHC may require that the member submit the following:

- Written certification of this status; and/or
- Evidence to corroborate the claim (police report, court record, signed statement of victim services professional, etc.).

C. APPLICANT STATUS WHILE ON WAITING LIST [CFR 982.204]

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

If after a review of the application the family is determined to be preliminarily eligible, they will be notified in writing (e.g., application receipt or letter) or in an accessible format upon request, as a reasonable accommodation. The acknowledgment of the application can be exchanged in person or forwarded via first class mail. The notice will explain that the application has been added to the waiting list and that the estimated date of service is dependent upon factors such as the availability of funding.

If the family is determined to be ineligible, based on the information provided in the application, the HCHC will notify the family in writing (in an accessible format upon request as a reasonable accommodation). The notice will state the reason(s) for ineligibility and inform them of their right to an Informal Review. Persons with disabilities may request to have an advocate attend the Informal Review as a reasonable accommodation (See Chapter 21 Complaints and Appeals).

D. TIME OF SELECTION [24 CFR 982.204, 5.410]

When funding is available, families will be selected from the waiting list based on the current selection rules, also taking into consideration income targeting and special purpose voucher regulations.

When there is insufficient funding available for the family selected for assistance, the HCHC will not admit any other applicant until funding is available for the first applicant.

E. APPLICATION SELECTION

All preferences claimed on the application or while the family is on the waiting list will be verified after the family is selected from the waiting list and begins the eligibility process. The qualification for a preference must exist at the time the preference is claimed and at the time of verification, because preference claim determines waiting list placement.

If a preference cannot be verified, the eligibility process will stop. The applicant will be notified that the preference was denied and the application will be re-ranked on the waiting list, if eligible.

An applicant may request an Informal Review of the decision to deny a preference.

After the preference is verified, when the HCHC is ready to select applicants, applicants are required to complete the full application and all other HUD or HCHC required forms in his or her own handwriting, unless assistance is needed or a request for a reasonable accommodation is made by a person with a disability.

Requirement to Attend Interview

The HCHC utilizes the application when conducting the eligibility interview. The purpose of the interview is to discuss the family's circumstances in greater detail, to clarify information that has been provided by the family, and to ensure that the information is accurate and complete. The eligibility interview is also the family's opportunity to learn about the application and verification processes, as well as to advise the family of other HCHC services or programs which may be available.

The head of household and all other adult household members are required to attend the interview. If the head of household cannot attend the interview, the spouse or other designated adult may attend the interview to complete the application and certify for the family. However the head of household will be required to appear to review the information and to certify by signature that all of the information is complete and accurate. Exceptions for the attendance requirement can be made as a reasonable accommodation or for students attending school out of state.

Applicants who fail to or cannot attend a scheduled interview appointment have the opportunity to request one rescheduled appointment no later than five business days from the original appointment date. The request must be made to the staff person that scheduled the original appointment. This provision may not apply if HCHC conducts mass interviews with a predetermined alternate interview date.

Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to participate in the interview process, but only with permission of the person with a disability.

If the applicant fails to attend the scheduled interview it is his/her responsibility to reschedule the interview. If the applicant does not reschedule the interview or fails to attend the 2nd scheduled interview, the HCHC will reject the application and withdraw the application from the waiting list.

The applicant will be notified in writing and offered an opportunity to request an Informal Review (See Chapter 21 Appeals and Complaints).

All adult members must sign the HUD Form 9886, Release of Information, the application form and all supplemental forms required by the HCHC, the declarations and consents related to citizenship/immigration status and any other documents required by the HCHC. Applicants will be required to sign specific verification forms for information that is not covered by the HUD form 9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by the HCHC.

If the HCHC determines at or after the interview that additional information or document(s) are needed, the HCHC will request the document(s) or information in writing. The family will be given seven days to supply the information.

If the information is not supplied in this time period, the HCHC will provide the family a notification of denial for assistance (see Chapter 21 Appeals and Complaints).

G. VERIFICATION [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures in the Chapter 9 Verification Procedures. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than 60 days old at the time of issuance of the Voucher.

H. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY [24 CFR 982.201]

After the verification process is completed, the HCHC will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the HCHC and the current eligibility criteria in effect. If the family is determined to be eligible, the HCHC will send a notification of eligibility via first class mail. A briefing will be scheduled for the issuance of a voucher and the family's orientation to the housing program.

Any changes in income or family composition may result in a delay in the issuance/re-issuance of a voucher in order to process the new information.

An applicant will be denied admission and removed from the waiting list for the following reasons:

- Determined ineligible as a result of HCHC's initial eligibility determination.
- Failure to respond to requests to submit information or the inability to provide information necessary for the HCHC to verify a particular status within seven days of the request. Exceptions can be granted for circumstances beyond the applicants control or as a reasonable accommodation for persons with disabilities.
- The applicant is no longer eligible as a result of program selection criteria.
- The HCHC determines that fraud has been committed.
- The applicant refuses the offer of assistance.
- The applicant is currently receiving voucher program assistance.

HCHC may not take any of the following actions because an applicant has applied for, received or refused housing assistance:

- Refuse to list applicant on waiting lists for other types of housing.
- Deny admission preference for which the applicant is otherwise qualified.
- Remove the applicant from another waiting list.

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CHAPTER 6 - ESTABLISHING PREFERENCES & WAITING LIST MAINTENANCE

[24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]

INTRODUCTION

It is a HUD requirement and the PHA's objective to ensure that families are placed on and selected from the waiting list for admissions in proper order and thus in accordance with the policies in this Administrative Plan. The maintenance of a viable waiting list ensures that an adequate pool of qualified applicants will be available to utilize program funds in a timely manner. Proper waiting list management is a SEMAP requirement.

HCHC operates a single waiting list for the Housing Choice Voucher Program. The tenant-based waiting list includes local preferences and priorities that the HCHC has adopted to meet local housing needs. With very few exceptions selection from the waiting list and subsequent admission is made in accordance with the process described in this plan

It is important to clarify the following when the HCHC manages a waiting list using preferences:

- HCHC uses a preference system to rank applications on and to select applications from the waiting list.

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- Preferences are local criteria approved by the PHA on, giving certain populations priority placement on the waiting list. Preferences are subject to change. This change does not disqualify an application, but will change waiting list placement.
- Applicants are selected from the waiting list based on preference ranking; however a lower ranked applicant may be approved for admission prior to a higher ranked applicant if the higher ranked applicant has not completed the eligibility process.

A. WAITING LIST [24 CFR 982.204]

The HCHC uses a single waiting list for admissions to the Housing Choice Voucher Program. Except for Special Admissions, applicants will be selected from the waiting list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan. The PHA maintains information that permits proper selection from the waiting list.

The waiting list contains the following information for each applicant listed:

- Applicant Name
- Family Size
- Date and time of application
- Preference claim
- Racial or ethnic designation of the head of household
- Family gross annual income

B. PREFERENCES & SELECTION [24 CFR 982.207]

The HCHC's method for selecting applicants from a preference category leaves a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the administrative plan.

C. LOCAL PREFERENCES [24 CFR 5.410]

Local preferences will be used to organize and select applicants from the waiting list. Each local preference will be organized by application date and time.

HUD Notice 98-64 eliminates the public notice and comment requirement when changing a preference system. HCHC must notify all applicants about the preference change, giving the applicants the opportunity to qualify for new preferences.

An applicant will not be granted any local preference if any member of the family has been evicted from housing assisted under a 1937 Housing Act program during the past three years because of drug-related criminal activity or felonious charged criminal activity.

The HCHC will grant an exception to such a family if:

- The responsible member has successfully completed a rehabilitation program.
- The evicted person clearly did not participate in or know about the drug-related activity.
- The evicted person no longer participates in any drug related criminal activity.

If an applicant makes a false statement in order to qualify for a local preference, the HCHC will deny the local preference and remove the application from the waiting list.

The HCHC uses the following Local Preference system:

- Residency
- Emergency (when subsidy is available):
 - o Involuntary displacement
 - o Substandard Housing
 - o Long Term Homelessness

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Residency Preference

Applicants who live, work or have a bona fide offer to work in Howard County on the date of notice that they have reached the top of the waiting list will receive a preference over non-residents.

Emergency

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Issuance of assistance based on the Emergency preference is contingent upon the availability of funding. For the purpose of this plan, involuntary displacement includes applicants residing in substandard housing.

The HCHC will continue to accept applications from families requiring "Emergency" Placement during periods when the waiting list is closed, unless these families are specifically excluded from applying in the notice of Waiting List Closure.

Involuntary displacement is defined as follows:

- An otherwise eligible family, who resides in Howard County, displaced by a no fault fire or flood or other natural disaster when, replacement housing has not been offered by the landlord at a comparable rate, or if the damaged unit is not proposed to be restored to use and replacement housing cannot reasonably be located at or near the pre-disaster housing cost. If the applicant or family is found to have caused the fire or flood, HCHC will deny assistance.
- An otherwise eligible family, who was a resident of a Howard County public housing unit or Howard County voucher holder in a federally declared disaster area at the time that the area was so designated, shall receive a priority on the waiting list for a period up to six months from the date of designation. HCHC reserves the right to limit the number of families assisted under this provision in order to protect the interests of County residents currently waiting to be assisted.
- An otherwise eligible family, who resides in Howard County, displaced by eminent domain proceedings, by any Federal, State, or local governmental body in conjunction with public improvement or development. This does not include any action taken in connection with code enforcement.
- An otherwise eligible family, who resides in Howard County, displaced by an action which is the result of a decision by the courts, requiring the landlord to take certain

actions when; 1) it is not possible for the landlord to correct the deficiency with the family in place, and 2) the landlord is not under any obligation to provide alternative housing.

- An otherwise eligible family, who resides in Howard County, displaced by lead paint poisoning confirmed by a knowledgeable medical entity or professional or the court requires the landlord to take abatement action and; 1) it is not possible for the landlord to correct the deficiency with the family in place, and 2) the landlord is not under any obligation to provide alternative housing.
- An otherwise eligible family, who resides in Howard County, displaced by the sale, demolition or discontinuance of a residential property which results in the loss of a housing unit which was previously affordable to a family of low or moderate income, where the HCHC has made a determination that the loss of such housing will create an undue hardship on the families being displaced.
- An otherwise eligible family, who resides in Howard County, displaced due to the threat of physical violence and is participating in a Witness Protection Program. The family must meet HCHC's eligibility criteria regarding illegal drugs and violent criminal activity, and must currently live or work in Howard County.
- An otherwise eligible family, who resides in Howard County, participating in a local, Federal or State funded demonstration program designated by HCHC as critical to the fair and equitable delivery of housing services to groups who are under represented on the waiting list.

Involuntarily Displaced applicants are applicants who have or will (within no more than six months from the date of certification or verification) vacate housing as a result of:

- A disaster (fire, flood, etc.)
- Federal, State or local action related to code enforcement, or public improvement or development
- Action by a housing owner which is beyond an applicant's ability to control, which occurs despite the applicant having met all previous conditions of occupancy and is other than a rent increase.
- If the owner is an immediate family relative, and there has been no previous rental agreement, and the applicant has been part of the owner's household immediately prior to application, the applicant will not be considered involuntarily displaced.

~~Involuntarily Displaced applicants include "Victims of Domestic Violence" who:~~

- ~~• Have vacated due to actual or threatened physical violence directed against the applicant or the applicant's family by a spouse or other household member, or~~
- ~~• Live in housing with an individual who engages in such violence.~~

~~Such "actual" or "threatened" violence must have occurred within 12 months of the referral or be of a continuing nature. An applicant who lives in a violent neighborhood or who is fearful of other violence outside of the household is not considered involuntarily displaced. Applicants who have actually been displaced must not be living in "standard, permanent replacement housing", which is defined as housing that is decent, safe, and sanitary, that is adequate for the family size and that the family is occupying pursuant to a lease or occupancy agreement.~~

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~~An involuntarily displaced applicant also includes persons who currently reside in subsidized housing who:~~

- ~~• Have been residents of the property for at least three years;~~
- ~~• Have reached the top of the applicable waiting lists; and~~
- ~~• Are residing in a property which has been determined by HCHC to be inadequate to reasonably accommodate the household because of circumstances related to household size, age disparity, gender composition, special needs, or type of accommodations.~~

Substandard Housing is defined as follows:

- An otherwise eligible family, residing in Howard County, pursuant to a recognized lease, occupancy agreement, deed, title, or other documentation acceptable to HCHC whose housing meets one of the following conditions, as verified by the Department of Inspections, License and Permits, the Department of Public Works, the Health Department, or an equivalent Federal, State, or local governmental body, and will not be corrected by the landlord:
 - Lacks an adequate or safe source of heat,
 - Does not have operable indoor plumbing, or
 - Does not have a usable, flushing toilet.
- An otherwise eligible family, who resides in Howard County, pursuant to a recognized lease, occupancy agreement, deed, title, or other documentation acceptable to HCHC, and the unit has been declared unfit by the Department of Inspections, License and Permits, Department of Public Works, the Health Department or an equivalent Federal, State, or local governmental body, for one or more of the following reasons:
 - Unsafe levels of lead paint, when there is a child below the age of seven;
 - Unsafe levels of asbestos; or
 - The presence of a chemical agent which has been medically documented as harmful to a member of the household.

Substandard Housing is dilapidated (does not provide safe, adequate shelter; has one or more critical defects or a combination of defects requiring considerable repair; endangers the health, safety, and well being of family) if the following exists:

- Does not have operable indoor plumbing;
- Does not have usable flush toilet in the unit for the exclusive use of the family;
- Does not have usable bathtub or shower in unit for exclusive family use;
- Does not have adequate, safe electrical service;
- Does not have an adequate, safe source of heat;
- Should, but does not have a kitchen; or
- ~~• Has been declared unfit for habitation by a government agency; or~~
- ~~• Is overcrowded utilizing current HCHC Occupancy Standards, and the family is not eligible for transfer to a larger unit, and the overcrowded condition can be documented to~~

~~be of long term duration (has continually existed for a period of at least 12 months). For families residing in subsidized housing; in order for the overcrowded condition to be adequately documented, all members listed as part of the household must have been officially listed in the family composition.~~

~~Note: Single Room Occupancy (SRO) Housing is not considered substandard solely because it does not contain sanitary and/or food preparation facilities.~~

Long Term Homelessness Set Aside:

An otherwise eligible family who for the past 90 days:

- ~~• Is determined to have no fixed address or night time (8p.m. and 5a.m.) residence;~~
- Has a primary night-time residence that was a(n):
 - o Supervised public or private operated shelter designated to provide temporary living accommodations,
 - o Institution that provides temporary residence for individuals intended to be institutionalized (not incarcerated, i.e. jails and prisons),
 - o Public or private place not designated or normally used as regular sleeping place for humans that can be confirmed by the Police or a county Homeless Agency.

This priority for service is limited to a maximum of 125 vouchers during any calendar year, when funding is available and not awarded for a special purpose.

HCHC will use date & time of application as the initial criteria for selecting the 15 homeless families from the waiting list. If all 15 slots are not filled due to a lack of homeless families currently on the waiting list a "Homeless Lottery" will be held to select the remaining families. All other applicants in the "Homeless Lottery" that are not selected will have their applications placed on the waiting list referrals destroyed and be encouraged to submit an application (if the waiting list remains is open for persons experiencing Long Term Homelessness.) or resume their non-emergency placement on the waiting list.

D. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION

[24 CFR 5.415]

An applicant's certification that they qualify for a preference will be accepted without verification at the time that the application is submitted for waiting list placement. When the family is selected from the waiting list for the final eligibility determination the claim of a preference will be verified.

If the verification process indicates that an applicant does not qualify for a local preference, the applicant will be returned to the waiting list, but will be given an opportunity for an Informal Review.

If the verification process indicates that an applicant does not qualify for the local preference and the preference claim was the only reason for placement on the waiting list, the family will be removed from the waiting list.

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While on the waiting list the applicant's situation may change and affect the family's entitlement to a preference. Applicants are required to notify HCHC in writing of all changes that impact the claim of a preference.

While on the waiting list an applicant may claim an additional preference. The application will be repositioned on the waiting list according to preference ranking and application date and time, except in such cases where the waiting list was only open to families claiming a particular preference. In this case the applicant must prove that they qualify for the first preference before claiming another.

HCHC will notify an applicant in writing of a preference denial. The notification will explain the reason for the denial and advise the applicant of their right to an Informal Review. If the preference denial is upheld as a result of the Informal Review or the applicant does not request the Informal Review, the applicant will be placed on the waiting list without benefit of the preference.

If an applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the waiting list. Applicants making false statements to claim a preference will be ineligible for assistance for three years from the date of their selection from the waiting list.

E. INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year the HCHC will reserve a minimum of seventy-five percent of its HCVP new admissions for families whose income does not exceed 30 percent of the area median income. HUD refers to these families as "extremely low-income families." The HCHC will admit families who qualify under the Extremely Low-Income limit to meet the income targeting requirement, regardless of preference. This practice is known as income targeting. When necessary to meet this requirement applicants will be skipped on the waiting list until the first extremely low-income family is reached.

The HCHC will limit admission of very low income families to heads of households who are elderly, disabled or to families currently residing in homeless shelters.

The HCHC's income targeting requirement does not apply to low-income families continuously assisted as provided for under the 1937 Housing Act. The HCHC is also exempted from this requirement where the HCHC is providing assistance to low income or moderate-income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

An applicant reaching the top of the waiting list that has a verified annual income which exceeds the Extremely Low income limit will be permanently removed from the waiting list.

F. TARGETED FUNDING [24 CFR 982.203]

When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. When a specific type of funding becomes available, the tenant-based and project-based waiting lists are searched for the first available family meeting the targeted funding criteria. The HCHC reserves the right to use this assistance under the "Interim Use" policy. [See Glossary under "Interim Use" for definition].

Applicants who are admitted under targeted funding which are not identified as a Special Admission are identified by codes in the automated system. The HCHC has the following "Targeted" Programs:

- Mainstream Allocation Plan for Persons with Disabilities
- HOPWA
- Non-Elderly Persons with Disabilities

G. PREFERENCE AND INCOME TARGETING ELIGIBILITY [24 CFR 5.410]

Cross-Listing of Different Housing Programs and Section 8 [24 CFR 982.205(a)]

The HCHC will not merge its waiting lists. However, if the Housing Choice Voucher waiting list is open when the applicant is placed on another waiting list, the HCHC must offer to place the family on its tenant-based assistance list.

Other Housing Assistance [24 CFR 982.205(b)]

Other housing assistance means a Federal, State or local housing subsidy, as determined by HUD, including public housing.

The HCHC may not take any of the following actions because an applicant has applied for, received, or refused other housing: [24 CFR 982.205(b)]:

- Refuse to list the applicant on the HCHC waiting list for tenant-based assistance;
- Deny any admission preference for which the applicant is currently qualified;
- Change the applicant's place on the waiting list based on preference, date of application, or other factors affecting selection under the HCHC selection policy; or
- Remove the applicant from the waiting list.

H. SPECIAL ADMISSIONS [24 CFR 982.54(d)(e), 982.203]

If HUD awards a HCHC program funding that is targeted for specifically named families, the HCHC will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The HCHC maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

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

Applicant's who are admitted under Special Admissions, rather than from the waiting list, are identified in the HCHC's database with special codes.

I. EXCEPTIONS FOR SPECIAL ADMISSIONS [24 CFR 982.203, 982.54(d)(3)]

If HUD awards a HCHC program funding that is targeted for specifically named families, the HCHC will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program tenant-based and the project-based waiting lists. The HCHC maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

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

J. FINAL VERIFICATION OF PREFERENCES [24 CFR 5.415]

Preference information on applications will be updated as applicants are selected from a waiting list. At that time, the HCHC will obtain necessary verifications of preference at the interview and by third party verification.

If the preference verification indicates that the applicant does not qualify for the preference the applicant will be returned to the waiting list without the local preference and given an opportunity for an Informal Review.

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

circumstances change. When an applicant claims an additional preference, the application will be appropriately re-ranked. The exception to this is, if at the time the family applied, the waiting lists were only open to families who claimed that preference. In such case, the applicant must verify that they were eligible for the first preference before they are returned to the waiting lists with the new preference.

K. PREFERENCE DENIAL [24 CFR 5.415]

If the HCHC denies a preference, the HCHC will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an Informal Review. If the preference denial is up-held as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, her/his application will be removed from the waiting list. Applicants making false statements to claim a preference will be ineligible to re-apply for assistance for three years from the date of final determination.

L. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204(c)]

HCHC will contact all the applicants on the waiting list periodically to update all applicant information, including preferences. Applicants that do not respond to these types of notices, in a reasonable amount of time as indicated in the notice, will be removed from the waiting list.

Grounds for removal from the waiting list include:

- Failure to respond to ~~two~~^a notices^s that the applicant has reached the top of the waiting list.
- Return of any correspondence marked “unable to forward”, “insufficient address” or “addressee unknown”.
- Attempted fraud in order to qualify for assistance, or to lower monthly tenant rent payments. ~~above 30% of median income with a head of household, spouse who is non-elderly, non-disabled and is not considered to be homeless.~~
- Failure to sign all required forms or supply necessary documentation to determine eligibility within required agency guidelines (unless HCHC determines that the failure was beyond the applicant’s ability to control).

A reasonable accommodation will be made for persons with disabilities, upon request, so that they may fully access and participate in the application and eligibility process.

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CHAPTER 7 - SUBSIDY & OCCUPANCY STANDARDS [24 CFR 982.54(d)(9)]

INTRODUCTION

HUD guidelines require that PHA's establish subsidy standards to determine family unit size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used for the unit size selected by the family must be within the minimum unit size requirements of HUD's Housing Quality Standards. This Chapter explains the subsidy standards which will be used to determine the voucher size (family unit size) for various sized families when they are selected from the waiting list, as well as the PHA's procedures when a family's size changes or a family selects a unit size that is different from the Voucher.

A. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402]

The HCHC does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the Voucher. The HCHC's subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines.

All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements. The unit size on the Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

One bedroom will generally be assigned for each two family members. The HCHC will not consider factors such as ~~family characteristics including sex~~, age, or ~~family~~ relationship. ~~Accommodations Consideration will also be given granted when~~ for medically necessary or when a reasons and the presence of a live-in aide is required. A single head of household and a child will be assigned a two-bedroom voucher.

Generally, the HCHC assigns one bedroom to two people within the following guidelines:

- ~~For subsidy standards, an adult is a person 18 years or older.~~
- ~~Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship or children under six years of age), different generations and unrelated adults.~~
- Heads of household will not be required to share a bedroom with a child or other non-spousal adult.
- Foster children will be granted a separate bedroom only if required by state law. included in determining unit size only if they are certified eligible by an appropriate agency. HCHC reserves the right to limit the number of foster children in a subsidized household.
- Live-in aide will generally be provided a separate bedroom.
- Space may be provided for a child who is away at boarding school, college or other HCHC accepted institution but who lives with the family during school recesses. HCHC reserves the right to determine acceptable absence time period as defined in Chapter 8 Total Tenant Payment & Family Share Determination.

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- Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is away in the military.
- A single pregnant woman with no other family members will be assigned a two bedroom voucher if pregnant at the time of certification for occupancy purposes. If the pregnancy fails to go to term or does not result in a live-birth, the single head of household will be given a one bedroom voucher at the next recertification.
- Single person families shall be allocated one bedroom.

GUIDELINES FOR DETERMINING VOUCHER SIZE		
Voucher Size	Persons in Household	
	Minimum Number	Maximum Number
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	~~3~~ <u>5</u>	6
4 Bedrooms	~~4~~ <u>7</u>	8
5 Bedrooms	~~6~~ <u>9</u>	10
6 Bedrooms	~~8~~ <u>11</u>	12

B. EXCEPTIONS TO SUBSIDY STANDARDS [24 CFR 982.403(a) & (b)]

~~HCHC shall grant exceptions from the subsidy standards if the family requests and HCHC determines the exceptions are justified by the relationship, age, sex, or disability of family members, or other individual circumstances.~~

HCHC will grant an exception upon request as an accommodation for persons with disabilities. Circumstances may dictate a larger size than the subsidy standards permit when persons cannot share a bedroom because of a need, such as a:

- Verified medical or health reason; or
- Elderly persons or persons with disabilities who may require a live-in attendant.

Request for Exceptions to Subsidy Standards

HCHC will not issue a larger voucher due to additions of family members other than by birth of a child to any current household member, adoption by the head of household, marriage of the head of household, or court-awarded custody of a minor child or dependent to the head of household or current adult household member.

The family may request a larger sized voucher than indicated by the HCHC's subsidy standards. Such request must be made in writing within seven days of the HCHC's determination of bedroom size. The request must explain the need or justification for a larger bedroom. Documentation verifying the need or justification will be required as appropriate.

Requests based on disability must be verified by a reliable, knowledgeable medical professional.

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PHA Error

If the HCHC makes an error in the bedroom size designation, the family will be issued a voucher of the appropriate size.

Changes for Applicants

The voucher size is determined prior to the briefing by comparing the family composition to HCHC's subsidy standards. If an applicant requires a change in the voucher size, based on the requirements of the HCHC subsidy standards, the above referenced guidelines will apply.

Changes for Participants

The members of the family residing in the unit must be approved by the HCHC. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the PHA within 30 days. The above referenced guidelines will apply.

Underhoused and Overhoused Families

If a unit does not meet HQS space standards due to an increase in family size that is consistent with the policies in Section 5 of this chapter, the HCHC will issue a new voucher of the appropriate size and facilitate access to resources that will help the family locate a suitable unit. In case of a decrease in family size, the HCHC will issue a new voucher of the appropriate size at the next annual recertification.

C. UNIT SIZE SELECTED [24 CFR 982.402(c)]

The family may select a different size dwelling unit than that listed on the voucher. There are three criteria to consider:

Subsidy Limitation: The family unit size as determined for a family under the PHA subsidy standard for a family assisted in the voucher program is based on the PHA's adopted payment standards. The payment standard for a family shall be the *lower of*:

- The payment standard amount for the family unit size; or
- The payment standard amount for the unit size rented by the family.

Utility Allowance: The utility allowance used to calculate the gross rent is based on the lesser of the actual bedroom size of the unit that the family selects, or the bedroom size listed on the voucher regardless of the size authorized on the family's Voucher.

HQS: The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.

HQS GUIDELINES FOR UNIT SIZE SELECTED

Unit Size	Maximum Number in Household
0 Bedroom	1
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8
4 Bedrooms	10
5 Bedrooms	12
6 Bedrooms	14

D. DECREASES TO VOUCHER SIZE

When a family is over-housed, HCHC will allow the family adequate time ([a minimum of 30 days](#)) during the current recertification period to locate to a smaller unit. If the family is unsuccessful in locating a unit within the 30 days (unless a reasonable accommodation is granted) the voucher payment standard will be decreased to the appropriate size. This will impact (typically increase) the family's portion of the rent.

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CHAPTER 8 - TOTAL TENANT PAYMENT & FAMILY SHARE DETERMINATION

[24 CFR Part 5, Subparts E and F; 982.153, 982.551]

INTRODUCTION

The PHA will use the methods as set forth in this Administrative Plan to verify and determine that family income at admission and at annual reexamination is correct. The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations.

This Chapter defines the allowable expenses and deductions to be subtracted from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD Notices and Memoranda. The formula for the calculation of TTP is specific and not subject to interpretation. The PHA's policies in this Chapter address those areas which allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

A. INCOME AND ALLOWANCES [24 CFR 5.609]

Income: Includes all monetary amounts, which are received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines what is to be calculated and what is to be excluded in the federal regulations. In accordance with this definition, all income that is not specifically excluded in the regulations is counted.

Gross Income: The amount of income prior to any HUD allowable expenses or deductions and does not include income that has been excluded by HUD.

Annual Income: The gross amount of all types of income anticipated to be received (earned, given or derived from assets) by the family during the 12 months after certification or recertification. Annual income is used to determine whether or not applicants and participants are within the applicable income limits. Annual income includes, but is not limited to the following:

- The full amount before any payroll deductions of wages, salaries and other compensation for personal services;
- Net income from operation of a business or profession;
- Interest, dividends and other net income of any kind from real or personal property;
- The full amount of periodic payments (e.g., social security, annuities, pensions, disability and death benefits) not specifically excluded;
- Payments in lieu of wages, salary or other earnings (e.g., workers compensation or unemployment) not specifically excluded;
- Welfare assistance;

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- Periodic determinable allowances such as alimony, and child support payments (e.g., amount awarded by the court unless evidenced by third party documentation to the contrary) and regular contribution from non-lease household members; and
- All pay and allowances from the armed forces, not specifically excluded (e.g., hostile fire pay).

A family who actually works less than 12 months, as required by their employment, will have their income treated as though they worked 12 months, but will qualify for a reduction in rent for periods of at least 30 days that they do not work. If employment periods are not consistent then income will be averaged over periods of employment as well as periods of unemployment.

All identified income sources must be calculated for the head of household, spouse and all other adult household members. Income for permanently absent household members will not be calculated or considered for determining family size. Notice of a permanent absence will result in a subsidy standard review and income re-determination.

Excluded annual income includes:

- Income from employed household members under the age of 18;
- Foster care payments;
- Lump sum additions such as inheritances and insurance payments;
- Medical expense payments;
- Live-in aide income;
- Student financial assistance;
- Armed forces hostile fire pay;
- Stipends that do not exceed \$200 monthly and training program payments funded by HUD;
- Temporary, nonrecurring or sporadic income;
- Reparation payments paid as a result of claims filed under Nazi persecution;
- Full time student (excluding the head of household and spouse) earnings in excess of \$480;
- Adoption assistance in excess of \$480 per child;
- Supplemental Social Security lump sum, deferred periodic payments;
- Refunds or rebates under state or local law for paid property taxes;
- Payments made on behalf of a developmentally disabled household member to keep member in the home; and
- Amounts excluded by Federal statute.

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Adjusted Income: The annual income minus any HUD allowable expenses and deductions. HUD has five allowable deductions from Annual Income:

- **Dependent Allowance:** \$480 each for family members (other than the head or spouse) who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
- **Elderly/Disabled Allowance:** \$400 per family for families whose head or spouse is 62 or over or disabled.

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- **Allowable Medical Expenses:** Deducted for all family members of an eligible elderly/disabled family.
- **Child Care Expenses:** Deducted for the care of children under 13 when child care is necessary to allow an adult member to work, attend school, or actively seek employment.
- **Allowable Disability Assistance Expenses:** Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

Allowable deductions from Annual Income are reviewed and verified at each annual reexamination.

B. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT

[24 CFR 982.54(d)(10), 982.551]

The HCHC must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, HCHC must count the income of the spouse or the head of the household, if that person is temporarily absent, even if that person is not on the lease.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition. The HCHC will evaluate absences from the unit using this policy.

Absence of Any Member

Any member of the household will be considered temporarily absent if he/she is away from the unit for 180 days nonconsecutive days. A member of the household will be considered permanently absent if he/she is away from the unit for 90 consecutive days. Exceptions to these standards are provided in this Chapter.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the HCHC will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the HCHC's "Absence of Entire Family" policy.

Absence Due to Full-time Student Status

Full time students who attend school away from the home and live with the family during school recess will be considered temporarily absent from the household, as evidenced by documentation from the school verifying full-time student status (e.g., class schedule).

Absence due to Incarceration

If the sole member is incarcerated for more than 90 consecutive days, he/she will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if he/she is incarcerated for 180 consecutive days.

The HCHC will determine if the reason for incarceration is for drug-related or violent criminal activity or violates any HUD requirement as detailed in Chapter Program Eligibility and Chapter 17 Denial or Termination of Assistance.

Absence of Children due to Placement in Foster Care

If the family includes a child or children temporarily absent from the home due to placement in foster care, the HCHC will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than 12 months from the date of removal of the child/ren, the voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the HCHC's subsidy standards.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the HCHC will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

Families are required both to notify the HCHC before they move out of a unit and to give the HCHC information about any family absence from the unit.

Families must notify the HCHC at least five days before leaving the unit, if they are going to be absent from the unit for more than 21 consecutive days.

If it is determined that the entire family is absent from the unit for more than 90 consecutive days, the unit will be considered vacant, HCHC will discontinue HAP payments and the program participation will be terminated.

"Absence" means that no family member is residing in the unit. In order to determine if the family is absent from the unit, HCHC may:

- Write letters to the family at the unit;
- Telephone the family at the unit;
- Interview neighbors;

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- Verify if utilities are in service;
- Check with the post office; and
- Contact landlord.

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive calendar days' limit.

If the absence which resulted in termination of assistance was due to a person's disability, and the PHA can verify that the person was unable to notify the HCHC in accordance with the family's responsibilities, and if funding is available, the HCHC may reinstate the family as an accommodation if requested by the family, as long as the period was within 180 consecutive days.

Caretaker for Children

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the HCHC will treat that adult as a visitor for the first 180 days.

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

If the appropriate agency cannot confirm the guardianship status of the caretaker, the HCHC will review the status at six month intervals.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the HCHC will secure verification from social services staff or the attorney as to the status.

The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

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

When the HCHC approves a person to reside in the unit as caretaker for the child/ren, the income should be counted pending a final disposition. The HCHC will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 90 days, the person will be considered permanently absent.

Visitors

Any adult not included on the HUD 50058 who has been in the unit more than 14 consecutive days without HCHC approval, or a total of 30 days in a 12 month period, will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is an unauthorized member. Statements from neighbors and/or the landlord will be considered in

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making the determination. Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

Minors and college students who were formerly members of the household but who now live away from home during the school year and are no longer on the lease may visit for up to 90 days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 181 days per year, the minor will be considered to be an eligible visitor and not a family member.

Reporting Additions to Owner and PHA

Reporting changes in household composition to the HCHC is both a HUD and a PHA requirement.

The family obligations require the family to request HCHC approval to add any other family member as an occupant of the unit and to inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members in writing.

If the family does not obtain prior written approval from the HCHC, any person the family has permitted to move in will be considered an unauthorized household member.

Persons who are not household members are prohibited from receiving mail at the subsidized address, nor are they allowed to have a car registered at the address or to list the subsidized address on any legal document including but not limited to, police reports, any type of application, driver's license or identification card.

It shall be policy of the HCHC to require families to report in writing the name, permanent address and age of any person (minor or adult) who visits for more than a 14 day period. In the event that a visitor continues to reside in the unit after the maximum allowable time, the family must report it to the HCHC in writing within three days of the maximum allowable time.

Families are required to report any additions to the household in writing, requesting permission to make additions to the household prior to the end of the month in which the change occurs. If approved, an interim reexamination will be conducted for any additions to the household. The added family member will be required to sign all required forms (if applicable) and supply all required documentation including income.

In addition, the lease may require the family to obtain prior written approval from the owner when there are changes in family composition other than birth, adoption or court awarded custody.

Additions to Household due to Marriage

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The Head of Household must contact the PHA to submit a potential spouse for a criminal background check prior to making a decision to get married. If the marriage is finalized and the spouse does not pass the criminal background check the entire household will be determined to be ineligible for assistance. The PHA will not allow the spouse to be removed after the criminal background check determines that he/she is ineligible.

Removal of Spouse due to Separation

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The PHA will not remove a spouse from the household without proper verification of a new address, and appropriate documentation that the Head of Household has applied for child support payments or executed an agreement for voluntary payments reflective of the spouse's income. Acceptable verification of a new address includes a Landlord Tenant Lease acceptable to the PHA, a utility bill, or a **combination** of verifications to include banking verifications, credit card bills, telephone bills, pay stubs, driver's license, car insurance documents etc.

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Reporting Absences to the PHA

Reporting changes in household composition is both a HUD and a PHA requirement.

If a family member leaves the household, the family must report this change to the HCHC, in writing, prior to the end of the month in which the change occurs and certify as to whether the member is temporarily absent or permanently absent.

The HCHC will conduct an interim evaluation for changes that affect the TTP accordance with the interim policy.

C. AVERAGING INCOME

When annual income cannot be anticipated for a full 12 months, the HCHC may:

- Average known sources of income that vary to compute an annual income, or
- Annualize current income and conduct an interim reexamination if income changes.

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If there are bonuses or overtime which the employer cannot anticipate for the next 12 months, bonuses and overtime received the previous year will be used.

If, by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so as to reduce the number of interim adjustments.

The PHA reserves the right to limit interims for persons who are sporatically or self employed to once per quarter based on an average of wages during one or more previous quarters. If the

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person was self-employed the previous year then income from the previous year tax returns will be used. If the PHA determines that the pattern of earnings from the previous year has substantially changed an interim will be processed to reflect the reduction in income.

The method used depends on the regularity, source and type of income.

D. MINIMUM INCOME

There is no minimum income requirement for the Housing Choice Voucher Program. Families who report gross household income less than \$1,200.00 annually ~~zero income~~ are required to appear monthly at the Housing Commission Office for review of family income, family resources, and family financial opportunities. Households who can document hardship based on a disability, a major medical event or age may be exempted from this requirement on a permanent or a temporary basis, but may be required to complete submit a written certification of household income and expenses every 30 days. Failure to honor two zero income appointments or to submit two written certifications within any 12 month period will result in the termination of the family's assistance.

Families that report ~~zero~~ income less than \$1,200.00 annually will be required to provide information regarding their means of basic subsistence, such as food, utilities, telephone, cable, transportation, household expenses, etc.

If the family's expenses exceed their known income, the PHA will make inquiry of the head of household as to the nature of the family's accessible resources.

It shall be the policy of HCHC to set the minimum TTP at \$50.00 ~~zero~~ for all assisted families.

E. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME [24 CFR 982.54(d)(10)]

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, HCHC will calculate the income by using the following methodology and use the income figure that would result in a lower payment by the family:

Exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member.

or

Include the income of the person permanently confined to the nursing home and give the family the medical deductions allowable on behalf of the person in the nursing home.

F. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the TTP.

Any contribution or gift received every 180 days or more frequently will be considered a "regular" contribution or gift, unless the amount is less than \$250 per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts (see Chapter 9 Verification Procedures for further definition).

If the family's expenses exceed its known income, the PHA will inquire of the family regarding contributions and gifts.

G. ALIMONY AND CHILD SUPPORT [24 CFR 5.609]

Regular alimony and child support payments are counted as income for calculation of TTP. If the amount of child support or alimony received is less than the amount awarded by the court, the HCHC will use the amount awarded by the court unless the family can verify that they are not receiving the full amount and verification of item(s) below are provided.

The HCHC will accept verification that the family is receiving an amount less than the award if:

- The HCHC receives verification from the agency responsible for enforcement or collection;
- The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency; or
- Has filed an enforcement or collection action through an attorney.

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It is the family's responsibility to supply a certified copy of the divorce decree or separation agreement.

H. LUMP-SUM RECEIPTS [24 CFR 5.609]

Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included in income but may be included in assets.

Lump-sum payments greater than 60 days caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt:

The HCHC uses a calculation method that calculates retroactively or prospectively depending on the circumstances.

Prospective Calculation Methodology

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

- The lump sum will be added in the same way for any interim adjustments that occur prior to the next annual recertification.

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If amortizing the payment over one year will cause the family to pay more than 50 percent of the family's adjusted income (before the lump sum was added) for TTP, the HCHC and family may enter into a Payment Agreement, with the approval of the Chief of Housing Choice Voucher & Public Housing Programs, for the balance of the amount over the 50 percent calculation. The beginning date for this Payment Agreement will start at the next annual reexamination of income.

Retroactive Calculation Methodology

The HCHC will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

At the HCHC's option, the PHA may enter into a Payment Agreement with the family. The amount owed by the family is a collectible debt even if the family becomes unassisted.

- **Attorney Fees**

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

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I. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS [24 CFR 5.603(d)]

Contributions to company retirement/pension funds are handled as follows:

- While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
- After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

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J. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE [24 CFR 5.603(d)(3)]

HCHC must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The HCHC will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.

The PHA's minimum threshold for counting assets disposed of for less than Fair Market value is \$1,000. If the total value of assets disposed of within a one-year period is less than \$1,000, they will not be considered an asset.

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K. CHILD CARE EXPENSES [24 CFR 5.603]

Child-care expenses for children under 13 may be deducted from annual income if they enable an adult to work or attend school full time, or to actively seek employment.

In the case of a child attending private school, only before/after-hours care can be counted as child-care expenses.

Child-care expenses cannot be allowed as a deduction if there is an adult household member capable of caring for the child who can provide the child-care. Examples of those adult members who would be considered *unable* to care for the child include:

- The abuser in a documented child abuse situation, or
- A person with disabilities or older person unable to take care of a small child, as verified by a reliable knowledgeable source.

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The HCHC reserves the right to determine what constitutes reasonable child care expenses based on surveys of child care providers and/or applicable allowances of the local Department of Social Services.

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Allowability of deductions for child-care expenses is based on the following guidelines:

Child care to work: The maximum child care expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Child care for school: The number of hours claimed for child care may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school.

The HCHC will request an audit of household expenses when Child Care Expenses exceed 40% of adjusted gross household income.

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L. MEDICAL EXPENSES [24 CFR 5.609(a)(2), 5.603]

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Nonprescription medicines must be doctor-recommended in order to be considered a medical expense.

Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts.

Accupressure, accupuncture and related herbal medicines, and chiropractic services will be considered allowable medical expenses.

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M. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]

Applicability

Pro-ration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Calculations for each housing program are performed on the HUD 50058 form.

N. REDUCTION IN BENEFITS

See Chapter 14 Recertifications – Annual and Interim Examinations on how to handle income changes resulting from welfare program requirements.

O. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

[24 CFR 982.153, 982.517]

The same Utility Allowance Schedule is used for all tenant-based programs, however a different Project Based Schedule may be utilized if the HCHC determines that the applicable allowances are not sufficient to cover utility costs in a particular development-

The utility allowance is intended to cover the cost of utilities not included in the rent. The allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. Allowances are not based on an individual family's actual energy consumption.

The HCHC's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards.

The HCHC may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.

The HCHC must classify utilities in the utility allowance schedule according to the following general categories: space heating, air conditioning, cooking, water heating, water, sewer, trash collection; other electric, refrigerator (for tenant supplied refrigerator), range (cost of tenant-supplied range); and other specified services.

An allowance for tenant-paid air conditioning will be provided in those cases where the majority of housing units in the market have central air conditioning or are wired for tenant installed air conditioners [24 CFR 982.517].

The HCHC will review the utility allowance schedule annually. If the review finds a utility rate

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has changed by 10 percent or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a participant family's rent calculation at their next reexamination.

The approved utility allowance schedule is given to families along with their Voucher. The utility allowance is based on the lesser of the actual unit size selected or the number of bedrooms listed on the Housing Voucher.

Where the calculation on the HUD 50058 results in a utility reimbursement payment due the family, the HCHC will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant.

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CHAPTER 9 - VERIFICATION PROCEDURES

[24 CFR Part 5, Subparts B, D, E and F; 982.108]

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment/Family Share be verified by the PHA. PHA staff will obtain electronic verification of income from independent sources whenever possible and will document files accordingly whenever third party verifications are not possible; showing full utilization of the HUD third party verification process.

However, applicants and program participants must provide true and complete information to the PHA whenever information is requested. The PHA's verification requirements are designed to maintain program integrity. This Chapter explains the PHA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition.

The PHA will obtain proper authorization (as is permitted) from the family before requesting information from independent sources.

A. METHODS OF VERIFICATION AND TIME ALLOWED [24 CFR 982.516]

The HCHC will verify information using the methods of verification acceptable to HUD in the following order:

1. Upfront Income Verification through HUD's Enterprise Income Verification system or other —electronic system (e.g., The Work Number);
2. Pay stubs (originals must be presented before copies made);
3. Third-Party Written;
4. Third-Party Oral; then
5. Certification/Self-Declaration

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The HCHC will allow fourteen days for return of third-party verifications and fourteen days to obtain other types of verifications before going to the next method. The PHA will document the file as to why third party written verification was not used.

For applicants, verifications may not be more than 60 days old at the time of voucher issuance. For participants, they are valid for up to 180 days from effective date of the annual or interim change.

Upfront Income Verification

The verification of income, before or during a family re-examination, through an independent source that systemically and uniformly maintains income information in a computerized form for a large number of individuals.

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The EIV data is used to validate client reported income and supplement client provided documents. When the client disputes the EIV data, the PHA must request written third party verification.

Acceptable Verification:

- EIV plus current client provided documents or
- EIV plus current client provided documents plus written third-party verification.

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Projecting Annual Income through EIV

When EIV data is not substantially different than client-reported income:

- If EIV data is no more than \$1,000 less than client reported income, use client provided documents to calculate anticipated annual income.
- If EIV data is not more than \$1,000 greater than client reported income, use EIV data to calculate anticipated annual income, unless client can provide the PHA with acceptable documentation to verify a change in circumstances.

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When EIV data is substantially different than client reported income the PHA must request written third-party verification from the discrepant income source.

Third-Party Written Verification

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and accepted via first class mail, email and fax. The family will be required to sign an authorization for the information source to release the specified information. Verifications received electronically directly from the source are considered third party written verifications.

The HCHC will accept verifications in the form of original computer printouts delivered by the family from the following agencies:

3. Social Security Administration
4. Veterans Administration
5. Welfare Assistance
6. Unemployment Compensation Board
7. City or County Courts

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~~The HCHC will send requests for third party written verifications to the source at all times regardless of whether the family provides a computerized printout.~~

Third-Party Oral Verification

Oral third-party verification will be used when written third party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete a

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Certification of Document Viewed or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. The PHA must originate the call.

Review of Documents

In the event that third-party written or oral verification is unavailable, or the information has not been verified by the third party within two weeks, the PHA will annotate the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff will document accordingly and initiate the third party verification process.

The HCHC will accept the following documents from the family provided that the document is such that tampering would be easily noted:

- 8.● Printed wage stubs;
- 9.● Computer print-outs from the employer;
- 10.● Signed letters that can ~~can~~ be confirmed by phone);
- 11.● Faxed or email documents that can confirmed by phone; and
- 12.● Other documents noted in this Chapter as acceptable verification.

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The HCHC will accept photocopies after review of the original documents, however, if third-party verification is received after copies of the original documents have been accepted as provisional verification, and there is a discrepancy, the HCHC will utilize the third party verification.

The HCHC will not delay the processing of an application beyond 14 days because a third party information provider does not return the verification in a timely manner.

Self-Certification/Self-Declaration

When verification cannot be made by third-party verification or review of documents, families will be required to complete a self-certification.

B. RELEASE OF INFORMATION [24 CFR 5.230]

Adult family members will be required to sign the HUD 9886 Release of Information/Privacy Act form. In addition, family members will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information/Privacy Act Notice.

Each member requested to consent to the release of specific information will be provided with a copy of the appropriate forms for their review and signature upon request.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information and to sign consent forms requested by the HCHC or HUD.

C. COMPUTER MATCHING

Where allowed by HUD and/or other State or local agencies, computer matching will be done. The HCHC will utilize the HUD established computer-based Enterprise Income Verification (EIV) system to obtain all Social Security benefits history, tenant income discrepancy reports from the Social Security Administration and Health and Human Services wage data.

When computer matching results in a discrepancy with information in HCHC records, the PHA will follow up with the family and verification sources to resolve the discrepancy. If the family has unreported or underreported income, the HCHC will follow the procedures in the Program Integrity Addendum of the Administrative Plan.

D. ITEMS TO BE VERIFIED [24 CFR 982.516]

Information about the family that must be verified includes, but is not limited to:

- All income not specifically excluded by the regulations;
- Full-time student status including High School students who are 18 or over;
- Current assets including assets disposed of for less than fair market value in preceding two years;
- Child-care expense where it allows an adult family member to be employed or to further his/her education;
- Total medical expenses of all family members in households whose head or spouse is elderly or disabled;
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an adult family member to be employed;
- Disability for determination of preferences, allowances or deductions;
- U.S. citizenship/eligible immigrant status;
- Social Security Numbers for all family members;
- "Preference" status; and
- Familial/Marital status when needed for head or spouse definition.

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Verification of Reduction in Benefits for Noncompliance

The HCHC will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

E. VERIFICATION OF INCOME [24 CFR 982.516]

This section defines the methods the PHA will use to verify various types of income.

Employment Income

Verification forms request the employer to specify the:

- Dates of employment;
- Amount and frequency of pay;
- Date of the last pay increase;
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months;
- Year to date earnings; and
- Estimated income from overtime, tips, bonus pay expected during next 12 months.

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Acceptable methods of verification include, in this order:

- ~~1. Employment verification form completed by the employer.~~
- ~~2. Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings.~~
- ~~2. Employment verification form completed by the employer~~
- 3. W-2 forms plus income tax return forms.
- 4. Self-certification or income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

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Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income. In cases where there are questions about the validity of information provided by the family, HCHC will require the most recent federal income tax statements. Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.

Social Security, Pensions, Supplementary Security Income (SSI), Disability Income

Acceptable methods of verification include, in this order:

1. Computer report electronically obtained or in hard copy.
2. Award or benefit notification letters prepared and signed by the providing agency.

Unemployment Compensation

Acceptable methods of verification include, in this order:

1. Computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts.
2. Verification form completed by the unemployment compensation agency.
3. Payment stubs.

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

1. Computer-generated Notice of Action or list of recipients from Welfare Department.
2. PHA verification form completed by payment provider.
3. Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.

Alimony or Child Support Payments

Acceptable methods of verification include, in this order:

1. Computer generated payment history obtained online by PHA.
2. PHA verification form completed by Child Support Agency.
3. Copy of a separation or settlement agreement or a divorce decree stating amounts and types of support and payment schedules.
4. A notarized letter from the person paying the support.
5. Copy of latest check and/or payment stubs from Court Trustee.
6. 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.

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If payments are irregular, the family must provide one or more of the following:

- A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules;
- A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement;
- A notarized affidavit from the family indicating the amount(s) received;
- A welfare notice of action showing amounts received by the welfare agency for child support; and
- A written statement from an attorney certifying that a collection or enforcement action has been filed.

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Net Income from a Business

In order to verify the net income from a business, the PHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months. Acceptable methods of verification include:

- IRS Form 1040, including:
 - a. Schedule C (Small Business);
 - b. Schedule E (Rental Property Income); and
 - c. Schedule F (Farm Income).

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- If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense computed using straight-line depreciation rules.
- Audited or un-audited financial statement(s) of the business.
- Credit report or loan application.
- Documents such as manifests, appointment books, cashbooks, bank statements, and receipts will be used as a guide for the prior 180 days (or lesser period if not in business for 90 days) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.
- Family's self-certification as to net income realized from the business during previous years.

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Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), HCHC will require that the applicant/participant to complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person. If the family has filed a tax return, the family will be required to provide it.

The HCHC will conduct interim reevaluations every year and require the participant to provide a log with the information about customers and income. If childcare services were terminated, a third party verification will be sent to the parent whose child was cared for.

Recurring Gifts

The family must furnish a self-certification that contains the following information:

- The person who provides the gifts;
- The value of the gifts;
- The regularity (dates) of the gifts; and
- The purpose of the gifts.

A gift is considered to recurring if received for 90 days or one quarter of the year.

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Zero Income Status

Families claiming to have no income will be required to execute verification forms every ninety days to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household, and will be required to appear at the office monthly to review household income and expenses-

The HCHC will request information from the Department of Labor, Licensing and Regulation and will run a credit report if information is received that indicates the family has an unreported Howard County Housing Commission

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income source.

Full-time Student Status

Only the first \$480 of the earned income of full time students (college or otherwise), other than head, co-head, or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full time students is not counted towards family income. Verification of full time student status includes:

- Written verification from the registrar's office or other school official.
- School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

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F. INCOME FROM ASSETS [24 CFR 982.516]

Savings Account Interest Income and Dividends

Acceptable methods of verification include, in this order:

1. Account statements, passbooks, certificates of deposit, or PHA verification forms completed by the financial institution.
2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
3. IRS Form 1099 from the financial institution provided that the PHA must adjust the information to project earnings expected for the next 12 months.

PIH Notice 2013-03

In conjunction with PIH Notice 2013-03, the Howard County Housing Commission will allow families to self certify net family assets less than \$5,000.00 and the amount of income expected to be received from those assets. This provision will expire effective March 31, 2014, unless it is extended. If the notice is extended the Commission will continue to allow the self certification of assets under \$5,000.00.

Interest Income from Mortgages or Similar Arrangements

Acceptable methods of verification include, in this order:

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months (a copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.).
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

Net Rental Income from Property Owned by Family

Acceptable methods of verification include, in this order:

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1. IRS Form 1040 with Schedule E (Rental Income).
2. A copy of latest rent receipts, leases, or other documentation of rent amounts.
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
4. Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

G. VERIFICATION OF ASSETS

Family Assets

The HCHC will require the information necessary to determine the current cash value of the family's assets, (the net amount the family would receive if the asset were converted to cash).

Acceptable verification may include any of the following:

- Verification forms, letters, or documents from a financial institution or broker.
- Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
- Quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate.
- Real estate taxes statements if the approximate current market value can be deduced from assessment.
- Financial statements for business assets.
- Copies of closing documents showing the selling price and the distribution of the sales proceeds.
- Appraisals of personal property held as an investment.
- Family's self-certification describing assets or cash held at the family's home or in safe deposit boxes.

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Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification

For all Certifications and Recertifications, the PHA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.

If the family certifies that they have disposed of assets for less than fair market value, verification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

[24 CFR 982.516]

Child Care Expenses

Written verification from the person who receives the payments is required. If the child care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services. Additionally, the family must provide ~~a minimum of three~~^{two} months of cancelled checks or cancelled cashier money orders verifying the child care costs.

Verifications must specify the child care provider's name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical Expenses

Families, who claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

- Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
- Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
- Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next twelve months. A computer printout will be accepted.

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For attendant care:

- A reliable, knowledgeable medical professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
- Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.
- Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next twelve months.
- Copies of payment agreements or most recent invoice that verify payments made on

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- outstanding medical bills that will continue over all or part of the next twelve months.
- Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. PHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.

The HCHC will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Assistance to Persons with Disabilities [24 CFR 5.611(c)]

In All Cases:

- Written certification from a reliable, knowledgeable medical professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.
- Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

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Attendant Care:

- Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.
- Certification of family and attendant and/or copies of canceled checks family used to make payments.

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Auxiliary Apparatus:

- Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.
- In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

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I. VERIFYING NON-FINANCIAL FACTORS [24 CFR 982.153(b)(15)]

Verification of Legal Identity

In order to prevent program abuse, the HCHC will require applicants to furnish verification of legal identity for all family members. The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- ~~13.●~~ Certificate of Birth, naturalization papers
- ~~14. Church issued baptismal certificate~~
- ~~15.●~~ Current, valid Driver's license

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- 16. ● U.S. military discharge (DD 214)
- 17. ● U.S. passport
- 18. ● Voter's registration
- 19. ● Company/agency Identification Card
- 20. ● Department of Motor Vehicles Identification Card
- 21. ● Hospital records

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

- 22. ● Birth Certificate or Certificate/Verification of Birth
- 23. ● Adoption papers
- 24. ● Custody agreement
- 25. ● Health and Human Services ID
- 26. ● School records

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Verification of Marital Status

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer. Verification of a separation may be a copy of court-ordered maintenance or other records. Verification of marriage status is a marriage certificate.

Familial Relationships

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification. The following verifications will always be required if applicable:

- 27. ● Verification of relationship:
 - Official identification showing names
 - Birth Certificate or Certificate/Verification of Birth
 - Baptismal certificates
- 28. ● Verification of guardianship is:
 - Court-ordered assignment
 - Affidavit of parent
 - Verification from social services agency
 - School records

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Verification of Permanent Absence of Family Member

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

- Husband or wife institutes divorce action.
- Husband or wife institutes legal separation.

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

Verification of Change in Family Composition

The HCHC may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or Department of Motor Vehicle records, and other sources.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by a reliable, knowledgeable medical professional, using the HUD language as the verification format.

Verification of Citizenship/Eligible Immigrant Status [24 CFR 5.508, 5.510, 5.512, 5.514]

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contest their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Family members must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the PHA hearing is pending.

Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

The PHA will require citizens to provide documentation of citizenship. Acceptable documentation will include at least one of the following original documents:

- United States birth certificate
- United States passport
- Resident alien/registration card
- ~~Social Security card~~
- Other appropriate documentation as determined by the PHA

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Eligible Immigrants who were Participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back

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and returned to the family. The PHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the PHA must request within 10 days that the INS conduct a manual search.

Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.

Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide. If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. The HCHC will not provide assistance to any family prior to the affirmative establishment and verification of the eligibility of the individual or at least one member of the family.

The HCHC will verify the U.S. citizenship/eligible immigration status of all participants no later than the date of the family's first annual reexamination following the enactment of the Quality Housing and Work Responsibility Act of 1998. For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in.

Once verification has been completed for any covered program, it need not be repeated except in the case of port-in families, if the initial PHA does not supply the documents, the HCHC must conduct the determination.

Extensions of Time to Provide Documents

The PHA will grant an extension of 30 days for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register:

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)

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- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

The HCHC will verify the eligibility of a family member at any time such eligibility is in question, without regard to the position of the family on the waiting list.

If the HCHC determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside permanently in the family's unit, the family's assistance will be terminated for 36 months, unless the ineligible individual has already been considered in prorating the family's assistance.

Verification of Social Security Numbers [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. If a family member cannot produce a Social Security Card, only the documents listed below showing a Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

- A driver's license
- Identification card issued by a Federal, State or local agency
- Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)
- An identification card issued by an employer or trade union
- An identification card issued by a medical insurance company
- Earnings statements or payroll stubs
- Bank Statements
- IRS Form 1099
- Benefit award letters from government agencies
- Retirement benefit letter
- Life insurance policies
- Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
- Verification of benefits or Social Security Number from Social Security Administration

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New family members will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the HCHC.

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If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the HCHC. The applicant/participant or family member will have an additional thirty days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's assistance will be terminated.

In the case of an individual at least 62 years of age, the HCHC may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

Medical Need for Larger Unit

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable medical professional.

J. VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 5.410-5.430]

Residency Preference

Applicants who live, work or have a bona fide offer to work in Howard County on the date of notice that they have reached the top of the waiting list will receive a preference over non-residents.

Involuntarily Displacement

Acceptable documentation includes the following:

1. Certification from a unit of government concerning displacement due to disaster.
2. Certification from a unit of government concerning displacement due to code enforcement or public improvement or development.
3. Certification from an owner concerning displacement due to owner action.
4. Certification from local police, social service agency, court, clergy-person, physician, or public or private shelter, counseling facility concerning displacement due to domestic violence.

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Substandard Housing

Includes certification from a unit of government or from the applicant's current landlord that unit's condition meets the definition of substandard. For "Homeless Families," verification is certification of this status from a public or private facility providing shelter to the family, or from local police.

Rent Hardship

Acceptable documentation includes the following:

- A landlord tenant lease; and
- Cancelled checks or money orders

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CHAPTER 10 - VOUCHER ISSUANCE AND BRIEFINGS

[24 CFR 982.301, 982.302]

INTRODUCTION

The PHA's goals and objectives are designed to assure that families selected to participate are equipped with the tools necessary to locate an acceptable housing unit. Families are provided sufficient knowledge and information regarding the program and how to achieve maximum benefit while complying with program requirements. When eligibility has been determined, the HCHC will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, HCHC procedures, and how to lease a unit. The family will also receive a briefing packet that provides more detailed information about the program including the benefits of moving outside areas of poverty and minority concentration. This Chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

A. ISSUANCE OF VOUCHERS [24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, the HCHC will issue vouchers to applicants whose eligibility has been determined. The number of Vouchers issued must ensure that the HCHC stays as close as possible to 100 percent lease-up. The HCHC performs a monthly calculation electronically to determine whether applications can be processed, the number of Vouchers that can be issued, and to what extent the HCHC can over-issue (issue more Vouchers than the budget allows to achieve lease-up).

The HCHC may over-issue Vouchers only to the extent necessary to meet leasing goals. ~~All Vouchers that are over-issued will only be honored if adequate ACC funding exists, must be honored.~~ If the HCHC finds it is over-leased, it must adjust future issuance of Vouchers in order not to exceed the ACC budget limitations over the fiscal year. All Vouchers that are not honored for lease-up will be re-issued when adequate funding becomes available.

B. BRIEFING TYPES AND REQUIRED ATTENDANCE [24 CFR 982.301]

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined eligible for assistance. The briefings will be conducted in groups. Families who attend group briefings and still have the need for individual assistance will be referred to their assigned Human Service Specialist. Upon request an individual briefing can be conducted for a person with a disability as a reasonable accommodation.

Briefings will be conducted in English. Upon request, briefing materials can be translated into another language. Upon request an interpreter can be provided for non-English speaking families or for families that speak English as a second language.

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The purpose of the briefing is to explain how the program works and the documents in the voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

The HCHC will not issue a voucher to a family unless the household representative has attended a briefing and signed the Voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend 2 scheduled briefings, without prior notification and approval of the HCHC, may be denied admission based on failure to supply information needed for certification. The HCHC will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation.

Briefing Packet [24 CFR 982.301(b)]

The documents and information provided in the briefing packet for the voucher program will comply with all HUD requirements. The HCHC also includes other information and/or materials that are not required by HUD. This information will be provided to applicants prior to issuance of the first voucher.

The family is provided with the following information and materials:

- The term of the voucher, and the HCHC policy for requesting extensions or suspensions of the voucher (referred to as tolling).
- A description of the method used to calculate the housing assistance payment for a family, including how the PHA determines the payment standard for a family; how the PHA determines total tenant payment for a family and information on the payment standard and utility allowance schedule. How the PHA determines the maximum allowable rent for an assisted unit.
- For a family that qualifies to lease a unit outside the PHA jurisdiction under portability procedures, the information must include an explanation of how portability works.
- The HUD required tenancy addendum, which must be included in the lease.
- The Request for Tenancy Approval form, and a description of the procedure for requesting approval for a unit.
- A statement of the PHA policy on providing information about families to prospective owners.
- The PHA Subsidy Standards including when and how exceptions are made and how the voucher size relates to the unit size selected.
- The HUD brochure on how to select a unit and/or the HUD brochure "A Good Place to Live" on how to select a unit that complies with HQS.
- The HUD brochure on lead-based paint and information about where blood level testing is available.
- Information on Federal, State and local equal opportunity laws and a copy of the

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housing discrimination complaint form. The PHA will also include information about fair housing laws, guidelines, and the telephone numbers of the local fair housing agency and the HUD enforcement office. Note: The Office of Human Rights has a staff person who speaks at all briefings.

- Referrals for~~A list of~~ units that are available ~~to for the~~ Housing Choice Voucher holders either through a local listing or through electronic media. ~~Program which is updated monthly and compiled by bedroom size.~~
- If the family includes a person with disabilities, notice that the PHA will provide information on locating accessible units.
- The Family Obligations under the program.
- The grounds on which the PHA may terminate assistance for a participant family because of family action or failure to act.
- PHA informal hearing procedures including when the PHA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.
- Information packet including an explanation of how portability works, including a list of neighboring housing agencies with the name, address and telephone number of a portability contact person at each for use by families who move under portability. (required for PHAs in MSAs)
- A family participating in the project-based voucher program will be offered available tenant-based assistance either under the voucher program or under another comparable form of tenant-based assistance as defined by HUD
- Information regarding the PHA's outreach program that assists families who are interested in, or experiencing difficulty in obtaining available housing units in areas outside of minority concentrated locations, if applicable.
- The HQS checklist.
- Procedures for notifying the PHA and/or HUD of program abuses such as side payments, extra charges, violations of tenant rights, and owner failure to repair.
- The family's rights as a tenant and a program participant.
- Requirements for reporting changes between annual recertifications.
- Information on security deposits and legal referral services.
- Exercising choice in residency.
- Choosing a unit carefully and only after due consideration.
- The Family Self-Sufficiency program and its advantages.

An abbreviated version of the aforementioned will be provided to program participants moving to a new unit or porting into Howard County. If the family includes a person with disabilities, the HCHC will ensure compliance with CFR 8.6 to ensure effective communication.

- **Move Briefing**

A full HUD-required move briefing will be held for participants who will be reissued a Voucher to move, and who have been recertified within the last 120 days, and have given notice of intent

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to vacate to their landlord. The briefings will be conducted in groups. Families who attend group briefings and still have the need for individual assistance will be accommodated.

- **Portability Briefing**

A full HUD-required portability briefing will be held for participants who wish to move to Howard County from another jurisdiction. The briefings will be conducted in groups. A Howard County voucher will not be issued until the porting family attends the briefing. Families who attend group briefings and still have the need for individual assistance will be accommodated.

Owner Briefing

Briefing may be held for owners periodically. The purpose of the briefing is to assure successful owner participation in the program. Information provided will include the responsibilities and obligations of the three parties.

C. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

The PHA will give participants a copy of HUD form 903 to file a complaint.

D. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]

~~Leases Effective Prior to October 2, 1995~~

~~The amount of Security Deposit that could have been collected by owners under contracts effective prior to October 2, 1995 is:~~

~~Under the pre-merger Certificate Program, the owner could have collected a Security Deposit in an amount not to exceed Total Tenant Payment or \$50.00, whichever is greater, for non-lease-in-place families.~~

~~For the pre-merger Voucher Program, the owner, at his/her discretion, could have collected a Security Deposit in an amount not to exceed (PHA policy):~~

~~F. The greater of 30% of adjusted monthly income or \$50 for non-lease-in-place families.~~

~~G. The amount charged to unassisted tenants may not exceed the maximum allowed under state or local law.~~

~~H. The greater of 30% of adjusted monthly income or other PHA amount.~~

~~Leases Effective on or after October 2, 1995~~

The owner is not required to, but may collect a security deposit up to the maximum allowed by State and local law (2 month's rent).

Security deposits charged to families may be any amount the owner wishes to charge, subject to the following conditions:

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Security deposits charged by owners may not exceed those charged to unassisted tenants, or the maximum prescribed by State or local law.

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

E. TERM OF VOUCHER [24 CFR 982.303, 982.54(d)(11)]

During the briefing session, each household will be issued a voucher which represents a contractual agreement between the HCHC and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program which occurs when the lease and contract become effective.

Expirations

The Voucher is valid for a period of sixty calendar days from the date of issuance.

The family must submit a Request for Tenancy Approval and Lease within the sixty-day period unless an extension has been granted by the HCHC.

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

Suspensions

When a Request for Tenancy Approval is received, the HCHC ~~may will~~ deduct the number of days required to process the request from the sixty day term of the voucher.

• **Extensions**

The HCHC will extend the term up to 180 days from the beginning of the initial term if the family needs and request an extension as a reasonable accommodation to make the program accessible to and usable by a family member with a disability. If as a reasonable accommodation, the family needs an extension in excess of 180 days, they must request the same in writing, prior to the expiration date of the voucher. The HCHC may grant such a request.

A family may request an extension of the voucher time period. All requests for extensions must be received, in writing, prior to the expiration date of the voucher.

Extensions are permissible at the discretion of the PHA up to a maximum of an additional sixty days primarily for these reasons:

- Extenuating circumstances such as hospitalization or a family emergency for an extended period of time which has affected the family's ability to find a unit within the initial sixty day period. Verification is required.

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- The HCHC is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of the HCHC, throughout the initial sixty day period. A completed search record **is** required.
- The family was prevented from finding a unit due to disability accessibility requirements or bedroom unit requirement. The Search Record is part of the required verification.

The HCHC extends in one or more increments. Unless approved by the Director or the Chief of HCVP or PH, extensions will not exceed more than a total of an additional sixty days to the initial term of the voucher.

Assistance to Voucher Holders

Families who require additional assistance during their search may call the HCHC to request assistance. ~~Voucher holders will be notified at their briefing session that the HCHC periodically updates the listing of available units and how the updated list may be obtained.~~

The HCHC will assist families with negotiations with owners and provide other assistance related to the families' search for housing. After the first thirty days of the search the family is required to maintain a search record.

F. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS [24 CFR 982.315]

In those instances when a family assisted under the HCVP becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the Chief of HCVP & PH shall consider the following factors to determine which of the families will continue to be assisted:

- Which of the two new family units has custody of dependent children.
- Which family member was the head of household when the Voucher was initially issued (listed on the initial application).
- The composition of the new family units, and which unit contains elderly or disabled members.
- Whether domestic violence was involved in the breakup.
- Which family members remain in the unit.
- Current household income of the new family units and potential for increased income.
- Recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties. If documentation is not provided, the HCHC will terminate assistance on the basis of failure to provide information necessary for a recertification.

G. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER [24 CFR 982.315]

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To be considered the remaining member of the tenant family, the person must have been previously approved by the HCHC to be living in the unit.

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

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

- The court has to have awarded emancipated minor status to the minor, or
- The HCHC has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a reduction in the voucher family unit size.

•G. SPLIT HOUSEHOLDS DURING PROGRAM PARTICIPATION

When families currently receiving assistance split, the policy previously outlined for split households will apply. Remaining family members must separately apply when the waiting list is open to receive assistance.

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CHAPTER 11 - REQUEST FOR TENANCY APPROVAL & CONTRACT EXECUTION

[24 CFR 982.302]

INTRODUCTION [24 CFR 982.305(a)]

The PHA's program operations are designed to utilize available resources in a manner that is efficient and provides eligible families timely assistance based on the number of units that have been budgeted. The HCHC's objectives include maximizing HUD funds by providing assistance to as many eligible families and for as many eligible units as the budget will allow.

After families are issued a voucher, they may search for a unit anywhere within the jurisdiction of the HCHC or outside of the HCHC's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments Contract with HCHC. This Chapter defines the types of eligible housing, the HCHC's policies that pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests For Tenancy Approval (RFTA).

A. REQUEST FOR TENANCY APPROVAL [24 CFR 982.302, 982.305(b)]

The RFTA and a copy of the proposed Lease, including the HUD prescribed tenancy addendum, must be submitted by the family during the term of the voucher. The family must submit the RFTA in the form and manner required by the HCHC.

The RFTA must be signed by both the owner and Voucher holder. The HCHC will not permit the family to submit more than one RFTA at a time. The HCHC will review the proposed lease and the RFTA documents to determine whether or not they are approvable. The RFTA will be approved if:

- The unit is an eligible type of housing;
- The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan)
- The rent is determined to be reasonable;
- The Security Deposit is approvable in accordance with State law;.
- The proposed lease complies with HUD and HCHC requirements (see "Lease Review" section below);
- The owner is approvable, and there are no conflicts of interest (see "Owner Disapproval" section below).; and
- At the time of the move to the unit, the family share of rent does not exceed 40 percent of the family's monthly adjusted income (see Chapter 13 Payment Standards and Contract Rent).

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Disapproval of RFTA

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When, for any reason, an RFTA is not approved, the HCHC will furnish another RFTA form to the family so that the family can continue to search for eligible housing.

Multiple Move Requests

It shall be the policy of the HCHC to refuse to accept multiple Requests for Tenancy Approval forms from both new and current program participants.

Use of Co-Signers

It will be the policy of the HCHC to disapprove the use of co-signers on landlord-tenant leases.

B. ELIGIBLE TYPES OF HOUSING [24 CFR 982.353, 982.54(d)(15)]

The HCHC will approve any of the following types of housing:

- All unit structure types;
- Manufactured homes where the tenant leases the mobile home and the pad;
- Manufactured homes where the tenant owns the mobile home and leases the pad;
- Group homes;
- Congregate facilities (only the shelter rent is assisted);
- Single Room Occupancy (SRO);
- Units owned, but not subsidized, by HCHC (following HUD-prescribed requirements);
- Cooperative Housing; and
- Homeownership.

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A family can own a rental unit but cannot reside in it while being assisted, except in the case when the tenant owns the mobile home and leases the pad. A family may lease in and have an interest in a cooperative housing development.

The HCHC will not permit a voucher holder to lease a unit that is receiving Project-Based Section 8 assistance or any duplicative rental subsidies.

C. LEASE REVIEW [24 CFR 982.308]

Actions Before Lease Term

All of the following must always be completed before the beginning of the initial term of the lease for a unit:

- The HCHC has inspected the unit and has determined that the unit meets HQS requirements;
- The landlord and the tenant have executed the lease, including the HUD-prescribed tenancy addendum; and
- The HCHC has approved leasing of the unit in accordance with program requirements.

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D. SEPARATE AGREEMENTS

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

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

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

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

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

All agreements for special items or services must be attached to the lease approved by the HCHC. If agreements are entered into at a later date, they must be approved by the HCHC and attached to the lease.

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

E. INITIAL INSPECTIONS [24 CFR 982.305(a) & (b)]

See "Housing Quality Standards and Inspections" chapter of this Administrative Plan.

F. RENT LIMITATIONS [24 CFR 982.503]

The HCHC will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable unassisted unit in the building or premises.

G. DISAPPROVAL OF PROPOSED RENT [24 CFR 982.502]

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In any of the programs, if the proposed Gross Rent is not reasonable, at the family's request, the HCHC will attempt to negotiate with the owner to reduce the rent or to include some or all of the utilities in the rent to owner to arrive at a reasonable rent.

If the rent can be approved after negotiations with the owner, the HCHC will continue processing the RFTA and Lease. If the revised rent involves a change in the provision of utilities, a new RFTA must be submitted by the owner.

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

H. INFORMATION TO OWNERS [24 CFR 982.307(b), 982.54(d)(7)]

In accordance with HUD requirements, the HCHC will furnish to the prospective owners, the name and address of the last known landlord.

The HCHC will ~~not~~ provide documented information regarding tenancy history to prospective landlords upon request.

The HCHC will ~~not~~ furnish prospective owners with documented information about the family's rental history ~~or criminal background check~~ upon request.

The HCHC will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, payment of utility bills, eviction history, respecting the rights of other residents, damage to units, drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

A statement of the HCHC's policy on release of information to prospective landlords will be included in the briefing packet that is provided to the family.

I. OWNER DISAPPROVAL [24 CFR 982.306]

See Chapter 18 - Owner Disapproval and Restriction.

J. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE

When the family reports changes in factors that will affect the Total Family Share prior to the effective date of the HAP contract at admission, the information will be verified and the Total Family Share will be recalculated. If the family does not report any change, the HCHC need not obtain new verifications before signing the HAP Contract, even if verifications are more than sixty days old.

K. CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]

The HCHC prepares the Housing Assistance Contract for execution. The owner and family will execute the Lease agreement. The owner and the HCHC will execute the HAP Contract. A copy of the HAP contract will be furnished to the landlord who signed the respective documents. The HCHC will retain a copy of all signed documents.

The HCHC makes every effort to execute the HAP Contract before the commencement of the lease term. The HAP Contract may not be executed more than 60 days after commencement of the lease term and no payments will be made until the contract is executed and the signed lease is received. The HCHC Deputy Director or other designated official is/are authorized to execute a contract on behalf of the HCHC.

As a part of the HAP Contract execution the owner must provide the following:

- A copy of the fully executed lease,
- A completed W9,
- Proof of identity,
- Direct deposit information,
- current address of their residence (a Post Office box address is not acceptable),
- contact numbers (cellphone, home and/or business number if applicable),
- an email address,
- proof of ownership of the unit listed on the RFTA, and
- Howard County rental license.

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Unless the lease was effective prior to June 17, 1998, a family may not lease properties owned by a parent, child, grandparent, grandchild, sister or brother of any family member. The HCHC may waive this restriction as a reasonable accommodation for a family member who is a person with a disability. If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

L. CHANGE IN OWNERSHIP

See Chapter 18 - Owner Disapproval and Restriction.

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CHAPTER 12 - HOUSING QUALITY STANDARDS AND INSPECTIONS

[24 CFR 982.401]

INTRODUCTION

Housing Quality Standards (HQS) are the HUD minimum unit physical condition standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building exterior as well as the unit (building interior). Newly leased units must pass a HQS inspection before a HAP Contract can be executed. Occupied units must pass a HQS inspection to continue the existing HAP Contract. Additional inspections will be conducted as needed and at the request of the program participant and/or landlord.

HQS inspections are performed by trained Housing Choice Voucher Program Inspectors or third party contractors using HUD Form 52580A. Inspections are normally conducted on business days, during normal hours of operation. Inspection results are maintained in accordance with HCHC record retention policy. HCHC will also perform Quality Control Inspections on the number of units required for sampling by SEMAP annually and to assure consistent enforcement of HQS standards.

This Chapter describes the HCHC's procedures for performing HQS and other types of inspections, and HCHC standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and HCHC requirements. (See the additions to HQS listed under "Acceptability Criteria and Exceptions to HQS" later in this chapter.)

A. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401(a), 982.405]

HCHC has adopted the following local requirements of acceptability in addition to those mandated by the HUD regulations for Housing Quality Standards:

Walls:

- In areas where plaster or drywall is sagging, severely cracked or otherwise damaged, it must be repaired or replaced.
- Any exterior or interior surfaces with peeling or chipping paint must be scraped and painted with two coats of unleaded paint or other suitable material.

Windows:

- All windows sashes must be in good condition.
- Window screens (if applicable) must be in good condition.

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Doors:

- All Exterior doors must be weather tight, lockable, have no holes and have all trim intact.

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Floors:

- Any loose or warped boards must be secured and made level.
- All floors must be in a finished state (no plywood).

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Sinks:

- All sinks and commode water lines must have shut off valves, unless faucets are wall mounted.
- All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.

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Security:

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

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Bedrooms:

- Bedrooms in basements or attics are not allowed unless they meet local code requirements and must have adequate ventilation and emergency exit capability.
- Minimum bedroom ceiling height is 7'6" or defined by local code, whichever is greater.

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Modifications:

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

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Utilities:

- ~~K~~• All utilities must be in service prior to the inspection. If the utilities are not in service at the time of inspection, the Inspector will notify the tenant or owner (whomever is responsible for the utilities according to the RFTA) to have the utilities turned on. The Inspector will schedule a re-inspection.
- ~~L~~• If the tenant is responsible for supplying the stove and/or the refrigerator, the HCHC will allow the stove and refrigerator to be placed in the unit after the unit has passed all other HQS. The family must then certify that the appliances are in the unit and working. The HCHC may conduct a re-inspection to verify.

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Additional Guidelines:

- M.●** In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant must contain at least seventy square feet of habitable space, and every room occupied for sleeping purposes by more than one occupant must contain at least fifty square feet of habitable space for each occupant.
- N.●** At least one-half of the floor area of every habitable room must have a ceiling height of at least seven feet.
- O.●** Basement space must not be used as habitable space unless, the above conditions are met, and the floor and walls are impervious to leakage of underground and surface runoff water and insulated against dampness; and the window shall be at least five square feet in net clear opening. It must be operable without use of a tool, with the minimum net clear opening height of twenty-two inches and a minimum net clear opening of twenty inches, with the bottom of the opening not more than forty-four inches above the floor. The horizontal dimensions of the window well shall provide a minimum net clear area of nine square feet with a minimum horizontal projection and width of 36 inches.
- P.●** The access to any sleeping room must not pass through another sleeping room.

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The purpose of the housing inspection is to determine if the above listed items meet HQS standards. Any areas of the home found in violations of these standards must be repaired timely (time period specified by HCHC). Extensions for repair items not required by HQS can be granted (e.g. modifications to the unit) if agreed to by the tenant and landlord. HCHC will allow execution of or continue the HAP Contract if the unit meets all requirements and the modifications do not affect the livability of the unit.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards. The HCHC will not promote any additional acceptability criteria which is likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

There are six types of inspections the HCHC will perform:

1. Initial/Move-in: Conducted upon receipt of Request for Tenancy Approval.
2. Annual: Must be conducted within twelve months of the last annual inspection.
3. Move-Out/Vacate (for pre 10/2/95 contracts where there could be damage claims)
4. Special/Complaint: At request of owner, family or an agency or third-party.
5. Quality Control
6. Re-inspection

B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

Timely Initial HQS Inspection

The HCHC will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination within 15 days unless the HCHC determines that it is

unable to do so in the stated timeframe, or if the unit has not been made available by the landlord for inspection in which case the file will be appropriately documented.

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

The HCHC will periodically review the average time required for a family and owner to have a unit inspected from the time the RFTA is submitted by the family and owner to the HCHC.

If the HCHC determines after a periodic review of files that the average time for a family and owner to obtain an initial inspection is longer than 15 days, the HCHC will review staffing needs relevant to HQS inspection.

The Initial Inspection will be conducted to:

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

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If the unit fails the initial HQS inspection, the owner will be advised to notify the HCHC once repairs are completed.

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

The owner will be allowed up to two re-inspections for repair work to be completed. If the re-inspection does not result in a "Pass" rating, a new RFTA must be submitted for inspection of a new unit.

Families will not be adversely impacted by the failure of the unit to pass the initial HQS inspection. The remaining time on the voucher will be suspended from the date of the HCHC's receipt of the RFTA for a maximum of 30 days.

C. ANNUAL HQS INSPECTIONS [24 CFR 982.405(a)]

The HCHC conducts an inspection in accordance with HQS at least annually. The inspections are scheduled so that the inspections are conducted no less than annually, as required by SEMAP. Special inspections may be scheduled between anniversary dates.

HQS deficiencies that cause a unit to fail must be corrected by the landlord unless it is a fail for which the tenant is responsible.

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The family must allow the HCHC to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.51 (d)]. Inspections will be conducted Monday – Friday, between 7 a.m. and 5 p.m., unless special arrangements have otherwise been agreed upon by the inspector and tenant and approved by the Chief of Housing Choice Voucher and Public Housing Programs.

The HCHC will notify the family in writing at least 14 days prior to the initial inspection notice.

Inspection: The family and the owner are notified of the date and time of the inspection appointment by mail. If the family wants to participate and is unable to be present, they must reschedule the appointment.

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

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

The family is also notified that it is a Family Obligation to allow the HCHC to inspect the unit. If the family was responsible for a breach of HQS identified in the "Denial or Termination of Assistance" chapter of this Administrative Plan, they will be advised of their responsibility to correct.

Time Standards for Repairs

Emergency items which endanger the family's health or safety must be corrected by the owner within 24 hours of notification (see Emergency Repair Items section). For non-emergency items, repairs must be made within thirty days. For major repairs, the Housing Inspections Supervisor may approve an extension beyond thirty days.

Rent Increases

Rent increases will not be approved if the unit is in a failed condition.

D. MOVE OUT/VACATE

A move out inspection will be performed only at the landlord's request if claim is to be submitted for contracts effective before 10/2/95. For contracts after 10/2/95 the owner must request a move out inspection before the family vacates the unit and submit proof of damage claim that exceeds the collect security deposit.

E. SPECIAL/COMPLAINT INSPECTIONS [24 CFR 982.405(c)]

If at any time the family or owner notifies the HCHC that the unit does not meet HQS, the HCHC will conduct an inspection.

The HCHC may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The HCHC will inspect only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If the annual inspection date is within 60 days of a special inspection, and as long as all items are inspected that are included in an annual inspection, the special inspection will be categorized, as annual and all annual procedures will be followed.

F. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

Quality Control inspections on the number of units required by SEMAP will be conducted by the Chief of the Housing Choice Voucher Program, or his designee, or by a third party contractor. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in the application of HQS.

The sampling of files will include recently completed inspections (within the prior 90 days), a cross-section of neighborhoods, and a cross-section of inspectors.

G. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401 (a)]

The HCHC adheres to the acceptability criteria in the program regulations. The HCHC amends the acceptability criteria to require that an owner participating in the program comply with local government rental licensing requirements. The HCHC will allow an owner adequate time to obtain the required license(s). However, the HCHC may hold HAP from the owner under contract when the HCHC is notified by local government that the owner has failed to obtain the appropriate rental license(s).

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

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

H. EMERGENCY REPAIR ITEMS [24 CFR 982.401(a)]

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

- Lack of security for the unit
- Waterlogged ceiling in imminent danger of falling
- Major plumbing leaks or flooding
- Natural gas leak or fumes
- Electrical problem which could result in shock or fire
- No heat when outside temperature is below 10 degrees Fahrenheit and temperature inside unit is below 68 degrees Fahrenheit.
- Utilities not in service
- No running hot water
- Broken glass where someone could be injured
- Obstacle which prevents tenant's entrance or exit
- Lack of functioning toilet
- Non working smoke detector or missing smoke detector as required.

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The HCHC may give a short extension (not more than 48 additional hours) whenever the responsible party cannot be notified or it is impossible to affect the repair within the 24-hour period.

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

If the emergency repair item(s) are not corrected in the time period required by the HCHC, and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

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

Smoke Detectors

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

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

I. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS)
[24CFR 982.405, 982.453]

When it has been determined that a unit fails to meet HQS, and the owner is responsible for completing the necessary repair(s) in the time period specified by the HCHC, the assistance payment to the owner will be abated.

Violation & Abatement

A Notice of Violation will be sent to the owner, effective from the day after the date of the failed inspection. The notice is generally for 30 days, depending on the nature of the repair(s) needed.

The HCHC will inspect failed units within five (5) working days of the owner's notification that the work has been completed. If the owner fails to make the required repairs to the unit prior to the deadline for repair a Notice of Abatement will be mailed to the owner within three working days of the date of reinspection.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection, however the HCHC will apply a minimum penalty of three days to encourage owners to complete repairs within the initial notice period so that PHA inspection man hours are not wasted.

The HCHC will advise owners of their responsibility to notify the tenant of when the re-inspection will take place.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the tenant is not responsible for the HCHC's portion of rent that is abated.

Reduction of Payments

The HCHC may grant an extension in lieu of abatement, or reduce the abatement period in the following cases:

- The owner has a good history of HQS compliance.
- The failed items are minor in nature.
- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
- The owner makes a good faith effort to make the repairs.
- The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the funds.
- The repairs must be delayed due to climate conditions.
- The owner is temporarily absent from his unit for a period of less than 30 days, and the violation notice arrived during that thirty day period.

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

The owner's payment will not be abated as a result of a tenant's failure to honor a reinspection appointment, however a follow-up appointment will be scheduled and the owner will be notified that an owner representative must be present for the follow-up appointment.

Termination of Contract

If the owner is responsible for repairs, and the unit has been in abatement for 30 days, the owner and the tenant will be sent a HAP Contract Proposed Termination Notice. The family will also be notified to attend a Move Briefing to begin their search for a new unit. The proposed termination notice will be a 30 day notice. The family will be required to begin the process to relocate from the unit or possibly be terminated from the program. Prior to the effective date of the termination, if the repairs are not completed, the abatement will remain in effect.

If repairs are completed before the effective termination date, the termination may be rescinded by the HCHC if the tenant chooses to remain in the unit. Only one HQS inspections will be conducted after the termination notice is issued.

J. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404, 982.54(d)(14)]

The Inspector will make a determination of owner or family responsibility during the inspection.

Certain HQS deficiencies are considered the responsibility of the family:

- Tenant-paid utilities not in service;
- Failure to provide or maintain family-supplied appliances;
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear; and
- "Normal wear and tear" is defined as items which could be charged against the tenant's security deposit under state law or court practice.

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

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

K. CONSEQUENCES IF FAMILY IS RESPONSIBLE [24 CFR 982.404(b)]

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the HCHC will require the family make any repair(s) or corrections within 24 hours or 30

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days, as appropriate. If the repair(s) or correction(s) are not made in this time period, the HCHC will terminate assistance to the family, after providing an opportunity for an informal hearing. Extensions in these cases must be approved by the Chief of Housing Choice Voucher Program, or his designee. The owner's rent will not be abated for items that are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated and the owner will be provided with adequate notice (no less than 30 days) of the termination date.

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CHAPTER 13 - PAYMENT STANDARDS & CONTRACT RENT

[24 CFR 982.505, 982.503, 982.504, 982.505]]

INTRODUCTION

The policies in this chapter reflect the amendments to the HUD regulations, which were implemented by the Quality Housing and Work Responsibility Act of 1998 for the Section 8 Tenant-Based Assistance Program. These amendments became effective on October 1, 1999, which is referred to as the “merger date”. These amendments complete the merging of the Section 8 Certificate and Voucher Programs into one program, called the Housing Choice Voucher Program.

~~In accordance with the regulations, for those Section 8 participant families where there is a HAP Contract in effect entered into prior to October 1, 1999, the HCHC will continue to uphold the rent calculation methods of the pre-merger Regular Certificate, OFTO, and Voucher tenancies until the 2nd regular reexamination of family income and composition following the “merger date”. However, all new leases, moves and new admissions taking effect on or after October 1, 1999 will be subject to the regulations of the new Housing Choice Voucher Program.~~

The HCHC will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is the HCHC's responsibility to ensure that the rents charged by owners are reasonable based upon unassisted comparables in the rental market, using the criteria specified in 24 CFR 982.507(b).

This Chapter explains the HCHC's procedures for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.

A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM

The Rent to Owner is limited only by rent reasonableness. The HCHC must demonstrate that the Rent to Owner is reasonable in comparison to rent for other comparable unassisted units.

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

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

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the HAP Contract is executed, the HCHC begins processing payments to the landlord. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made automatically to the HAP Register for the following month as participants are recertified. Payments are disbursed semi-monthly to owners by the HCHC Payables staff. The Howard County Housing Commission

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primary HAP process is completed to make payments to owners the first week of each month. The second HAP process is completed on an “as needed” basis to make mid-month payments to owners initiating new HAP contracts or for reasons approved by the Chief of Housing Choice Voucher and Public Housing Programs.

If paid by check, and the payment is mailed but not received by the landlord, the check will not be replaced until a written request has been received from the payee and a stop payment has been put on the check. ~~As all landlords have been offered the option of Direct Deposit all checks that are mailed, received by the landlord, but and~~ require replacement will be reissued at the expense of the landlord at the current replacement rate of the banking institution.

Excess Payments

The total of rent paid by the tenant plus the HCHC housing assistance payment to the owner may not be more than the contract rent to the owner. The owner must immediately return any excess payment to the HCHC. Owners who do not return excess payments will be subject to penalties as outlined in Chapter 20 Owner or Family Debts to the HCHC.

Late Payments to Owners

The HCHC must make housing assistance payments to the owner promptly and in accordance with the HAP contract. The HCHC will pay, upon written request of the owner, ~~up to~~ a five percent late fee to the owner, ~~as determined by the lease,~~ for housing assistance payments that are not mailed ~~to the owner~~ the first full business week of the month. Proof of mailing will be the date the HAP Register was run.

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The HCHC will not be obligated to pay any late payment penalty if HUD determines that late payment is due to factors beyond the HCHC’s control, such as a delay in the receipt of program funds from HUD. The HCHC will use administrative fee income or the administrative fee reserve as its only source for late payment penalty.

The HCHC will not use any program funds for the payment of late fee penalties to the owner.

C. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.507]

The HCHC contracts with an independent real estate research firm to complete an annual evaluation of the entire Howard County rental market. This data is used as a tool for determining rent reasonableness.

HCHC must ensure that rents charged by owners to Housing Choice Voucher program participants are reasonable. This determination involves two comparisons. First, HCHC must compare rent for the unit presented to rents for similar unassisted units in the marketplace. Second, HCHC must compare the rent to rents for similar units on the premises (982.507).

HCHC must determine rent reasonableness in all of the following four instances:

- 1. Before entering into a HAP contract. The HCHC must not execute a HAP contract until it has documented that the rent charged is reasonable.
- 2. Before any increase in the rent to owner. Before approving a rent increase, the HCHC must determine and document whether the proposed rent is reasonable compared to similar units in the marketplace and not higher than those paid by unassisted tenants.
- 3. If there is a five percent decrease in the published FMR (for the unit size rented by the family) in effect 60 days before the contract anniversary date as compared with the FMR in effect one year before the contract anniversary date. This provision is designed to ensure that when the market goes down by a significant amount the HCHC must reexamine rent reasonableness.
- 4. If HUD has reason to question the HCHC's system or accuracy of the determinations, it may require the HCHC to conduct rent reasonableness reviews on all or a portion of its units.

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In determining comparability, the HCHC must consider the following nine elements:

1. Location;
2. Quality;
3. Size;
4. Unit type;
5. Age of unit;
6. Amenities;
7. Housing services;
8. Maintenance; and
9. Utilities the owner must provide under the lease.

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HCHC will obtain data for other unassisted units through the Annual Rental Survey, internet real estate searched, newspapers, realtors, professional associations, inquiries with owners, market surveys, and other available sources.

The market areas for rent reasonableness are neighborhoods/villages. Subject units within the neighborhood will be compared to similar units within the same area. The reasonableness determination will be made in the following priority based on housing type, unit size, and location:

- 1. Annual Rental Survey which considers the unit location in comparison the similar unassisted units in the jurisdiction;
- 2. Owner Certification on the HUD form 52517; and
- 3. Internet real estate search, newspapers, professional associations, inquiries with owners, market surveys, and other available sources.

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The owner certifies that the rent to owner is no more than the rent charged by the owner for comparable unassisted units on the premises. This certification is stated as a requirement in the contract and occurs by acceptance of each housing assistance payment.

The HCHC will document all rent reasonableness decisions and the basis for the decision. The documentation will identify who conducted the rent reasonableness determination and when.

The HCHC will complete a sample quality control review of the reasonableness determinations.

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment for a family. In accordance with HUD regulation, and at the HCHC's discretion, the Voucher Payment Standard amount is set by the HCHC between 90 and 110 percent of the HUD published FMR. This is considered the basic range. The HCHC reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, the HCHC will ensure that the Payment Standard is always within the range of 90 to 110 percent of the new FMR, unless an exception payment standard has been approved by HUD. Due to sequestration and recent reductions in funding, the Housing Commission is adopting 95% payment standards in the Columbia Fair Market Rent Area. The Commission will review Payment Standard Levels annually when Fair Market Rents are published to determine if adequate reserves exist to increase subsidy levels or if further reductions are necessary in order to maintain adequate HAP levels and adequate program reserves.

The HCHC will establish a single voucher payment standard amount for each FMR area in the HCHC jurisdiction. For each FMR area, the HCHC will establish payment standard amounts for each "unit size". The HCHC may have a higher payment standard within the HCHC's jurisdiction if needed to expand housing opportunities outside areas of minority or poverty concentration, as long as the payment standard is within the 90 to 110 percent of FMR range.

The HCHC may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities.

PIH Notice 2013-03

The Housing Commission will utilize the provisions of PIH Notice 2013-03 that allow the Commission to set a payment standard up to 120 percent of the Fair Market Rent (FMR) as a reasonable accommodation for a family that includes a person with a disability. The Commission will maintain documentation that the unit has been determined to be rent reasonable, and that the unit has the feature(s) required to meet the needs of the person with disabilities. This provision will expire effective March 31, 2014, unless it is extended. If the notice is extended the Commission will continue to utilize its discretion to set payment standards up to 120 percent of the Fair Market Rent for families containing a person with a disability.

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E. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.503]

Payment Standards may be adjusted, within HUD regulatory limitations, to increase Housing Assistance Payments in order to keep families' rents affordable. The HCHC will not raise Payment Standards solely to make "high end" units available to Voucher holders. The HCHC may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

Assisted Families' Rent Burdens

The HCHC will review its voucher payment standard amounts at least annually to determine whether more than 40 percent of families in a particular unit size are paying more than 30 percent of their annual adjusted income for rent.

If it is determined that particular unit sizes in the HCHC's jurisdiction have payment standard amounts that are creating rent burdens for families, the HCHC may modify its payment standards for those particular unit sizes ~~if adequate funding and/or reserves are available-~~

The HCHC may increase its payment standard within the basic range for those particular unit sizes to help reduce the percentage of annual income that participant families in the HCHC's jurisdiction are paying.

The HCHC may establish a separate voucher payment standard, within the basic range, for designated parts its jurisdiction if it determines that a higher payment standard is needed in these designated areas to provide families with quality housing choices and to give families an opportunity to move outside areas of high poverty and low income.

Quality of Units Selected

The HCHC will review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

HCHC Decision Point

The HCHC will review the average percent of income that families on the program are paying for rent. If more than 40 percent of families are paying more than 30 percent of monthly adjusted income for a particular unit size, the HCHC will determine whether families are renting units larger than their voucher size, and whether families are renting units which exceed HUD's HQS and any additional standards added by the HCHC in this Administrative Plan.

If families are paying more than thirty percent of their income for rent due to the selection of larger bedroom size units or luxury units, the HCHC may decline to increase the payment standard. If these are not the primary factors for families paying higher rents, the HCHC will consider ~~time~~ increasing the payment standard if adequate funding and/or reserves are available.

Rent to Owner Increases

The HCHC may review a sample of the units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

Time to Locate Housing

The HCHC may consider the average time period for families to lease using a voucher. If more than twenty five percent of voucher holders are unable to locate suitable housing within the term of the voucher and HCHC determines that this is due to ten percent of rents in the jurisdiction being unaffordable for families even with the presence of a voucher, the Payment Standard may be adjusted.

Lowering of the Payment Standard

Lowering of the FMR may require an adjustment of the Payment Standard. Additionally, statistical analysis may reveal that the Payment Standard should be lowered. In any case, the Payment Standard will not be set below 90 percent of the FMR without authorization from HUD.

Financial Feasibility

Before increasing the Payment Standard, the HCHC may review the budget to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, the HCHC will compare the number of families who could be served under a higher Payment Standard with the number assisted under current Payment Standards.

File Documentation

A file will be retained by the HCHC for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

F. EXCEPTION PAYMENT STANDARDS

If the dwelling unit is located in an exception area, the HCHC must use the appropriate payment standard amount established by the HCHC for the exception area in accordance with regulation 24 CFR 982.503.

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CHAPTER 14 - RECERTIFICATIONS

[24 CFR 982.516]

INTRODUCTION

In accordance with HUD requirements, the PHA will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Recertifications and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulation. It is a HUD requirement that families report all changes in household composition. This Chapter defines the HCHC's policy for conducting annual recertifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ANNUAL ACTIVITIES [24 CFR` 982.516, 982.405]

There are three activities the HCHC must conduct on an annual basis. These activities will be coordinated whenever possible:

- Recertification of Income and Family Composition
- HQS Inspection
- Rent Increase to Owner (following HUD requirements Regular Tenancy Certificate only)

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The HCHC produces a monthly listing of units under contract to ensure that timely reviews of rent to owner, housing quality, and factors related to Total Tenant Payment/Family Share can be made. Requests for rent increases and other monetary changes will be transmitted to the Chief of Housing Choice Voucher and Public Housing Programs or designee.

Reexamination of the family's income and composition must be conducted at least annually.

Annual inspections must be conducted at least annually (see Chapter 12 Housing Quality Standards & Inspections). Rent Adjustments can be requested annually (see Chapter 13 Payment Standards and Contract Rent).

B. ANNUAL RECERTIFICATION/REEXAMINATION [24 CFR 982.516]

Families are required to be recertified at least annually. At the first interim or annual certification on or after June 19, 1995, family members must report and verify their U.S. citizenship/eligible immigrant status.

Moves Between Reexaminations

When families move to another dwelling unit before the effective date of the reexamination, the recertification date will be changed to coincide with the new move date. Income limits are not used as a test for continued eligibility at recertification.

Reexamination Notice to the Family

HCHC will schedule annual recertifications and notify the family of the date and time of appointments, via first class mail, at least 14 days prior to the actual appointment date. HCHC will maintain a reexamination tracking system and schedule all annual recertifications approximately 120 days in advance of the anniversary date.

If requested as an accommodation by a person with a disability, the HCHC will provide the notice in an accessible format. The HCHC will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

Reexamination by Mail

HCHC will schedule annual recertifications by mail every other year. All verification requirements and processes will remain the same for annual recertifications by mail.

Initial Notice

The initial recertification notice will be sent via first class mail with a required deadline of at least 15 days to provide fully executed forms, verifications and releases. The notice will advise the family of an option to recertify in person at the Housing Office by submitting a written request. If there is no response to the request for an in office interview within 15 days the tenant will be advised to contact a supervisor. If the paperwork returned by the family is incomplete the family will be sent a second notice with an additional 10 days to return any missing information. The family will be advised that if they are having problems obtaining the requested information they will need to submit a written request for additional time. If the family fails to return the information, or fails to request an extension within 10 days they will be provided a notice of program termination.

Second Notice

If there is no response to the initial notice within 15 days, a second notice will be mailed via certified mail. This notice will give an additional 10 days to respond and provide a warning notice that failure to respond will result in the termination of assistance. If there is no response to the second notice, the family will be provided with a notice of program termination. If the family responds to the second notice and provides incomplete information a third notice will be mailed giving an additional 10 days to return any missing information. The family will be

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advised that if they are having problems obtaining the requested information they will need to submit a written request for additional time. If the family fails to return the information, or fails to request an extension within 10 days they will be provided a notice of program termination.

Family Obligation to Insure Proper Mail Delivery

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Since the family is required to cooperate in the scheduling of recertification and inspection activities, the family is obligated to insure an uninterrupted mail delivery system. It is considered to be a violation of family obligations if the family is unable to receive written notices from the Housing Authority for a period exceeding 10 days. If there are circumstances beyond the family's control which prevent the reinstatement of mail delivery services within a 10-day period the family must provide a certified notice to the Housing Authority (or the notice may be delivered in person provided the family obtains a receipt confirming delivery) outlining the specific problem that they are having with mail delivery and a projected time for reinstatement of delivery service. Under no circumstances should the family's mail be interrupted for a period exceeding 30 days. The notice must also contain at least two alternative options for the family to be contacted by telephone and/or e-mail. The family must insure that the telephone number(s) provided are capable of accepting messages, and the family must insure that they will have access to retrieve the message in a timely manner or that any physical messages are left at a number with a responsible adult who will insure that the message is delivered in a timely manner.

Moves

When a family moves between Annual Reexaminations they will be appear in person in the office to complete paperwork and a move briefing. Afterwards the family will be recertified on a schedule that coincides with other families that are being recertified during the month of their ~~move. annual recertification. In some cases that may be one year following the move, in others it may be two years following the move.~~

Completion of Annual Recertification

The HCHC will have all recertifications for families completed before the anniversary date. This includes notifying the family of any changes in rent by the first of the month preceeding the effective date of the change in family rent.

Persons with Disabilities

Persons with disabilities who are unable to come to the HCHC's office will be granted an accommodation by conducting the interview via phone, in the participant's home or by mail upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information [24 CFR 982.516(f)]

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The HCHC has established appropriate recertification procedures necessary to ensure that the income data provided by families is complete and accurate. The HCHC will require the family to complete a Personal Declaration Form, all other required HUD required forms and other HCHC forms during the recertification interview.

Requirements to Attend

At least one or all of the following family members will be required to attend the recertification interview when the interview is scheduled in the Commission Office:

- The head of household;
- The spouse/co-head; and
- Other adult members.

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If the head of household is unable to attend the interview the spouse/co-head may recertify for the family.

Failure to Respond to Notification to Recertify

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with HCHC, HCHC will automatically reschedule a second appointment. If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, the HCHC will send the family a termination notice. The notice will also inform the family of their right to an informal hearing, if requested.

Exceptions to these policies may be made if the family is able to document an emergency situation that prevented them from canceling or attending the appointment or if requested as a reasonable accommodation for a person with a disability. Written notification will be sent to the family of the reschedule appointment.

Documents Required From the Family

In the notification letter to the family, the HCHC will include instructions for the family to bring the following supporting documentation:

- Three consecutive paycheck stubs, or if unavailable a letter of employment for all wage earners that includes the date of hire, hourly wage or salary, number of hours worked per week, overtime pay rate, number of overtime hours worked ~~or three current consecutive paycheck stubs~~ or a letter from the agency or person providing the household income including alimony, child support, pension/retirement, social security, unemployment, voluntary contributions or welfare.
- Birth certificates and social security cards for each household member.

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- Account statements for checking, savings, money market, stocks, bonds, certificates of deposit, treasury bills or any other asset that includes the name of the financial institution, account number, and interest rate.
- Statements verifying ~~any~~ claim of childcare and medical expenses.

The HCHC will periodically require the family to submit documentation to support special needs including live-in attendants, equipment or other items as specified by a reliable, knowledgeable medical professional.

Verification of Information

The HCHC will follow the verification procedures and guidelines described in Chapter 9 Verification Procedures. Verifications for reexaminations must be less than 120 days old from the effective date of the reexamination.

Tenant Rent Increase

If the family's rent increases, a notice is mailed to the family by the first of the month preceeding the effective date of the annual recertification.

If notice is not provided by the first of the preceeding month the family's rent increase will be delayed until a full month following the notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the scheduled effective date of the annual recertification.

Tenant Rent Decreases

If family's rent decreases, it will be effective on the recertification anniversary date. If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the HCHC.

C. REPORTING INTERIM CHANGES [24 CFR 982.516]

Program participants must report all changes in household composition to the HCHC between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. Program participants do not have the right to add, or assume the right to add a household member. The family must obtain HCHC approval prior to all additions to the household. The HCHC reserves the right to deny the addition of household members other than minor offspring.

Addition of Household Members

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The addition of household members will generally be approved under the following circumstances:

- The addition to the household is a minor child for whom the family can demonstrate some type of custody arrangement.
- The addition to the household is a critically ill parent or adult child.
- The addition to the household is a proposed spouse or significant other who is in good standing according to PHA initial eligibility requirements and can demonstrate a stable rental history over the previous 18 months.
- As a general policy the HCHC will allow the addition of up to two foster children. The approval of more than two foster children will be considered on a case-by-case basis.
- The addition of a live-in attendant will generally be approved when the addition is documented as a requirement by a certified medical professional.

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Addition of household members will generally not be approved under the following circumstances:

- The proposed addition to the household is a person who has been charged with a felony or misdemeanor for illegal drug activity or violent criminal activity.
- The proposed addition to the household was evicted from the previous residence for non-payment of rent or lease violations.
- The proposed addition to the household would increase the household size to more than six members.

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In certain instances HCHC may approve a temporary addition to the household not to exceed 12 months. Temporary additions to the household will not affect the current voucher size to which the family is entitled. Temporary additions of less than six months will not be added to the family's household composition and will not qualify for applicable HUD allowances.

If any new family member is added, family income must include any income of the new family member. The HCHC will conduct a reexamination to determine such additional income and will make the appropriate adjustments in the housing assistance payment. The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular recertification after moving into the unit.

Removal of Household Members

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The Commission requires proper documentation in order to remove family members from the household.

Required documentation for the removal of minors from the household may include court ordered custody documents, adoption papers, foster care verifications, or verification from a youth institution or facility.

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Required documentation for the removal of adult members from the household may include a lease from a multi-family rental complex or an authorized realtor, or a combination of sources such as utility bills, auto insurance, bank accounts, telephone bills, cable bills, medical bills, employment records, school records, police reports or verification from a penal institution.

At the Commission's discretion, the Commission may offer the family the option of signing a "Statement of Understanding" for removal of household members. The document would state that family members who have been removed from the household are prohibited from using the subsidized address on any application, court document, correspondence, DMV document, police document, school record, employment record, welfare document, etc. The document will also state that the family member in question will be ineligible to be re-added to the household.

Program Participants are required to obtain Housing Authority approval before adding members to the household. If a head of household gets married without first seeking approval from the Housing Commission for the addition of a spouse, and the spouse is found to be ineligible for admission due to a previous criminal history, the Commission will consider the entire household to be ineligible for program participation.

Split Households

In those instances when a family assisted under the HCVP becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the Chief of HCVP & PH shall consider the following factors to determine which of the families will continue to be assisted:

- Which of the two new family units has custody of dependent children.
- Which family member was the head of household when the Voucher was initially issued (listed on the initial application).
- The composition of the new family units, and which unit contains elderly or disabled members.
- Whether domestic violence was involved in the breakup.
- Which family members remain in the unit.
- Current household income of the new family units and potential for increased income.
- Recommendations of social service professionals.

Increases in Income

Interim Reexamination Policy

The family must report all changes in income which are not the result of a cost of living adjustment or payscale step increase between annual recertifications. However, HCHC will conduct an interim reexamination to increase the family's rent when an annual increase of \$2400 or more is reported.

Decreases in Income

Participants may report a decrease in income and other changes that would reduce the amount of tenant rent, such as an increase in allowances or deductions. The HCHC must calculate the change if a decrease in income is reported.

HCHC Errors

If the HCHC makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

D. OTHER INTERIM REPORTING ISSUES

An interim reexamination does not affect the date of the annual recertification. An interim examination will be scheduled for families with zero income on a quarterly basis with a required monthly reporting component. If the income reports submitted continue to be questionable, the family will be required to appear for monthly income certifications.

In the following circumstances, the HCHC may conduct the interim recertification by mail:

- Changes that will not result in a change in tenant rent or voucher size;
- Changes in income that are normal for the family, such as seasonal employment; and
- As a reasonable accommodation when requested (see Chapter 1 Statement of Policies and Objectives).

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Any changes reported by participants other than those listed in this section will be noted in the file by the staff person but will not be processed between regularly-scheduled annual recertifications.

E. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

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

- fraud;
- failure to participate in an economic self-sufficiency program; or

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- non-compliance with a work activities requirement.

However, the HCHC **will** reduce the family share of rent if the welfare assistance reduction is a result of:

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

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The HCHC will notify affected families that they have the right to an informal hearing regarding these requirements (see Chapter 9 Verification Procedures).

F. NOTIFICATION OF RESULTS OF RECERTIFICATIONS [HUD Notice PIH 98-6]

The HUD form 50058 will be completed and transmitted as required by HUD. The new payment letter is mailed to both the owner and the tenant. If the family disagrees with the rent adjustment, they may request an informal hearing.

G. TIMELY REPORTING OF INCOME AND ASSET CHANGES

[24 CFR 982.516(c)]

Standard for Timely Reporting of Changes

HCHC requires that families report interim changes by the end of the month in which the change occurs. Any information, documentation or signature needed from the family to verify the change must be provided at the time that the change is reported. If the required information, documentation or signature is not submitted at the time that the change is reported, the effective date of the change will be delayed until the first day of the following month after the verification is received.

If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

Procedures When the Change is Reported in a Timely Manner

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

- Increase in Tenant Rent is effective the first day of the month following the day and month in which the change is reported, and allowing at least 30 days notice of the change.

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For example, Mrs. Gateway gets a promotion on her job and a pay raise. She reports her pay raise to HCHC on January 15th. Her new income is verified by January 25th. HCHC calculates Mrs. Gateway's new tenant portion/share of the rent and sends her notice that she must pay the increased amount effective March 1st.

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- Decrease in Tenant Rent is effective the first day of the month following the day and month in which the change is reported and verified. The family is responsible for providing verification of the reduction in income at the time that it is reported in the event that the PHA is unable to verify the change in a timely manner. Failure to provide verification may result in a delay in the effective date of the change till the first of the month following when the change is verified.

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For example, Mr. Gateway is laid off from his part-time job effective January 15th, but continues to work full-time. He reports his income loss to HCHC January 20th. His situation is verified by January 27th. HCHC calculates Mr. Gateway's new tenant portion/share of rent and sends him notice to pay the decreased amount effective February 1st.

Please note that no change will be made until the third party verification is completed and proper verification has been received. In some cases the time to verify the change may take additional time and require that HCHC process retroactive adjustments or delay the effective date of the change-

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

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

- Increase in Tenant Rent will be effective retroactive to the date it would have been effective had the change been reported timely. The family will be liable for any overpaid housing assistance and may be required to sign a Repayment Agreement.
- Decrease in Tenant Rent will be effective on the first of the month following the month that the change was reported and verified. No retroactive adjustment will be made to reduce past months rent.

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Procedures When the Change is Not Processed by HCHC in a Timely Manner

"Processed in a timely manner" means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the HCHC in a timely manner.

If the change results in an increase, the change will not be made effective retroactively to the timely reporting date. HCHC will make the change effective for the first day of the next month and after the required 30 day notice.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

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H. INCREASE OR DECREASE IN VOUCHER SIZE AS A RESULT OF FAMILY COMPOSITION CHANGES [24 CFR 982.516(c)]

See Chapter 7 Subsidy and Occupancy Standards.

I. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.518]

Under the Non-citizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

The Non-citizens Rule was implemented on or after November 29, 1996, and mixed families may receive prorated assistance only.

J. MISREPRESENTATION OF FAMILY CIRCUMSTANCES

If any participant deliberately misrepresents the information on which eligibility or tenant rent is established, the HCHC may terminate assistance and may refer the family file/record to the proper authorities (e.g., HUD Office of the Inspector General) for appropriate disposition (see Program Integrity Addendum).

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CHAPTER 15 - MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

[24 CFR 982.314, 982.353, 982.355(a)]

INTRODUCTION

HUD regulations permit families to move with continued assistance to another unit within the PHA's jurisdiction, or to a unit outside of the PHA's jurisdiction under Portability procedures. The regulations also allow the PHA the discretion to develop policies that define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of, the PHA's jurisdiction, and the policies for restriction and limitations on moves.

A. ALLOWABLE MOVES

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

- The assisted lease for the old unit has terminated because the HCHC has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.
- The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).
- The family has given proper notice of lease termination (and if the family has a right to terminate the lease on notice to owner).

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B. RESTRICTIONS ON MOVES [24 CFR 982.314, 982.552(a)]

First Year Rule - families will not be permitted to move within the HCHC's jurisdiction during the initial year of assisted occupancy.

Families ~~will~~may be permitted to move outside the HCHC's jurisdiction ~~at the discretion of the HCHC~~ under portability procedures during the initial year of assisted occupancy if the family resided in Howard County at the time that the family reached the top of the waiting list-

Families will not be permitted to move more than once in a twelve month period.

~~The HCHC will deny permission to move if there is insufficient funding for continued assistance.~~

The HCHC may deny permission to move if:

- If the family is in violation of a family obligation.
- If the family owes money to HCHC.
- If the family has recently moved or been issued a voucher within the last 12 months.
- If the family has moved out of its assisted unit in violation of the lease
- If the family owes unpaid rent to the current owner including damages and/or unpaid

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utilities (supported by a court judgment) or owes unpaid utilities to any utility company at its current unit.

- If the current landlord refuses to sign-off on the move or release the family from the lease (with valid documentation).

The Chief of Housing Choicer Voucher and Public Housing Programs may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control.

C. PROCEDURE FOR MOVES [24 CFR 982.314]

Issuance of Voucher

Subject to the restrictions on moves, if the family has not been recertified within the last 120 days, the HCHC will issue the voucher to move after conducting the recertification.

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits.

The annual recertification date will be changed to coincide with the new leased-up date.

Families who have moved out of the unit in violation of Section C Notice Requirements of this chapter will not be issued a voucher.

Notice Requirements

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

The family must give the owner the required written notice of intent to vacate specified in the lease and must provide HCHC with a copy simultaneously.

~~For units under a Certificate HAP contract effective before October 2, 1995, if the family vacates the unit without proper notice in writing to the owner, the family will be responsible for any vacancy loss paid by the HCHC.~~

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease mid-month. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves only with preapproval.

D. PORTABILITY [24 CFR 982.353]

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

E. OUTGOING PORTABILITY [24 CFR 982.353, 982.355]

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside the HCHC's jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a tenant-based program. When a family requests to move outside of the HCHC's jurisdiction, the request must specify the jurisdiction to which the family wants to move. If there is more than one PHA in the area in which the family has selected a unit, the HCHC will ~~identify~~^{choose} the appropriate receiving PHA.

Restrictions on Portability

Applicants

If neither the head nor spouse had a domicile (legal residence) in HCHC's jurisdiction at the date of their initial application for assistance and on the date that the family reached the top of the waiting list, the family will not be permitted to exercise portability upon initial issuance of a voucher, unless the HCHC approves such move.

Note: The legal domicile is verified by HCHC.

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

Participants

After an applicant has leased in the jurisdiction of the initial housing agency, they cannot exercise portability during the first year of assisted occupancy, except when the family's move relates to an opportunity for education, job training or employment and the receiving and initial ~~HCHC~~^{Housing Authority} agree to allow the move.

The HCHC will not permit families to exercise portability:

- If the family is in violation of a family obligation;
- If the family owes money to the HCHC;
- If the family has moved or been issued a voucher within the last 12 months;
- If the family has moved out of its assisted unit in violation of the lease;
- If the family owes unpaid rent to the current owner including damages and/or unpaid utilities (supported by a court judgment) or owes unpaid utilities to any utility company at its current unit; or
- ~~If the receiving jurisdiction will be required to submit hearing determinations to the~~

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~~porting jurisdiction within 30 days; or~~

- If the current landlord refuses to sign-off on the move or release the family from the lease.

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F. INCOMING PORTABILITY [24 CFR 982.354, 982.355]

Absorption or Administration

The HCHC will accept a family in good standing with a Voucher from another jurisdiction. The voucher may be administered or absorbed. If administered, the family will be issued a voucher by the HCHC. The term of the voucher will not expire prior to the expiration date of the voucher issued by the porting jurisdiction. The family must submit a RFTA for an eligible unit to the HCHC during the term of the voucher. The HCHC may grant extensions in accordance with this Administrative Plan. However, if the family does not successfully lease during the initial term of the voucher HCHC may give the family an extension if the number of days left on the voucher is less than 120 days from the initial date of issue. Otherwise the family must contact the porting jurisdiction to request an extension. If the family fails to lease, fails to request an extension or the request for an extension is denied the HCHC will send the family's paperwork back to the porting jurisdiction.

The HCHC may absorb incoming vouchers in cases where:

- The initial PHA absorbs an equal number of the HCHC's outgoing vouchers;
- At HCHC's discretion~~l~~ or
- To support the graduation efforts of Family Self-Sufficiency participants.

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When HCHC does not absorb the incoming voucher, it will administer the porting jurisdiction's voucher, but HCHC's policies will prevail. For admission to the program the family must be income eligible in the area where they initially lease a unit with assistance.

The HCHC will issue a voucher according to its own subsidy standards. If the family has a change in family composition which would change the voucher size, the HCHC will change to the proper size based on its own subsidy standards.

Income and Total Tenant Payment of Incoming Portables [982.353(d)]

As the receiving jurisdiction, HCHC will conduct a recertification interview during the portability briefing; however this process is not designed to and will not cause a delay in the issuance of a voucher.

If the family's income is such that a \$0 subsidy amount is determined prior to lease-up in the HCHC's jurisdiction, the HCHC will refuse to enter into a contract on behalf of the family at \$0 assistance.

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Requests for Tenancy Approval (RFTA)

All families porting to Howard County are required to attend a briefing prior to a Howard County voucher being issued (see Chapter 10 Voucher Issuance and Briefings). When the family submits a RFTA, it will be processed using the HCHC's policies. If the family does not submit a RFTA or does not execute a lease, the porting jurisdiction will be notified within 30 days by the HCHC of the vouchers expiration.

If the family leases successfully, the HCHC will notify the initial PHA within 10 working days, and the billing process will commence. The HCHC will notify the porting jurisdiction if the family fails to submit a RFTA for an eligible unit within the term of the voucher.

If the HCHC denies assistance to the family, the HCHC will notify the porting jurisdiction within 30 days and the family will be offered a review or hearing. The HCHC will notify the family of its responsibility to contact the porting jurisdiction if the family wishes to pursue portability opportunities in another jurisdiction.

Regular Program Functions

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

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

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Terminations

The HCHC will notify the porting jurisdiction, in writing, of any termination of assistance within 30 days of the termination. If an Informal Hearing is required and requested by the family, the hearing will be conducted by HCHC. A copy of the hearing decision will be furnished to the porting jurisdiction.

The porting jurisdiction will be responsible for collecting amounts owed by the family for claims paid and for monitoring repayment. If the porting jurisdiction notifies the HCHC that the family is in arrears or the family has refused to sign a payment agreement, the HCHC will terminate assistance to the family.

Required Documents

As the receiving jurisdiction, the HCHC will require the documents listed on the HUD Portability Billing Form from the porting jurisdiction.

Billing Procedures

As a receiving jurisdiction, the HCHC will bill the porting jurisdiction annually or when there is a change in the subsidy amount. ~~monthly for Housing Assistance Payments~~. The billing cycle for other amounts, including Administrative Fees and Special Claims will be monthly unless requested otherwise by the porting jurisdiction.

The HCHC will bill 100 percent of the Housing Assistance Payment, 100 percent of Special Claims and 80 percent of the Administrative Fee (at the initial PHA's rate) for each ported voucher leased as of the first day of the month.

The HCHC will notify the porting jurisdiction of changes in subsidy amounts and will expect the porting jurisdiction to notify the HCHC of changes in the Administrative Fee amount to be billed.

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CHAPTER 16 - CONTRACT TERMINATIONS

[24 CFR 982.311, 982.314]

INTRODUCTION

The Housing Assistance Payments (HAP) Contract is the contract between the owner and the PHA that defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by the PHA and the owner, and the policies and procedures for such terminations.

A. CONTRACT TERMINATION [24 CFR 982.311]

The term of the HAP Contract is the same as the term of the lease. The Contract between the owner and the PHA may be terminated by the PHA or by the owner or tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by the PHA to the owner after the month in which the Contract is terminated. The owner must reimburse the PHA for any subsidies paid by the PHA for any period after the contract termination date.

If the family continues to occupy the unit after the HAP contract is terminated, the family is responsible for the total amount of rent due to the owner. The owner will have no right to claim compensation from the PHA for vacancy loss under the provisions of Certificate HAP contracts effective after October 2, 1995.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

B. TERMINATION BY THE FAMILY: MOVES [24 CFR 982.314(c)(2)]

Family termination of the lease must be in accordance with the terms of the lease.

C. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS

[24 CFR 982.310, 982.455]

If the owner wishes to terminate the lease, the owner is required to provide proper notice as stated in the lease or as required by State law.

During the initial term of the lease, the owner may not terminate the tenancy except for the grounds stated in the lease, as supported by HUD regulations.

During the term of the lease the owner may only evict for:

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- Serious or repeated violations of the lease, including but not limited to failure to pay rent or other amounts due under the lease, or repeated violation of the terms and conditions of the lease;
- Violations of federal, state or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises;
- Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises;
- Any drug-related criminal activity on or near the premises; or
- Other good cause.

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During the initial term of the lease, the owner may not terminate the tenancy for "other good cause" unless the owner is terminating the tenancy because of something the family did or failed to do (see 982.310).

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The owner's notice to vacate is an action to terminate the lease, a complaint, or other initial pleading used under State or local law to commence regaining possession of the unit or an eviction action if necessary.

HCHC requires that the owner specify the section of the lease that has been violated and cite some or all of the ways in which the tenant has violated that section as documentation for HCHC's decision regarding termination of assistance.

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun eviction and the family continues to reside in the unit, HCHC will continue to make housing assistance payments to the owner until the owner has obtained a court judgment, the family vacates the unit or other process is enacted allowing the owner to evict the tenant.

If the action is finalized in court, the owner must provide HCHC with the documentation, including court awarded "Right of Redemption" or notice of the lock-out date.

HCHC must continue making housing assistance payments to the owner in accordance with the Contract as long as the tenant continues to occupy the unit and the Contract is not violated. By endorsing the monthly check from HCHC, the owner certifies that the tenant is still in the unit, the rent is reasonable and s/he is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if HCHC has no other grounds for termination of assistance, a new voucher will be issued to the family to locate another unit and continue program assistance.

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D. TERMINATION OF THE CONTRACT BY PHA [24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]

The term of the HAP contract terminates when the lease terminates, when HCHC terminates program assistance for the family, and when the owner has breached the HAP contract (see Chapter 18 Owner Disapproval and Restriction). HCHC may also terminate the contract if:

- ~~The family is required to move from a unit when the subsidy is too high for the family size (pre-merger Certificate Program);~~
- The unit does not meet the HQS space standards because of an increase in family size or a change in family composition; or
- Funding is no longer available under the ACC.

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The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner or 12 months if the contract is prior to October 19, 1995.

Notice of Termination

When HCHC terminates the HAP contract under the violation of HQS space standards, HCHC will provide the owner and family written notice of termination of the contract and the HAP contract terminates at the end of the calendar month that follows the calendar month in which HCHC gives notice to the owner.

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CHAPTER 17 - DENIAL OR TERMINATION OF ASSISTANCE [24 CFR 982.552, 982.553]

INTRODUCTION

The PHA may deny or terminate assistance for a family because of the family's action or failure to act. The HCHC will provide families with a written description of the Family Obligations under the program, the grounds under which the PHA can deny or terminate assistance, and the HCHC's Informal Review or Hearing procedures. This Chapter describes when the PHA is required to deny or terminate assistance, and the PHA's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

A. GROUND FOR DENIAL/TERMINATION [24 CFR 982.552, 982.553]

If denial or termination is based upon behavior resulting from a disability, and if HCHC receives a request or documentation that shows that the behavior in question is due to a disability, the HCHC will delay the denial or termination in order to determine if there is an accommodation, which would negate the behavior resulting from the disability.

Form of Denial/Termination

Denial of assistance for an applicant may include any or all of the following:

- Denial for placement on the HCHC waiting list;
- Denying or withdrawing voucher assistance;
- Refusing to enter into a HAP contract or approve a tenancy; or
- Refusing to process or provide assistance under portability procedures.

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

- Refusing to enter into a HAP contract or approve a tenancy;
- Terminating housing assistance payments under an outstanding HAP contract; or
- Refusing to process or provide assistance under portability procedures.

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Mandatory Denial and Termination [24 CFR 982.552(b), 24CFR 982.553]

The HCHC must deny assistance to applicants, and terminate assistance for participants:

- If any member of the family fails to sign and submit HUD or HCHC required consent forms for obtaining information;
- If no member of the family is a U.S. citizen or eligible immigrant. (see Section D);
- If the family is under contract and 180 days (or twelve months, depending on the HAP contract used) have elapsed since the HCHC's last housing assistance payment was made (see Chapter 16 Contract Terminations);

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- The HCHC must permanently deny assistance to applicants, and terminate the assistance of persons convicted of manufacturing or producing methamphetamine in violation of any Federal or State law; or
- If any member of the family has been evicted from federally assisted housing for a serious violation of the lease, the HCHC must deny admission for three years after the eviction occurred.

The HCHC must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.

The HCHC must deny admission to the program for an applicant or terminate program assistance for a participant if any member of the family fails to sign and submit consent forms for obtaining information in accordance with Part 5, subparts B and F.

The HCHC must deny admission or terminate assistance when required under the regulations to applicants or participants who can verify citizenship or eligible immigration status.

The HCHC must permanently deny assistance to applicants, and terminate the assistance if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. [24 CFR 5.856]

Students enrolled at an institution of higher education who are under the age of 24, not a veteran, unmarried, and have no children are not eligible for the Housing Choice Voucher Program. The eligibility requirements apply to both full- and part-time students. [24 CFR 5.612 and 5.609]
Under this rule, students are exempted if parents of the student, jointly or individually, are determined to be income ineligible for the program.

Grounds for Denial or Termination of Assistance [24 CFR 982.552(c)]

The HCHC will deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

- If the family violates any family obligation under the program as listed in 24 CFR 982.551;
- If any member of the family has ever been evicted or is in the process of being evicted from public housing. If the eviction is overturned in favor of the client, eligibility in the Housing Choice Voucher Program will be determined at the conclusion of the eviction process;
- If HCHC has ever terminated assistance under Housing Choice Voucher Program for any member of the family;
- If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- The family currently owes rent or other amounts to the HCHC or to another PHA in connection with the HCVP or PH programs;

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- The family breaches an agreement with HCHC to pay amounts owed to a PHA, or amounts paid to an owner by the HCHC. The HCHC at its discretion may offer the family the opportunity to enter into a repayment agreement. The HCHC will prescribe the terms of the agreement (see Chapter 20 Owner or Family Debts to HCHC);
- ~~The family participating in an FSS program fails to comply, without good cause, with the family's FSS contract of participation;~~
- ~~If the family fails to fulfill its obligation under the Section 8 Welfare to Work Voucher Program;~~
- If the family has engaged in or threatened abusive or violent behavior toward HCHC personnel. This behavior includes, but is not limited to the following:
 - "Abusive or violent behavior towards HCHC personnel" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.
 - "Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
 - Actual physical abuse or violence will always be cause for termination.
- If any member of the family whose drug or alcohol abuse interferes with the health, safety or peaceful enjoyment of other project residents; or
- If any member of the family commits drug-related criminal activity, or violent criminal activity.

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HCHC will not deny admission to the HCVP to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission. Criminal activity directly relating to domestic violence, dating violence, or stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking.

HCHC may permit an owner or manager receiving HAP to bifurcate a lease in order 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 of others without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

HCHC may terminate assistance for any violation of a lease not based on the act or acts of violence in question against the tenant or a member of the tenant's household.

HCHC may terminate assistance for any tenant that poses actual and imminent threat to other tenants or the employees of the HCHC if that tenant's tenancy is not terminated.

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An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence.

As allowed by federal statute and/or regulation, the HCHC may require that a individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in paragraphs J and P or this section. Such certification shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the HCHC requests such certification.

If the HCHC is advised through the normal course of business or at recertification of a program participant with a family member meeting the following student criteria: Students enrolled at an institution of higher education who are under the age of 25, not a veteran, unmarried, and have no children, the individual and family could be terminated from the program based on household income levels. [CFR24 982-552]

HCHC will deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in drug-related criminal activity or violent criminal activity regardless of whether the family member has been arrested or convicted as follows:

- A preponderance of evidence indicates that a family member is guilty of a felony regardless of a conviction.
- The preponderance of evidence indicates that a family member is guilty of multiple unrelated misdemeanor drug or violent criminal activity charges, one of which has occurred within the past five years, regardless of conviction.
- The preponderance of evidence indicates that a family member is guilty of a single misdemeanor drug or violent criminal activity charge, and also demonstrates a pattern of disregard for the law as evidenced by at least three other unrelated felony or misdemeanor charges, of any type, regardless of conviction.
- The preponderance of evidence indicates that a family member is guilty of more than two misdemeanor drug or violent criminal activity charges none of which has occurred within the past five years, regardless of conviction.

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Victims of Domestic Violence

Domestic Violence, dating violence or stalking do not constitute serious or repeated lease violations or prohibited criminal activity by anyone except the perpetrator if such person is a member of the household. HCHC will not terminate assistance to a family member on the basis that the member is or has been the victim of domestic violence, dating violence or stalking. However, HCHC has the authority to bifurcate a lease in order to terminate assistance to an occupant who engages in criminal acts of physical violence against family members or others

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without evicting, removing, terminating assistance to or otherwise penalizing the victims of such acts.

When a family member reports being a victim of domestic violence, dating violence or stalking, HCHC may require that the member submit the following:

- Written certification of this status; and/or
- Evidence to corroborate the claim (police report, court record, signed statement of victim services professional, etc.).

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This section shall not limit the authority of HCHC to terminate a lease for violations not based on acts of domestic violence, dating violence or stalking against a household member.

HCHC may terminate a lease in order to avert an actual or imminent threat to other residents or to HCHC employees.

B. SCREENING AND TERMINATION DECISIONS FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

Purpose

All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of HCHC to fully endorse and implement a policy designed to:

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

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Administration

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

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

Screening of Applicants

In an effort to prevent future drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, and as required by the Notice 96-27, the HCHC will endeavor to screen

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applicants as thoroughly and fairly as possible for drug-related and violent criminal behavior. Such screening will apply to any member of the household who is 14 years of age or older.

HUD Definitions

For the purposes of 24 CFR Part 982 and this document, *covered person* means a tenant, any member of the tenants household, a guest or another person under the tenant's control.

For the purposes of 24 CFR part 5, subpart A and 24 CFR Part 982 and this document, *guest* means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of part 982 apply to a guest as so defined.

For the purposes of 24 CFR Part 982 and this document, *household* means all HCHC approved family members, including an approved live-in aide if applicable.

For the purposes of 24 CFR Parts 5 and 24 CFR Part 982 and this document, *other person under the tenant's control* means that the person, although not staying as a guest in the unit, is or was at the time of the activity in question on the premises because of an invitation from the tenant or other member of the household who has expressed or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

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

Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with an intent to manufacture, sell, distribute or use of a controlled substance.

Violent criminal activity is any criminal activity that has as one of its elements, the use, attempted use, or threatened use of physical force against a person or property.

Preponderance of evidence is evidence which is of greater weight or more convincing than evidence which is offered in opposition to it so that the evidence, as a whole, shows the facts sought to be proved, are more probable than not.

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

HCHC will terminate assistance for criminal activity by a household member, as described in this chapter if HCHC determines, based on a preponderance of the evidence that the household member has engaged in the activity. This action will be taken regardless of whether the household member has been arrested or convicted for such activity.

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HCHC will pursue fact-finding efforts as needed to obtain credible evidence. HCHC may terminate assistance for criminal activity by a household member under this section if HCHC has determined that the household member has engaged in the criminal activity regardless of whether the household member has been arrested or convicted for such activity.

Confidentiality of Criminal Records

HCHC will ensure that any criminal record received in connection with a determination of qualification, termination or denial of assistance is maintained confidentially, not misused, nor improperly disseminated and destroyed once the purpose for which it is requested is accomplished. Misuse of the information by any employee of the HCHC may be grounds for termination of employment and legal penalties for misuse may be pursued.

Standard of Violation

HCHC will deny participation in the HCVP to applicants and terminate assistance to participants in instances in which the HCHC determines there is reasonable cause to believe that the family or a family member is illegally using a controlled substance or is engaged in a pattern of illegal use, or if the family or a family member abuses alcohol, or exhibits a pattern of abuse, that may interfere with the health, safety or right of peaceful enjoyment of the premises by other residents.

A pattern of abuse of a controlled substance or of alcohol abuse will be deemed to have been established if there is more than one incident during the previous twelve month period.

“Engaged in” or “engaging in” violent criminal activity means any act within the past 10 years by an applicant or participant or household member which involved criminal activity that included 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, which resulted in the arrest and/or conviction of the applicant, participant or any family or household member.

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

In evaluating the evidence, the HCHC will give fair consideration to the seriousness of the activity, the extent of participation of individual family members, mitigating circumstances, the effects of denial or termination of assistance of other family members who are not involved, and the likelihood of favorable conduct in the future.

The HCHC will make its determination of denial of assistance on conviction evidence presented and its decision to terminate assistance based on a preponderance of the evidence presented.

Additional Criteria of Ineligibility and Termination

Persons evicted from federally assisted housing (e.g. Public Housing, Indian Housing, Section 23 Housing, etc.) for drug related criminal activity or violent criminal activity, are ineligible for admission to the HCVP for a 10 year period beginning on the date of such eviction.

HCHC may admit the family if, with respect to drug related activity, HCHC determines that the household member who engaged in drug-related criminal activity has successfully completed a rehabilitation program approved by the HCHC.

Applicants will be denied assistance if they have been arrested/convicted/evicted from federally assisted housing for violent criminal activity within the last 10 years prior to the date of the certification interview. The HCHC may, after five years from the date of the conviction or at the end of the incarceration/probationary period, whichever is longer, require the applicant as a condition of admission to HCVP, to submit evidence sufficient to ensure that the individual or individuals in the applicant's household who have engaged in criminal activity for which denial was made, have not engaged in such criminal activity during such time.

HCHC will deny admission and continued participation to a family if any member of the household is subject to a lifetime registration requirement under a State sex offender registration process.

HCHC will deny admission to a family claiming a preference as a result of a fire if it is determined that the fire is the result of arson or willful malfeasance of the family or visitor or gross negligence or misuse by a family member or visitor. HCHC will terminate continued assistance and deny further assistance for five years to a family whose unit is fire damaged and it is determined that the fire is the result of arson or willful malfeasance of the family or visitor or gross negligence or misuse by a family member or visitor.

Under the family obligations listed at 24 CFR 982.551, the members of the household 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. HUD regulations at 24 CFR 982.553 (b) require the HCHC to establish standards for termination of assistance when this family obligation is violated. The HCHC has established the following standards for termination of assistance for the family when a household member has violated the family obligation to refrain from participating in drug-related or violent criminal activity.

Assistance will be terminated if any member of the household is been arrested/convicted/evicted from a unit assisted under any federally assisted housing program for drug-related or violent criminal activity during participation in the program, and within the last three years prior to the date of the notice to terminate assistance. Families arrested/convicted/evicted from a federally
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assisted unit will be denied future assistance in accordance with HUD rules and regulations and this document.

If any member of the household violates the family obligations by engaging in drug-related or violent criminal activity, the HCHC will terminate assistance.

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

HCHC may waive the requirement regarding drug-related criminal activity if the person has demonstrated successful completion of a credible rehabilitation program approved by the HCHC.

Under the family obligations listed at 24 CFR 982.551, the members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. A violation of a family obligation will result in the termination of assistance if HCHC determines that a member of the household has demonstrated a pattern of alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

Assistance will be terminated if a household member is arrested/convicted/incarcerated for any alcohol-related criminal activity on or near the premises within any 12 month period.

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

Notice of Termination of Assistance

In any case where the HCHC decides to terminate assistance to the family, the HCHC must give the family written notice which states:

- The reason(s) for the proposed termination;
- The effective date of the proposed termination;
- The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance; and
- The date by which a request for an informal hearing must be received by the HCHC.

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HCHC will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

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Appeal of Denial or Termination of Assistance

In any case in which the HCHC determines to deny or terminate assistance to a family for drug related criminal activity or violent criminal activity, HCHC shall provide an opportunity for an Informal Review or Informal Hearing, as the case may be, pursuant to Chapter 21 Complaints and Appeals.

C. FAMILY OBLIGATIONS [24 CFR 982.551]

The family must supply any information that the HCHC or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24CFR 982.551). "Information" includes any requested certification, release or other documentation.

The family must supply any information requested by the HCHC or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

The family must disclose and verify Social Security Numbers (as provided by 24 CFR 5.216) and must sign and submit consent forms for obtaining information in accordance with 24 CFR 5.230.

All information supplied by the family must be true and complete.

The family is responsible for an HQS breach caused by the family as described in 982.404(b).

The family must allow the HCHC to inspect the unit at reasonable times and after reasonable notice.

The family may not commit any serious or repeated violations of the lease.

The family must notify the owner and, at the same time, notify HCHC of their intent to vacate the unit or terminate the lease.

The family must promptly give the HCHC 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 HCHC. The family must promptly inform the HCHC of the birth, adoption or court-awarded custody of a child. The family must request HCHC approval to add any other family member as an occupant

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of the unit.

The family must promptly notify the HCHC if any family member no longer resides in the unit. If the HCHC has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or HCHC approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.

Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as the family's residence and approved by the owner.

The family must not sublease/sublet the unit.

The family must not assign the lease or transfer the unit.

The family must supply any information or certification requested by the HCHC to verify that the family is living in the unit, or relating to family absence from the unit, including any HCHC-requested information or certification on the purposes of family absences. The family must cooperate with the HCHC for this purpose. The family must promptly notify the HCHC of absence from the unit.

The family must not own or have any interest in the unit.

The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.

The members of the family may not engage in drug-related criminal activity or violent criminal activity.

An assisted family, or members of the family, may not receive Housing Choice Voucher Program assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) Federal, State or local housing assistance program.

Housing Authority Discretion [24 CFR 982.552(c)]

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the HCHC has discretion to consider all of the circumstances in each case, including the seriousness of the case. The HCHC will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. The HCHC may also review the family's more recent history and record of compliance, and the effects that denial or termination of assistance may have on other family

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members who were not involved in the action or failure to act.

HCHC may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in, or were culpable for the action or failure to act, will not reside in the unit. The HCHC may permit the other members of a family to continue in the program.

The Executive Director reserves the right to immediately terminate the assistance of a family that commits an egregious violation of program rules and regulations that is determined to be an immediate threat to the health, safety and right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. This decision does not prevent the family from exercising their right to an Informal Hearing.

Enforcing Family Obligations

Explanations and Terms

The term "Promptly" when used with the Family Obligations always means "within 10 days." Denial or termination of assistance is always optional except where this Plan or the regulations state otherwise.

HQS Breach

The Housing Inspector will determine if an HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by Housing Inspector Supervisor.

Lease Violations

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

- If the owner terminates tenancy through court action for serious or repeated violation of the lease;
- If the owner notifies the family of termination of tenancy assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the HCHC determines that the cause is a serious or repeated violation of the lease based on available evidence;
- If there are police reports, neighborhood complaints or other third party information, that has been verified by the HCHC; or
- If the owner notifies the HCHC of serious damage to the unit which is confirmed by a program inspector, and the family does not correct the damage with 30 days or prior to vacating the unit.

Nonpayment of rent and failure to cooperate in the scheduling of HQS repairs are considered serious violations of the lease.

Notification of Eviction

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If the family requests assistance to move and they did not notify HCHC of an eviction within 10 days of receiving the court notice, the move will be denied.

Proposed Additions to the Family

The HCHC will deny a family's request to add additional family members who are:

- Persons who have been evicted from public housing.
- Persons who have previously violated a family obligation listed in 24CFR 982.51 of the HUD regulations.
- Persons who have been part of a family whose assistance has been terminated under the Certificate or Voucher Program.
- Persons who commit drug-related criminal activity or violent criminal activity.
- Persons who do not meet the HCHC's definition of family.
- Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- Persons who currently owe rent or other amounts to the HCHC or to another PHA in connection with HCVP, other public housing assistance under the 1937 Act or other HCHC owned property.
- Persons who have engaged in or threatened abusive or violent behavior toward HCHC personnel.
- Persons 16 years of age and older, and not a full-time student or suffering from some type of critical illness ~~if will~~, if the addition will increase the family's eligible bedroom size or increase the family size to more than six members.

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Family Member Moves Out

Families are required to notify the HCHC if any family member leaves the assisted household.

When the family notifies the HCHC, they must furnish the following information:

- The date the family member moved out;
- Documented proof of the new address, if known, of the family member (if the new address is not known or if the family is unable to provide acceptable verification of proof of address, the family will be required to sign a Statement of Understanding regarding occupancy, use of unit address and visits by the absent member); and
- A statement as to whether the family member is temporarily or permanently absent.

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Limitation on Profit-making Activity in Unit

If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business that is not available for sleeping, it will be considered a violation.

If the HCHC determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a program violation.

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If the HCHC determines the business is not legal, it will be considered a program violation.

Interest in Unit

The owner may not reside in the assisted unit regardless of whether he/she is a member of the assisted family, unless the family owns the mobile home and rents the pad under the Certificate Program.

Fraud

In each case, the HCHC will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members. In the event of false citizenship claims see Section D below.

D. PROCEDURES FOR NON-CITIZENS [24 CFR 5.514, 5.516, 5.518]

Denial or Termination due to Ineligible Immigrant Status

Applicant or participant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. HCHC must offer the family an opportunity for a hearing (see Chapter 4 Program Eligibility and Chapter 20 Complaints and Appeals).

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

False or Incomplete Information

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

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

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

Procedure for Denial or Termination

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

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

E. ZERO (\$0) ASSISTANCE TENANCIES

HAP Contracts Prior to October 2, 1995

~~For contracts that were effective prior to October 2, 1995, the HCHC is liable for unpaid rent and damages if the family vacates during the allowable twelve months after the last HAP payment. The HCHC must perform all of the functions normally required, such as reexaminations and inspections.~~

~~The participant will be notified of the right to remain on the program at \$0 assistance for twelve months. If the family is still in the unit after twelve months, the assistance will be terminated. In order for a family to move to another unit during the twelve month, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.~~

HAP Contracts On or After October 2, 1995 [24 CFR 982.455 (a)]

For contracts effective on or after October 2, 1995, the HCHC has no liability for unpaid rent or damages, and the family may remain in the unit at \$0 assistance for up to 180 days after the last HAP payment. If the family is still in the unit after 180 days, the assistance will be terminated. If, within the 180 day timeframe, an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment, the HCHC will resume assistance payments for the family.

In order for a family to move to another unit during the 180 days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

F. OPTION NOT TO TERMINATE FOR MISREPRESENTATION [24 CFR 982.551, 982.552(c)]

If the family has misrepresented any facts that caused the HCHC to overpay assistance, the HCHC may choose not to terminate assistance provided that the family executes a repayment agreement and makes payments in accordance with the agreement or reimburses the HCHC in full within 30 calendar days.

G. MISREPRESENTATION IN COLLUSION WITH OWNER [24 CFR 982.551, 982.552 (c)]

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

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

H. MISSED APPOINTMENTS AND DEADLINES [24 CFR 982.551, 982.552 (c)]

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

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying the HCHC, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the HCHC to inspect the unit.

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

Appointments will be scheduled and response deadlines will be imposed for the following events and circumstances:

- Eligibility for Admissions;
- Verification Procedures;
- Voucher Issuance and Briefings;
- Housing Quality Standards Inspections;
- Recertifications; and
- Appeals.

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Acceptable reasons for missing appointments or failing to provide information by deadlines are:

- Medical emergency; and
- Family emergency.

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Procedure When Appointments Are Missed Or Information Not Provided

For most purposes in this Plan, the family will be given one opportunity before being issued a notice of termination or denial for breach of a family obligation. A combination of two missed appointments in one year or three missed appointments in two years for annual recertification, zero income, inspection or reinspection will result in the issuance of a notice to terminate.

PHA Notice Requirements

Tenants will be provided with the following appointment notice:

- 14 days notice for the first recertification appointment and seven days notice for a rescheduled recertification appointment (see Chapter 14 Recertifications); and

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- 14 days notice for the first inspection appointment and four days notice for a rescheduled inspection appointment (see Chapter 12 Housing Quality Standards and Inspections).

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CHAPTER 18 - OWNER DISAPPROVAL AND RESTRICTION

[24 CFR 982.54, 982.306, 982.453]

INTRODUCTION

It is the policy of HCHC to inform property owners about the benefits of participating as a landlord in the Housing Choice Voucher Program and the requirements to accept vouchers as set forth by Howard County's Fair Housing Law, which includes source of income as a protection. The PHA will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the Howard County. Regulations define when a PHA must disallow owner participation in the program, and they provide the PHA discretion to disapprove or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

A. DISAPPROVAL OF OWNER [24 CFR 982.306, 982.54(d)(8)]

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

The HCHC will disapprove the owner for the following reasons:

- If HUD or another directly related agency informs the HCHC that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.
- If HUD has informed the HCHC that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.
- If HUD has informed the HCHC that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements
- Unless the lease was effective prior to June 17, 1998, the owner may not be a parent, child, grandparent, grandchild, sister or brother of any family member. HCHC may waive this restriction as a reasonable accommodation for a family member who is a person with a disability.
- If the owner and tenant bear the same last name, the HCHC may, at its discretion, require the family and or owner to certify whether they are related to each other in any way.
- If the owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

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- If the owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.

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- If the owner has engaged in drug-related criminal activity or any violent criminal activity.

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- If the owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.

- If the owner has a history or practice of renting units that fail to meet State or local housing codes.

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- If the owner has a history or practice of failing to terminate tenancy of tenants of units assisted under HCVP or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

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①. Threatens the right to peaceful enjoyment of the premises by other residents;

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②. Threatens the health or safety of other residents, of employees of the HCHC, or of owner employees or other persons engaged in management of the housing;

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③. Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or

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④. Is involved in drug-related criminal activity or violent criminal activity;

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- If the owner has not paid State or local real estate taxes, fines or assessments;

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- If the owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD;

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- If the unit is owned by an employee or commissioner of the HCHC; or

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- If the owner has failed to disclose information in reference to issues with the unit that threaten the health and safety of the family.

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- If the owner does not have a rental license for the local government.

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Note: HCHC may notify the local government for further action for failure to

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provide —documentation of the rental license however; HCHC will allow the owner adequate —time to become licensed with the local government.

B. OWNER RESTRICTIONS AND PENALTIES [24 CFR 982.453]

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

Before imposing any penalty against an owner the HCHC will review all relevant factors pertaining to the case and will consider such factors as the owner's record of compliance and the number of violations. See Program Integrity Addendum for guidance as to how owner fraud will be handled.

C. CHANGE IN OWNERSHIP

A change in ownership does not require execution of a new contract and lease, however the HCHC must receive a written request from the old owner in order to change the HAP payee and/or the address to which payment is to be sent.

The HCHC may approve the assignment of the HAP contract at the old owner's request. The HCHC may approve the assignment, since they are a party to the contract. The HCHC may deny approval of assignment of the contract, for any of the reasons listed in Section A of this chapter.

The HCHC will process a change of ownership only upon the written request of the new owner. The request must be accompanied by a copy of the escrow statement or other document showing the transfer of title, recorded deed and the Employee Identification Number (EIN) or Social Security number of the new owner.

If the new owner does not want an assignment of the contract, the HCHC will terminate the HAP contract with the old owner since they are no longer the owner. The new owner may offer the family a new assisted lease. The family may elect to enter into the new lease or move to another unit.

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CHAPTER 19 - CLAIMS, MOVE-OUT AND CLOSE-OUT INSPECTIONS

(For HAP Contracts Effective Before October 2, 1995)

INTRODUCTION

This Chapter describes the PHA's policies, procedures and standards for servicing HAP Contracts which were effective before October 2, 1995. Certificate and Voucher contracts in this category have provisions for the PHA's liability to owners when families move out. Vouchers and Certificates have a provision for damages, and Certificates, in addition, have a provision for vacancy loss. All certificate program contracts signed after October 2, 1995 no longer had a provision for PHA liability to owners when families move out.

The conversion of assistance from the certificate and voucher programs to the housing choice voucher program started on October 1, 1999. Effective immediately, all rental voucher and certificate tenancies became subject to requirements of the housing choice voucher program. There are no payments of claims for owner damages, unpaid rent or vacancy loss in the Housing Choice Voucher Program.

A. OWNER CLAIMS

Under HAP Contracts effective prior to October 2, 1995, owners may make "special claims" for damages, unpaid rent, and vacancy loss (vacancy loss cannot be claimed in the Voucher Program) after the tenant has vacated the unit.

Owner claims for payment for unpaid rent, damages, or vacancy loss will be reviewed for accuracy and completeness and compared with records in the file. The HCHC establishes standards by which to evaluate claims, but the burden of proof rests with the owner.

If vacancy loss is claimed, the HCHC will ascertain whether or not the family gave proper notice of its intent to move. The file will also be reviewed to verify owner compliance at the time the contract was terminated.

The HCHC will pay properly filed claims to the owner as a function of the contract, but the tenant is ultimately responsible to reimburse the HCHC for claims paid to the owner.

B. UNPAID RENT

Unpaid rent only applies to the tenant's portion of rent while the tenant is in residence under the assisted lease. It does not include the tenant's obligation for rent beyond the termination date of the HAP Contract.

Separate agreements are not considered a tenant obligation under the lease and the HCHC will not reimburse the owner for any claims under these agreements.

C. DAMAGES

The owner must be present during the move-out inspection and only damages claimed by the owner are reimbursable.

All claims for damages must be supported by the actual bills or estimates for materials and labor and a copy of the cancelled checks or other receipts documenting payment. Invoices or bills from individuals providing labor must include their name, address and telephone number. The landlord may not bill him/herself for labor since that is not considered by the HCHC to be an "actual cost." However, the actual cost of the owner's employees' labor, such as the resident manager, to make repairs may be included.

All claims for damages must be supported by the actual bills for materials and labor and a copy of the cancelled checks or the receipts documenting payment. Estimates are not acceptable. Bills from individuals providing labor must include their name, social security number, address, and phone number. The landlord may not bill himself/herself for labor since that is not considered by the HCHC to be an "actual cost". However the actual cost of the owner's employees' labor such as the resident manager, to make repairs may be included.

Damages that were caused during tenancy, were repaired and billed, but remain unpaid at move-out can be considered "other items due under the lease" and included in the claim. Eligible items to be included on the damage claim must have been a tenant responsibility under the lease or State law.

Claims for unpaid utility bills cannot be approved as part of a claim. Claims for normal wear and tear, previously existing conditions, routine turnover preparation, cleaning and cyclical interior painting are not paid.

The HCHC will inspect the unit to verify that repairs were made.

D. VACANCY LOSS IN THE CERTIFICATE PROGRAM

Vacancy Loss is applicable to the Certificate Program only. Vacancy loss is paid if the move was in violation of the notice requirements in the lease, or the result of an eviction.

In order to claim vacancy loss, the unit must be available for lease and the landlord must:

- Notify the HCHC within two calendar days excluding weekends and holidays upon learning of the vacancy, or prospective vacancy, and
- Pursue all possible activities to fill the vacancy, including, but not limited to:
 - o Contacting applicants on the owner's waiting list, if any;
 - o Seeking eligible applicants by listing the unit with the HCHC,
 - o Advertising the availability of the unit, and
 - o Not rejecting potentially eligible applicants except for good cause.

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In the event that a unit becomes vacant because of the death of the tenant, the HCHC will permit the owner to keep the HAP for the month in which the tenant died.

If the tenant moves *after* the date given on their notice of intent to vacate, the landlord may claim vacancy loss by providing acceptable documentation that there was a bona fide prospective tenant to whom the unit could have been rented.

E. MOVE-OUT AND CLOSE-OUT INSPECTIONS

Move-out inspections are performed after the tenant has vacated the unit. These inspections are performed to assess the condition of the unit, not to evaluate the HQS. Vacate inspections will be conducted by Housing Inspectors.

There will be no move-out inspections of units with contracts effective on or after October 2, 1995.

The HCHC's initial inspection of the unit will include a "conditions" report that will be compared to the conditions found during the move-out inspection. The owner must notify the HCHC of the move-out and request an inspection within 48 hours of learning of the move-out in order to submit a claim for damages.

If the contract was terminated due to owner breach, or the owner was in violation of the contract at the time that it was terminated, there will be no entitlement to claims and therefore no inspection.

The owner and tenant will be notified of the date and time of the inspection. If the owner is not present, the move-out inspection will not be rescheduled.

The HCHC will conduct a move-out inspection on tenant's request if the owner does not also request an inspection. A damage claim will not be approved *unless* the move-out inspection is requested and completed prior to any work being done. In the event that the HCHC is unable to inspect within ten days, the owner will be permitted to use date-stamped photographs to substantiate the claim.

F. PROCESSING CLAIMS

Any amount owed by the tenant to the owner for unpaid rent or damages will be deducted first from the maximum security deposit which the owner could have collected under the program rules. If the maximum allowable security deposit is insufficient to reimburse the owner for the unpaid tenant rent or other amounts which the family owes under the lease, the owner may request reimbursement from the HCHC up to the limits for each program.

If the owner claims vacancy loss, the security deposit that s/he collected or could have collected will be deducted from the vacancy loss claim.

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The HCHC reviews claims for unpaid rent, damages, or vacancy loss and makes a preliminary determination of amount payable. The family is informed that a claim is pending (notice sent to last known address). The notification will state the preliminarily determined amount, the type of claim, and describe the procedure for contesting the claim.

The HCHC will offer the family thirty calendar days to contest the claim. If the family disputes the claim, the HCHC will schedule an informal meeting with the owner and tenant in order to resolve the differences.

If the owner fails to attend the meeting, the HCHC will consider this prima facie evidence of validity of the tenant's position. If the tenant fails to attend the meeting, the HCHC will proceed with its original determination. Meetings will not be scheduled if both parties refuse to attend. Meetings will not be rescheduled if neither party attends. Meetings will be rescheduled if either party agrees to attend, but fails to attend the scheduled meeting.

After the HCHC has settled the owners claim a Claim Review with the tenant will be scheduled. If the family misses the Claim Review, another will not be scheduled unless proof of extenuating circumstances can be presented.

At the Claim Review, the amount and type of claim will be discussed with the family. If the family agrees with the amount and type of claim, the family will be offered a Repayment Agreement. If the family does not agree to sign a Payment Agreement, the HCHC will process the account for collection.

If the family demonstrates that the claim, or parts of it, is invalid, the HCHC will adjust the amount. The HCHC may offer the tenant an opportunity for an Informal Hearing regarding the claim if disputes cannot be resolved.

After a determination has been made, the HCHC will notify the family in writing of the decision. If it has been determined that the family owes money, the HCHC will pursue collection to repay either in a lump sum or through a payment agreement. The notice will warn the family that their assistance may be terminated and they may be denied future participation in the program if they do not reimburse the HCHC as required.

Other Requirements for Claims Processing

The HCHC will require proof that the owner has complied with State and local laws applicable to security deposits before making payment on any claim.

All notices to tenants during the processing of a claim must include proof of mailing or of personal delivery.

Costs of filing eviction to remove the tenant or any other legal fees, may not be reimbursed. No claims will be paid for a unit that is vacant as the result of the landlord voluntarily moving a family to another unit owned by the same landlord.

All unpaid rent, damage, and vacancy loss claim forms must be fully complete when they are submitted, and they must be submitted within ten days of the date the owner learned of the move-out.

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CHAPTER 20 - OWNER OR FAMILY DEBTS TO THE HCHC

[24 CFR 982.552]

INTRODUCTION

This Chapter describes the PHA's policies for the recovery of monies that have been overpaid for families, and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the PHA's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the PHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner, the family or other interested parties.

HCHC will make every effort to collect money owed to the agency by program participants and/or owners. The HCHC will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments;
- Civil suits;
- Repayment Agreements;
- Abatements;
- Reductions in HAP to owner;
- Collection agencies;
- Credit bureaus; and
- Income tax set-off programs.

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A. REPAYMENT AGREEMENT FOR FAMILIES [24 CFR 982.552 (b)(6-8)]

A Repayment Agreement as used in this Plan is a document entered into between the HCHC and a person who owes a debt to the HCHC. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the HCHC upon default of the agreement.

The HCHC will prescribe the terms of the Repayment Agreement, including determining whether to enter into a Repayment Agreement with the family based on the circumstances surrounding the debt to the HCHC. There are some circumstances in which the HCHC may not enter into a Repayment Agreement. They are as follows:

- If the family already has a Repayment Agreement in place;
- If the family received multiple previous warning notices;
- If the PHA considers the violation to be an intentional act;
- If the HCHC determines that the family committed program fraud; or
- If the HCHC determines that the debt amount is larger than can be paid back by the family in a reasonable amount of time.

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The maximum amount for which the HCHC will enter into a Repayment Agreement with a family is \$5000. The maximum length of time the HCHC will enter into a Repayment Agreement with a family is ~~three~~ years or ~~36~~24 months. HCHC will consider claims of “hardship” and may consider alternate Repayment Agreement terms.

B. DEBTS OWED FOR CLAIMS [24 CFR 792.103, 982.552 (b)(6-8)]

If a family owes money to the HCHC for claims paid to an owner, HCHC will act as follows:

- Review the circumstances resulting in the overpayment;
- Decide whether the family must pay any or all of the overpayment; and
- Execute the Repayment Agreement or notify the family that no repayment is required.

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Late Payments

A payment will be considered to be late or in arrears if the payment has not been received by the close of the business on the day on which the payment was due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If the family's Repayment Agreement is in arrears, and the family has not contacted or made arrangements with the HCHC to bring the payment current, HCHC will:

- Require the family to pay the balance in full;
- Pursue civil collection of the balance due; or
- Terminate housing assistance.

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If the family requests a move to another unit, has a Repayment Agreement in place for the payment of an owner claim and the Repayment Agreement **is not** in arrears the family will be permitted to move.

If the family requests a move to another unit, has a Repayment Agreement in place for the payment of an owner claim and **is in** arrears on a Repayment Agreement for the payment of an owner claim the family will be permitted to move **if** the past due amount is paid. However, requests to port the voucher to another jurisdiction will be denied until the balance is paid in full.

C. DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION [24 CFR 982.163]

HUD's definition of program fraud and abuse is *a single act or pattern of actions that Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 program funds in violation of Section 8 program requirements.*

Family Error/Late Reporting

Families who owe money to the HCHC due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Repayment Agreement Section of this chapter, for first offenses only. Subsequent offenses will be handled as noted in the Program Fraud and Payment Procedures for Program Fraud sections of this chapter.

Program Fraud

Families who owe money to the HCHC due to program fraud will be required to pay in accordance with the payment procedures for program fraud, below.

If a family owes an amount that equals or exceeds \$5000 as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, the HCHC will refer the case for criminal prosecution (e.g. HUD Office of the Inspector General) and other means to recoup funds.

Payment Procedures for Program Fraud

Families who commit program fraud or untimely reporting of increases in income will be subject to entering into a Repayment Agreement to continue program participation. The maximum time period for a Repayment Agreement will be ~~three~~ years or ~~36~~24 months. The amount of the monthly payment will be determined and adjusted in accordance with the family's current income and subsequent increases, if warranted, during the repayment period. Generally the terms of the Repayment Agreement will be based on a payment of 10% of Gross Adjusted Income with a minimum payment of \$50.00. The payment may be in excess of 10% of Gross Adjusted Income if the balance can't be paid off within the maximum period of 36 months.

D. GUIDELINES FOR REPAYMENT AGREEMENTS [24 CFR 982.552(b)(8)]

Repayment Agreements will be executed between the HCHC and the head of household. The Repayment Agreement must be executed by the Chief of Housing Choice Voucher & Public Housing Programs or designee.

Payments may only be accepted in the form of a money order or cashier's check and should be made to the order of the Howard County Housing Commission.

The repayment agreement will be considered in default when a payment is delinquent 10 calendar days after the day that the payment was due. Consequently, the family's assistance will be terminated unless the HCHC receives the balance of the Repayment Agreement in full within thirty calendar days of the termination notice.

Monthly payments may be decreased, and the repayment agreement restructured in cases of family hardship when requested with reasonable notice from the family. Verification of the

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hardship must be presented to the Chief of Housing Choice Voucher & Public Housing Programs for approval.

Requests to move to another unit while the repayment agreement is in default **will not** be approved until the debt is paid in full. This is not the case if the repayment agreement is current and if the one of the following is the reason for the move:

- Family size exceeds the HQS maximum occupancy standards;
- The HAP contract is terminated due to owner non-compliance or opt-out; or
- A natural disaster or government action.

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Accumulation of Additional Debt

If repayment agreement is in place and the family incurs an additional debt to the HCHC, the HCHC will not enter into another repayment agreement with the family or restructure the existing repayment agreement to accommodate the debt. The family will be required to pay the current debt in full and continue to make timely payments on the current repayment agreement to continue program participation.

If the family incurs a new debt and the current repayment agreement is in arrears or default, the family will be required to pay both debts in full to continue program participation.

F. OWNER DEBTS TO THE HCHC [24 CFR 982.453(b)]

If the HCHC determines that the owner has retained HAP or Claim Payments the owner is not entitled to, the HCHC may reclaim the amounts from future HAP or Claim Payments owed the owner for any units under contract.

If future HAP or Claim Payments are insufficient to reclaim the amounts owed to the HCHC will:

- Require the owner to pay the amount in full within 30 days;
- Pursue collections through the local court system; or
- Restrict the owner from future participation.

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G. WRITING OFF DEBTS

Debts will be written off if:

- A debtor's whereabouts are unknown and the debt is more than one year old;
- A determination is made that the debtor is judgment proof;
- The debtor is deceased;
- The debtor is confined to an institution indefinitely or for more than three years; or
- The amount is less than \$500 and the debtor cannot be located.

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CHAPTER 21 - COMPLAINTS AND APPEALS

INTRODUCTION

The informal hearing requirements defined in HUD regulation are applicable to participating families who disagree with an action, decision, or inaction of the PHA. This Chapter describes the policies, procedures and standards to be used when families disagree with a PHA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the PHA to ensure that all families have the benefit of all protections due to them under the law.

A. COMPLAINTS TO THE HCHC

The HCHC will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. The HCHC ~~does~~ requires that complaints other than HQS violations be put in writing. HQS complaints may be reported by telephone. The HCHC hearing procedures will be provided to families in the briefing packet.

Categories of Complaints

Complaints from families: If a family disagrees with an action or inaction of the HCHC or owner.

Complaints from families will be referred to the assigned Human Service Specialist or other designated staff person. If a complaint is not resolved, it will be referred to the Chief ~~or Deputy~~ Chief of the Housing Choice Voucher & Public Housing Programs. If additional action is required the complaint will be referred to the Executive Director or designee.

Complaints from owners: If an owner disagrees with an action or inaction of the HCHC or a family.

Complaints from owners concerning program participants will be referred to the assigned Human Service Worker. If a complaint is not resolved, it will be referred to the Lead Human Service Worker. If additional action is required the complaint will be referred to the Chief ~~or Deputy~~ Chief of the Housing Choice Voucher & Public Housing Programs.

Complaints from owners concerning Human Service Workers will be referred to the ~~HCV Deputy Chief Lead Human Service Worker~~. If a complaint is not resolved, it will be referred to the Chief of Housing Choice Voucher & Public Housing Programs. If additional action is required the complaint will be referred to the Executive Director or designee

Complaints from the general public: Complaints or referrals from persons in the community in regard to the HCHC, a family or an owner.

Complaints from the general public will be referred depending on the nature of the complaint, but will typically be referred to a Human Service Worker. If additional action is required the

complaint will be referred to the Investigator. The Chief of Housing Choice Voucher & Public Housing Programs and the Executive Director or designee will be consulted as needed.

B. PREFERENCE DENIALS [24 CFR 5.415]

When the HCHC denies a preference to an applicant, the family will be notified in writing of the specific reason for the denial and offered the opportunity for an informal review. Different from an informal review or hearing, the review of the preference denial can be conducted by the staff person that made the decision to deny the preference. The review is limited to the circumstances pertinent to the preference denial.

C. INFORMAL REVIEW PROCEDURES FOR APPLICANTS [24 CFR 982.54(d)(12), 982.554]

Informal reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is when an applicant is denied assistance for citizenship or eligible immigrant status. In these cases the applicant is entitled to an informal hearing.

When the HCHC determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain the following:

- The reason(s) they are ineligible;
- The right to an explanation if the applicant does not agree with the decision;
- The procedure for requesting a review if the family disputes the decision;
- The time limit for requesting a review;
- To whom the review request should be addressed; and
- ~~A copy of the HCHC's Informal Review Procedures; and~~
- When the denial is based on a criminal conviction as shown on a criminal record, the HCHC will provide the subject of the record and the applicant with a copy of the criminal record upon which the decision was made.

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A copy of the HCHC's Informal Review Procedures will be transmitted when the applicant is scheduled for an Informal Review.

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The HCHC must provide applicants with the opportunity for an Informal Review of decisions denying:

- Listing on the HCHC's waiting list;
- Preference qualification;
- Voucher Issuance;
- Program participation; and
- Portability

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Informal Reviews are not required for established HCHC policies and procedures and determinations such as:

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

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Procedure for Review

A request for an Informal Review must be submitted in writing and received no more 10 days from the date of the HCHC's notification of denial of assistance.

The Informal Review will be scheduled within 30 days from the date the request is received. The Informal Review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person. The review may be conducted by a supervisory level staff person that did not participate in the decision making process.

The applicant will be given the option of presenting oral or written objections to the decision. Both the HCHC and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense. The review may be conducted by mail and/or telephone ~~if acceptable to both parties~~ at the discretion of the HCHC unless the family presents reasonable concerns that a mail and/or telephone review places them at a disadvantage due to a disability, limited verbal or written skills or limited English Proficiency.-

A notice of the review findings will be provided in writing to the applicant within 10 days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision. All review requests, supporting documentation, and a copy of the final decision will be retained in the family's file.

D. INFORMAL HEARING PROCEDURES [24 CFR 982.555(a-f), 982.54(d)(13)]

Program participants will be notified in writing when the HCHC makes a decision regarding continued eligibility and/or the amount of assistance. The HCHC will give the family prompt notice of such determinations that will include:

- The proposed action or decision of the HCHC;
- The date the proposed action or decision will take place;
- The family's right to an explanation of the basis for the HCHC's decision;

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- The procedures for requesting a hearing if the family disputes the decision;
- The time limit for requesting the hearing;
- To whom the hearing request should be addressed;
- ~~A copy of the HCHC's Hearing Procedures; and~~
- When the termination is for criminal activity as shown on a criminal record, the HCHC will provide the subject of the record and the program participant with a copy of the criminal record upon which the decision was made.

A copy of the HCHC's Informal Hearing Procedures will be transmitted when the program participant is provided notice of the date and time of the Informal Hearing.

The HCHC must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following HCHC determinations:

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment;
- Appropriate utility allowance computation;
- Family unit size determination under HCHC subsidy standards
- Determination that pre-merger Certificate program family is under-occupied in their current unit and a request for exception is denied;
- Determination to terminate assistance for any reason;
- Determination to terminate a family's FSS Contract, withhold supportive services, or propose forfeiture of the family's escrow account; or
- Determination to pay an owner claim for damages, unpaid rent or vacancy loss.

The HCHC must always provide the opportunity for an Informal Hearing before termination of assistance.

Informal Hearings are not required for established HCHC policies and procedures and determinations such as:

- Discretionary administrative determinations;
- General policy issues or class grievances;
- Establishment of the HCHC schedule of utility allowances for families in the program;
- A determination not to approve an extension or suspension of a voucher term;
- A determination not to approve a unit or lease;
- A determination that an assisted unit is not in compliance with HQS (HCHC must provide hearing for family breach of HQS because that is a family obligation determination);
- A determination that the unit is not in accordance with HQS because of the family size; or

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- A determination to exercise or not exercise any right or remedy against the owner under a HAP contract.

Notification of Hearing

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

When the HCHC receives a request for an informal hearing, a hearing shall be scheduled within 30 days. The notification of hearing will contain:

- The date and time of the hearing.
- The location where the hearing will be held.
- The family's right to bring evidence, witnesses, legal or other representation at the family's expense.
- The right to view any documents or evidence in the possession of the HCHC upon which the HCHC based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. Requests for such documents or evidence must be received no later than 10 days before the hearing date.
- A notice to the family that a copy of any documents or evidence they intend to use at the hearing must be supplied to HCHC no later than three days before the hearing date.

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- **The HCHC's Hearing Procedures**

After a hearing date is agreed to, the family may request to reschedule only upon showing "good cause," which is defined as *an unavoidable conflict which seriously affects the health, safety or welfare of the family*. The family must submit their request to reschedule in writing. The request will be forwarded to the hearing officer for the decision to grant or deny the request. If the decision is granted, the family will be given one opportunity to reschedule the informal hearing. If the decision is denied the family must appear for the scheduled Informal Hearing. If the family fails to appear for the scheduled appointment the family will be deemed a "no show" and the decision to terminate will be upheld.

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The family must appear for the Informal Hearing at or prior to the scheduled hearing appointment time. If the family is 30 minutes late for the hearing the family will be deemed a "no show" and the decision to terminate will be upheld.

If a family does not appear at a scheduled hearing and has not rescheduled the hearing in advance, the family must contact the HCHC within 48 hours, excluding weekends and holidays.

The HCHC will reschedule the hearing only if the family can show good cause for the failure to appear.

Families have the right to:

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

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If the family requests copies of documents relevant to the hearing, the HCHC will make the copies for the family and assess a charge of \$.15 per copy for any request in excess of fifteen copies. In no case will the family be allowed to remove the file from the HCHC's office.

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

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

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The Informal Hearing shall be conducted by the Hearing Officer appointed by the HCHC who is neither the person who made or approved the decision, nor a subordinate of that person. The HCHC hearing officer may be a member of the HCHC management staff or other appropriate official designated by HCHC.

The hearing shall concern only the issues for which the family has received the opportunity for hearing.

Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

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

The Hearing Officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision.

If the family misses an appointment or deadline ordered by the Hearing Officer, the action of the HCHC shall take effect and another hearing will not be granted.

The Hearing Officer will determine whether the action, inaction or decision of the HCHC is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the Hearing Findings shall be provided in writing to the HCHC and the family within 30 days and shall include:

- A clear summary of the decision and reasons for the decision;
- If the decision involves money owed, the amount owed and documentation of the calculation of monies owed; and
- The date the decision goes into effect.

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The HCHC is not bound by hearing decisions:

- Which concern matters in which the HCHC is not required to provide an opportunity for a hearing;
- Which conflict with or contradict to HUD regulations or requirements;
- Which conflict with or contradict Federal, State or local laws; or
- Which exceed the authority of the Hearing Officer.

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The HCHC shall send a letter to the participant if it determines the HCHC is not bound by the Hearing Officer's determination within 30 days. The letter shall include the HCHC's reasons for the decision.

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

The Howard County Housing Commission's Hearing Process

The Informal Hearing shall consist of:

- 1. Disposition of all outstanding preliminary matters by the Hearing Officer.
- 2. Opening statements by the parties.
- 3. Presentation by a HCHC representative.
 - a. Testimony of HCHC representative and/or other witnesses and introduction of documentary evidence.

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All other complaints related to eligible citizen/immigrant status will be handled as follows:

1. If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.
2. Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.
3. Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.
4. Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

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F. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES [24 CFR 982.204, 982.552(c)]

~~When applicants are denied placement on the waiting list, or the HCHC is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the process.~~

G. CONSIDERATION OF CIRCUMSTANCES [24CFR 982.552(c)(2)]

In determining whether to deny or terminate assistance because of action or failure to act by members of the family:

(i)The PHA may consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

(ii)The PHA may impose, as a condition of continued assistance for other family members, a requirement that other family members who participated in or were culpable for the action or failure will not reside in the unit. The PHA may permit the other members of a participant family to continue receiving assistance.

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CHAPTER 22 - SPECIAL HOUSING TYPES

[24 CFR 982.601]

INTRODUCTION

The PHA will permit the use of any special housing types in its program that are consistent with State or County law, except for group homes and shared housing.

Verification of Need for Reasonable Accommodation

Acceptable documentation as verification of the need for reasonable accommodation would be a letter to the HCHC describing how the special housing type requested provides the accommodation of which the person is in need. The HCHC reserves the right to require documentation from a doctor confirming the need for the accommodation requested. The request and documentation will be reviewed by the Chief of Housing Choice Voucher & Public Housing Programs and a written response stating approval or disapproval will be sent to the applicant/participant within thirty days of receipt of the request.

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

A. SINGLE ROOM OCCUPANCY [24 CFR 982.602]

The HCHC will use a separate lease and housing assistance payment contract for each assisted person residing in a SRO. [24 CFR 982.603]

SRO Rent and Housing Assistance Payment [24 CFR 982.604]

Premerger Regular Certificate Program

The payment standard for SRO housing is seventy five percent of the zero bedroom FMR.

Voucher Program

The HCHC SRO payment standard is 75 percent of the zero bedroom payment standard schedule. For a person residing in an exception area the payment standard is 75 percent of the HUD-approved zero bedroom exception payment standard amount. While an assisted person resides in SRO housing, the SRO payment standard must be used to calculate the housing assistance payment.

Utility Allowance

The utility allowance for an assisted person residing in SRO housing is seventy five percent of the zero bedroom utility allowance.

Housing Quality Standards

The HCHC will ensure that all SRO units approved for the program are in compliance with all of the HQS for SROs as regulated in 24 CFR 982.605.

B. CONGREGATE HOUSING [24 CFR 982.606]

An elderly person or a person with disabilities may reside in a congregate housing unit. The HCHC may approve a family member or live-in attendant to reside with the elderly person or person with disabilities.

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

Congregate Housing Lease and HAP Contract [24 CFR 982.607]

For congregate housing there will be a separate lease and HAP contract for each assisted family. Unless there is a live-in attendant, the payment standard for a family that resides in a congregate housing unit is the zero-bedroom payment standard on the HCHC payment standard schedule. However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the payment standard for a family that resides in a congregate housing unit is the one bedroom payment standard amount.

If there is a live-in attendant, he/she will be counted in determining the family unit size.

Housing Quality Standards

The HCHC will ensure that all congregate housing units approved for the program are in compliance with all of the HQS for congregate housing as regulated in 24 CFR 982.609.

C. COOPERATIVE HOUSING [24 CFR 982.619]

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

The reasonable rent in cooperative housing is determined in accordance with Chapter 13 Contract Rent and Payment Standards. For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.

The carrying charge consists of the amount assessed to the member by the cooperative for

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

For a cooperative, rent adjustments are applied to the carrying charge as determined in Chapter 13 Contract Rent and Payment Standards.

The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to HCVP limitations on rent to owner. The housing assistance payment will be determined in accordance with the guidelines in Chapter 13 Contract Rent and Payment Standards.

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

Housing Quality Standards

The HCHC will ensure that all cooperative housing units approved for the program are in compliance with all of the Housing Quality Standards outlined in the Chapter 12 Housing Quality Standards and Inspections and regulated by 24 CFR 982.401.

D. MANUFACTURED HOMES [24 CFR 982.620]

The HCHC will permit a family to lease a manufactured home and space with assistance under the program. The HCHC will provide assistance for a family that owns the manufactured home and leases only the space.

The HCHC may approve a live-in attendant to reside with a family to care for a person with disabilities. The HCHC will approve a live-in attendant if needed as a reasonable accommodation so that the program is accessible to and usable by persons with disabilities. If the HCHC approves a live-in attendant, he/she must be counted when determining the family unit size.

Housing Quality Standards [24 CFR 982.621]

A manufactured home must meet all the HQS requirements outlined in the Chapter 12 Housing Quality Standards and Inspections and regulated by 24 CFR 982.401. In addition, the manufactured home must also meet the following requirements:

- (+)• A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage; and

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(b)• A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

Manufactured Home Space Rental [24 CFR 982.622]

Rent to owner for a manufactured home space will include payment for maintenance services that the owner must provide to the tenant under the lease for the space.

Rent to owner does not include the cost of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

Reasonable Rent

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by the HCHC.

HCHC will not approve a lease for a manufactured home space until the HCHC has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the HCHC will re-determine that the rent is reasonable.

HCHC will determine whether the rent to owner for a manufactured home space is a reasonable rent in comparison to rents for other comparable manufactured home spaces. The HCHC will consider the size and location of the space and any services and maintenance provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from the HCHC, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. If requested by the HCHC, the owner must provide the HCHC information on rents for other manufactured home space.

Housing Assistance Payments for Manufactured Home Space [24 CFR 982.623]

The FMR for a manufactured home space will be determined by HUD.

HAP for the Regular Tenancy Program

For the Regular Tenancy Program the initial rent to owner for leasing a manufactured home space may not exceed the published FMR for a manufactured home space.

During the term of a certificate tenancy, entered prior to the merger date, the amount of the monthly housing assistance payment equals the lesser of the manufactured home space cost minus the TTP or the rent to owner for the manufactured home space.

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"Manufactured home space cost" means the sum of: the amortization cost, the utility allowance, and the rent to owner for the manufactured home space.

The amortization cost may include debt service to amortize costs (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan. The debt service amount will be reduced by 15 percent to exclude debt service to amortize the cost of furniture, unless the HCHC determines that furniture was not included in the purchase price.

Any debt service due to refinancing the manufactured home after purchase of the home is not included in the amortization costs.

HCHC will not approve as part of the monthly amortization payment, set-up charges to be included in the debt service incurred by a family that relocates its home.

HCHC will not include as part of the monthly amortization payment, set-up charges incurred before the family became an assisted family, if monthly payments are still being made to amortize such charges.

HAP for the Voucher Tenancy

There is a separate FMR for a family renting a manufactured home space. The payment standard is used

to calculate the monthly housing assistance payment for a family. The FMR for rental of a manufactured home space is generally 30 percent of the published FMR for a two-bedroom unit.

Subsidy Calculation for the Voucher Program

During the term of a Voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

- The payment standard minus the total tenant payment; or
- The rent paid for rental of the real property on which the manufactured home owned by the family is located (the space rent) minus the total tenant payment.

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The space rent is the sum of the following as determined by the HCHC:

- Rent to owner for the manufactured home space.
- Owner maintenance and management charges for the space.
- The utility allowance for tenant paid utilities.

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Utility Allowance Schedule for Manufactured Home Space Rental [24 CFR 982.624]

The HCHC will establish utility allowances for manufactured home space rental. For the first 12 months of the initial lease term only, the allowances will include a reasonable amount for utility

hook-up charges payable by the family, if the family actually incurs the expenses because of a move.

Allowances for utility hook-up charges do not apply to a family that leases a manufactured home space in place.

Utility allowances for manufactured home space will not be applied to cover the costs of digging a well or installation of a septic system.

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CHAPTER 23 - HOUSING CHOICE VOUCHER HOMEOWNERSHIP OPTION

A. GENERAL PROVISIONS

The Housing Choice Voucher Homeownership Program (HCVHP) of the Howard County Housing Commission ("HCHCC") will offer eligible participants in the Housing Choice Voucher program, including participants with portable vouchers, the option of purchasing a home with their Housing Choice Voucher.

Eligible program participants must be participants in the Housing Choice Voucher rental program, may not owe HCHC or any other HA an outstanding debt (unless they are making regular payments on the debt), and must meet the eligibility criteria set forth herein.

Housing Choice Voucher homeownership assistance may be used to purchase a home within Howard County. HCHC also will permit portability of Housing Choice Voucher homeownership assistance to another jurisdiction, provided the receiving jurisdiction operates and has an opening in Housing Choice Voucher homeownership program for which the Housing Choice Voucher homeownership applicant qualifies.

B. FAMILY ELIGIBILITY REQUIREMENTS

Participation in the HCVHP is voluntary. Each applicant must meet the general requirements for admission to the Housing Choice Voucher program as set forth in HCHC's Administrative Plan and be eligible to participate in the homeownership program.

The additional eligibility requirements for participation in HCHC's Housing Choice Voucher homeownership program include that the family must:

1. Be a first-time homeowner or have a member who is a person with disabilities.
2. With the exception of elderly and disabled households, meet a minimum income requirement without counting income from "welfare assistance" sources.
3. With the exception of elderly and disabled households, meet the requisite employment criteria.
4. Be a current participant in the Housing Choice Voucher program in good standing for at least two years prior to the execution of the contract of sale, have participated in the Family Self-Sufficiency (FSS) Program for six months prior to the date of settlement, not owing a debt to HCHC, any other HA or in violation of any family obligation or program rule.
5. Cannot be in default on a mortgage securing debt to purchase a home under the homeownership option,
6. Cannot have any member who has a present ownership interest in a residence at the commencement of home ownership assistance.

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1. First-Time Homeowner.

Each Housing Choice Voucher family, except families with a disabled member, must be a first-time homeowner. A "first-time homeowner" means that no member of the household has had an ownership interest in any residence during the three years preceding commencement of home- ownership assistance. However, a single parent or displaced homemaker who, while married, owned a home with a spouse (or resided in a home owned by a spouse), and no longer owns the home, is considered a "first-time homeowner" for purposes of the Housing Choice Voucher homeownership option; and the right to purchase title to a residence under a lease-purchase agreement is not considered an "ownership interest."

2. Minimum Income Requirement.

♦(a) Amount of Income.

At the time the family begins receiving homeownership assistance, the head of household, spouse, and/or other adult household members who will own the home must have a gross annual income of \$24,000.

(b) Exclusion of Welfare Assistance Income.

With the exception of elderly and disabled families, HCHC will disregard any "welfare assistance" income in determining whether the family meets the minimum income requirement. Welfare assistance includes assistance from Temporary Assistance for Needy Families (TANF), Supplemental Security Income ("SSI") that is subject to an income eligibility test, food stamps, general assistance, or other welfare assistance specified by HUD. The disregard of welfare assistance income under this section affects the determination of minimum monthly income in determining initial qualification for the homeownership program. It does not affect the determination of income-eligibility for admission to the Housing Choice Voucher program, calculation of the family's total tenant payment, or calculation of the amount of homeownership assistance payments.

3. Employment History.

With the exception of disabled and elderly households, each family must demonstrate that one or more adult members of the family who will own the home at commencement of homeownership assistance is employed full-time (an average of 30 hours per week) and has been so continuously employed for one year prior to execution of the sales agreement. In order to reasonably accommodate a family's enrollment in the program, HCHC will exempt families that include a person with disabilities from this requirement. HCHC's Executive Director may also consider whether and to what extent an employment interruption is considered permissible in satisfying the employment requirement. The Executive Director may also consider successive employment during

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the one-year period and self-employment in a business.

4. Current Participant in Housing Choice Voucher Program.

Applicants for and new applicants and participants in the Housing Choice Voucher homeownership program must be current participants in the rental program and be in good standing with HCHC.

5. Repayment of any HA Debts.

Applicants in the Housing Choice Voucher program shall be ineligible for participation in the Housing Choice Voucher homeownership program in the event any debt or portion of a debt remains owed to HCHC or any other HA. Nothing in this provision will preclude Housing Choice Voucher participants that have fully repaid such debt(s) from applying for and participating in the Housing Choice Voucher homeownership program (unless they are making regular payments on the debt).

6. Additional Eligibility Factors.

(a) Elderly and Disabled Households.

Elderly and disabled families are exempt from the employment requirements set forth in Section B (3) above. In the case of an elderly or disabled family, HCHC will consider income from all sources, including welfare assistance, in evaluating whether the household meets the minimum income required to purchase a home through the HCVHP.

•(b) Participation in FSS Program.

In order to be selected for the homeownership program, all applicants, excluding those with disabilities, must have either successfully graduated from HCHC's FSS Program or be currently enrolled in HCHC's FSS Program and completed two years of participation in HCHC's FSS Program prior to completion of homeownership counseling, and be in good standing with the FSS Program, in order to apply for and participate in the homeownership program. Persons with disabilities must have completed one year of participation in HCHC's FSS Program.

(c) Prior Mortgage Defaults.

If a head of household, spouse or other adult household member who will execute the contract of sale, mortgage and loan documents has previously defaulted on a mortgage obtained through the HCVHP, the family will be ineligible to participate in the homeownership program.

(d) Condo-conversion.

The families affected by the condo-conversion activity might not meet the FSS eligibility factors.

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C. FAMILY PARTICIPATION REQUIREMENTS

Once a family is determined to be eligible to enroll in the program, it must comply with the following additional requirements:

- (1) complete a home- ownership counseling program approved by HCHC prior to commencement of homeownership assistance;
- (2) within three years of completion of counseling, locate and contract for the home it proposes to purchase;
- (3) submit a sales agreement containing specific components to HCHC for approval;
- (4) allow HCHC to inspect the proposed homeownership dwelling to assure that the dwelling meets appropriate housing quality standards;
- (5) obtain an independent inspection covering major building systems;
- (6) obtain HCHC approval of the proposed mortgage (which must comply with generally accepted mortgage underwriting requirements); and
- (7) enter into a written agreement with HCHC to comply with all of its obligations under the Housing Choice Voucher program.

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1. Homeownership Counseling Program.

A family's participation in the homeownership program is conditioned on the family attending and successfully completing a homeownership counseling program provided or approved by HCHC prior to commencement of homeownership assistance. The homeownership and counseling program will include home maintenance; budgeting and money management; credit counseling; negotiating purchase price; securing mortgage financing; finding a home; and the advantages of purchasing and locating homes in areas that do not have a high concentration of low-income families.

The counseling agency providing the counseling program shall be approved either by HUD and/or HCHC, or the program shall be consistent with the homeownership counseling provided under HUD's Housing Counseling program. HCHC may require families to participate in a HCHC-approved homeownership counseling program on a continuing basis.

2. Locating and Purchasing a Home.

(a) Locating a Home.

Upon approval for the Housing Choice Voucher home- ownership program and completion of counseling, a family shall have three years to settle on a home to purchase. A home shall be considered located if the family submits a signed sales agreement with the requisite components to HCHC. During a Housing Choice Voucher participant's search for a home to purchase, the Housing Choice Voucher rental assistance shall continue pursuant to the Administrative Plan. If a Housing Choice Voucher participant

family is unable to locate a home within the time approved by HCHC, their Housing Choice Voucher rental assistance through the Housing Choice Voucher program shall continue.

(b) Type of Home.

A family approved for Housing Choice Voucher homeownership assistance may purchase the following type of homes within Howard County: a new or existing home with a purchase price at or below the FNMA/FHLMC Single Family Loan Limits, a single-family home, a condominium, a home in a planned use development, a cooperative, a loft or live/work unit, or a manufactured home to be situated on a privately owned lot or on a leased pad in a mobile home park. The home must already exist or be under construction at the time HCHC determines the family eligible for homeownership assistance to purchase the unit. The family also may purchase a home in a jurisdiction other than Howard County, provided the HA in the receiving jurisdiction operates a Housing Choice Voucher homeownership program for which the Housing Choice Voucher homeownership applicant qualifies. In such a case, a family's participation in the Housing Choice Voucher home- ownership program will be subject to the Housing Choice Voucher homeownership program and policies of the receiving jurisdiction.

(c) Purchasing a Home.

Once a home is located and a sales agreement approved by HCHC is signed by the family, the family shall have up to three (3) months, or such other time as is approved by HCHC's Executive Director or set forth in the HCHC-approved sales agreement, to purchase the home.

(d) Failure to Complete Purchase.

If a HCVP participant is unable to purchase the home within the maximum time permitted by HCHC, HCHC shall terminate the participant's enrollment in the homeownership program. The family may not re-apply for the HCVHP until they have completed two additional years of participation in the HCVP following the initial determination of their eligibility for the homeownership option.

(e) Lease-Purchase

Lease-purchase agreements are not permitted.

(f) Down Payment

The family must meet a minimum homeowner down payment requirement of at least three percent of the purchase price for participation in the Voucher homeownership program. At least one percent of the purchase price must come from the family's personal resources.

3. Sales Agreement.

Prior to execution of the offer to purchase or sales agreement, the financing terms must be provided by the family to HCHC for approval. The sales agreement must provide for inspection by HCHC and the independent inspection referred to in Section C(4) and must state that the purchaser is not obligated to purchase unless such inspections are satisfactory to HCHC. The contract also must provide that the purchaser is not obligated to pay for any necessary repairs. The sales agreement must provide that the purchaser is not obligated to purchase if the mortgage financing terms are not approved by HCHC pursuant to Section C(6). The sales agreement must also contain a seller certification that the seller is not debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

4. Independent Initial Inspection Conducted.

To assure the home complies with the housing quality standards of the HCVHP assistance payments may not commence until HCHC first inspects the home. An independent inspection of existing homes covering major building systems also must be completed by a professional selected by the family and approved by HCHC. HCHC will not pay for the independent inspection. The independent inspection report must be provided to HCHC. HCHC may disapprove the unit due to information contained in the report or for failure to meet federal housing quality standards.

5. Financing Requirements.

The proposed financing terms must be submitted to and approved by HCHC prior to close of escrow. HCHC will approve or disapprove the financing terms within five (5) business days. HCHC shall determine the affordability of the family's proposed financing. In making such determination, HCHC may take into account other family expenses, including but not limited to child care, unreimbursed medical expenses, education and training expenses and the like. Certain types of financing, including but not limited to, balloon payment mortgages and adjustable rate mortgages, are prohibited and will not be approved by HCHC. Seller-financing mortgages shall be considered by HCHC on a case by case basis. If a mortgage is not FHA-insured, HCHC will require the lender to comply with generally accepted mortgage underwriting standards consistent with those of HUD/ FHA, Ginnie Mae, Fannie Mae, Freddie Mac, the Federal Home Loan Bank of Atlanta, or other private lending institution.

A second trust for closing costs is permitted.

6. Family Compliance with Program Policies.

A family must agree, in writing, to comply with all family obligations under the HCVP and HCHC's homeownership policies. These obligations include:

- (1) attending ongoing home- ownership counseling, if required by HCHC;

Howard County Housing Commission

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- (2) complying with the mortgage terms;
- (3) not selling or transferring the home to anyone other than a member of the assisted family who resides in the home while receiving homeownership assistance;
- (4) not refinancing or adding debt secured by the home without prior approval by HCHC;
- (5) not obtaining a present ownership interest in another residence while receiving home- ownership assistance; and
- (6) supplying all required information to HCHC including, but not limited to, annual verification of household income, notice of change in homeownership expenses, notice of move-out, and notice of mortgage default. HCHC's Homeownership Family Obligation policies are set forth in Appendix A. Once the home purchase is complete, the family becomes a participant in the HCVHP.

D. AMOUNT OF ASSISTANCE

The amount of the monthly assistance payment will be based on three factors: the voucher payment standard for which the family is eligible, the monthly home- ownership expenses, and the family's household income. HCHC will pay the lower of either the payment standard minus the total family contribution ("TFC") or the family's monthly homeownership expenses minus the TFC. The Housing Choice Voucher family will pay the difference.

~~(4)~~1. Determining the Payment Standard.

The voucher payment standard is the fixed dollar amount the HCHC annually establishes for a unit of a particular size located within the HCHC jurisdiction. In the homeownership program, the initial payment standard will be the lower of either:

- ~~a.~~(1) the payment standard for which the family is eligible based on family size,
or
- ~~b.~~(2) the payment standard which is applicable to the size of the home the family decides to purchase.

The payment standard for subsequent years will be based on the higher of:

- ~~1.~~(1) the payment standard in effect at commencement of the homeownership assistance, or
- ~~2.~~(2) the payment standard in effect at the most recent regular reexamination of the family's income and size. The initial payment standard, for purposes of this comparison, shall not be adjusted even if there is a subsequent decrease in family size.

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Exception rents, if in effect for the HCVP, will also apply to the homeownership program

2. Determining the Monthly Homeownership Expense.

Monthly homeownership expense includes all of the following: principal and interest on the initial mortgage and any mortgage insurance premium (MIP) incurred to finance the purchase and any refinancing of such debt; real estate taxes and public assessments; homeowner's insurance; maintenance expenses per HCHC allowance; costs of major repairs and replacements per HCHC allowance (replacement reserves); utility allowance per HCHC's schedule of utility allowances; principal and interest on mortgage debt incurred to finance major repairs, replacements or improvements for the home including changes needed to make the home accessible; and homeowner association dues, fees or regular charges assessed, if any. Homeownership expenses for a cooperative member may only include HCHC approved amounts for the cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home; principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt; home insurance; the allowances for maintenance expenses, major repairs and replacements and utilities; and principal and interest on debt incurred to finance major repairs, replacements, or improvements, including changes needed to make the home accessible.

3. Determining the Total Family Contribution

The TFC is that portion of the homeownership expense that the family must pay. It is generally 30% of the family's adjusted income plus any gap between the payment standard and the actual housing cost. All family income (including public assistance) will be counted to determine the family's adjusted monthly income for purposes of determining the amount of assistance.

4. Payment to Family or Lender.

HCHC will provide the lender with notice of the amount of the housing assistance payment prior to close of escrow and will pay HCHC's contribution towards the family's homeowner expense directly into a restricted account that can be accessed by the lender or with HCHC permission by the family. The family will be responsible to submit their required portion of the mortgage payment to the lender.

E. TERMINATION OF HOUSING CHOICE VOUCHER HOMEOWNERSHIP ASSISTANCE

1. Grounds for Termination of Homeownership Assistance.

(a) Failure to Comply with Family Obligations under HCVP or HCHC's Homeownership Policies.

A family's homeownership assistance may be terminated if the family fails to comply with its obligations under the HCVP, HCHC homeownership policies, or if the family defaults on the mortgage. If required, the family must attend and complete ongoing homeownership and housing counseling classes. The family must comply with the terms of any mortgage incurred to purchase and/or refinance the home. The family must provide HCHC with written notice of any sale or transfer of any interest in the home, any plan to move out of the home prior to the move, the family's household income and homeownership expenses on an annual basis, any notice of mortgage default received by the family, and any other notices which may be required pursuant to HCHC homeownership policies. Except as otherwise provided in this Section, the family may not convey or transfer the home to any entity or person other than a member of the assisted family while receiving homeownership assistance.

(b) Occupancy of Home.

Homeownership assistance will only be provided while the family resides in the home. If the family moves out of the home, HCHC will not continue homeownership assistance commencing with the month after the family moves out. Neither the family nor the lender is obligated to reimburse HCHC for homeownership assistance paid for the month the family moves out.

(c) Changes in Income Eligibility.

A family's homeownership assistance may be changed in the month following annual recertification of the household income, but participation in the HCVHP shall continue until such time as the assistance payment amounts to \$0 for a period of six consecutive months.

(d) Maximum Term of Homeownership Assistance.

Notwithstanding the provisions of Section E(1), subparagraphs (a) through (c), except for disabled and elderly families, a family may receive Housing Choice Voucher homeownership assistance for not longer than ten years from the date of close of escrow unless the initial mortgage incurred to finance purchase of the home has a term that is twenty years or longer, in which case the maximum term is fifteen years. Families that qualify as elderly at the commencement of homeownership assistance are not subject to a maximum term limitation. Families that qualify as disabled families at the commencement of homeownership assistance or at any time during the provision of homeownership assistance are not subject to a maximum term limitation. If a disabled family or elderly family ceases to qualify as disabled or elderly, the appropriate maximum term becomes applicable from the date homeownership assistance commenced provided, however, that such family shall be eligible for at least six additional months of homeownership assistance after the maximum term becomes applicable. The time limit applies to any member of the household who has an ownership interest in the unit during any time that homeownership payments are made or is a spouse of any member of the

household who has an ownership interest.

2. Procedure for Termination of Homeownership Assistance. A participant in the HCVHP is a family who has purchased a home in this program participants shall be entitled to the same termination notice and informal hearing procedures as set forth in the Administrative Plan of the HCHC for the HCVHP.

F. CONTINUED PARTICIPATION IN HOUSING CHOICE VOUCHER PROGRAM

1. Default on FHA-Insured Mortgage.

If the family defaults on an FHA-insured mortgage, HCHC may permit the family to move with continued Housing Choice Voucher rental assistance if the family demonstrates that it has (a) conveyed title to the home to HUD or its designee as required by HUD, and (b) moved from the home within the period established or approved by HUD.

2. Default on non-FHA-Insured Mortgage.

If the family defaults on a mortgage that is not FHA-insured, HCHC may permit the family to move with continued Housing Choice Voucher rental assistance if the family demonstrates that it has (a) conveyed title to the home to the lender, to HCHC or to its designee, as may be permitted or required by the lender; and (b) moved from the home within the period established or approved by the lender and/or HCHC.

3. Continued Housing Choice Voucher Rental Assistance

HCHC will determine on a case-by-case basis, in compliance with federal law and regulations, if a family terminated from the home- ownership program will remain eligible HCV rental assistance.

G. HCHC ADMINISTRATIVE FEE

For each month that homeownership assistance is paid by HCHC on behalf of the family, HCHC shall be paid the ongoing administrative fee described in 24 C.F.R. §982.152(b).

H. WAIVER OR MODIFICATION OF HOMEOWNERSHIP POLICIES

The Executive Director of HCHC shall have the discretion to waive or modify any provision of the HCVHP or policies not governed by statute or regulation for good cause or to comply with changes in HUD regulations or directives.

APPENDIX A: HOUSING CHOICE VOUCHER HOMEOWNERSHIP OBLIGATIONS

This form is to be signed by the home buyer(s) in the presence of the HCHC's Chief of Homeownership, who will explain any and all clauses which you, the home buyer(s), may not understand.

The following paragraphs describe your responsibilities under the HCVHP. If you or members of your household do not meet these responsibilities through your actions or your failure to act, you may be determined ineligible for or terminated from the HCVHP.

1. Family Obligations

You must comply with all Family Obligations of the HCVP, excepting only the prohibition against owning or having an interest in the unit. Family Obligations §§ 982.551(c),(d),(e),(f),(g) and (j) do not apply to the HCVHP.

2. Housing Counseling

All applicant family members (i.e. those who will be signing the purchase offer and loan documents) must satisfactorily complete a HCHC provided or approved counseling program prior to commencement of homeownership assistance. HCHC may require any or all applicant family members to attend additional housing counseling classes as a condition of continued assistance.

3. Employment History

With the exception of disabled and elderly households, each family must demonstrate that one or more adult members of the family who will own the home at commencement of homeownership assistance is employed full-time (an average of 30 hours per week) and has been so continuously employed for one year prior to execution of the sales agreement. In order to reasonably accommodate a family enrollment in the program, HCHC will exempt families that include a person with disabilities from this requirement. HCHC's Executive Director may also consider whether and to what extent an employment interruption is considered permissible in satisfying the employment requirement. The Executive Director may also consider successive employment during the one-year period and self-employment in a business.

4. Purchase Contract

You must include contract conditions in any Offer to Purchase that give HCHC a reasonable time (a) to inspect the home for compliance with HUD's Housing Quality Standards, (b) to review and approve a professional home inspection report obtained by you from a HCHC approved inspector, and (c) approve the terms of your proposed financing. Advise your real estate broker, agent or Realtor of these requirements. You must settle on a home within three years of completion of home ownership counseling.

5. Mortgage Obligations

You must comply with the terms of any mortgage incurred in the purchase of the property and must notify HCHC's Homeownership Program Counselor within five days of receipt of any late payment notice or default notice.

6. Occupancy

You must occupy the unit as your principal residence. You may not transfer, sell, or assign any interest in the property without HCHC's prior written consent. You may not rent or lease any part of the premises without HCHC's prior written consent. You must notify HCHC in writing at least thirty days prior to moving out of the house for a period of thirty days or longer or prior to any sale, transfer, assignment, lease or other form of alienation of the assisted property.

7. Maintenance

You must maintain the property in a decent, safe and sanitary manner in compliance with County codes and other prevailing standards. You must allow HCHC to inspect the property within one-week of a demand by HCHC to conduct an inspection. You must correct any notice of deficiency issued by HCHC within the time limit specified in the notice. If you fail to adequately maintain the property, HCHC may divert the maintenance and replacement reserves portions, if applicable, of the Homeownership Assistance Payment to an escrow account to be used to pay for reasonable and necessary maintenance expenses.

8. Annual Re-examination

You must annually provide HCHC with current information regarding family income and composition in a format required by HCHC.

9. Refinancing

You must notify HCHC in writing of any proposal to refinance the original purchase mortgage or of any proposal to encumber the property with secondary financing and obtain HCHC's written approval of such financing prior to executing any loan documents.

10. Default

In the event of a default on your mortgage obligation, you must cooperate with HCHC and the lender to minimize any loss to the lender in order to maintain your eligibility to continue as a participant in the HCVP.

By signing below, I attest that I have read and understand my obligations as an applicant and a participant in the HCVHP and I agree to abide by these responsibilities. I understand that HCHC may determine me ineligible for homeownership assistance if I violate my obligations after the purchase of a home, but that I may request an informal hearing of any notice of termination prior to it becoming effective.

Howard County Housing Commission

March 2013

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Howard County Housing Commission

March 2013

Chapter 24 - Family Self-Sufficiency

A. **OUTREACH EFFORTS**

Outreach efforts for the Family Self Sufficiency Program (FSSP) will be conducted by way of correspondence to existing Housing Choice Voucher Program participants, outlining the requirements and incentives of the program. Outreach will include, but not be limited to "Interest Meetings" with a period for questions and answers. HCHC will also issue periodic newsletters to program participants highlighting incentives of the program as well as program success stories.

B. **PROGRAM SIZE**

HCHC's HUD required program graduation total is 69 families; however this number is reduced each time a program participant graduates. This number will be expanded to comply with the minimum program size required by HUD as HCHC is awarded additional units. HCHC will assist additional families above the HUD required program size as given that resources and support network is available to meet the needs of participating families.

C. **FAMILY CHARACTERISTICS**

After review of current program participants as well as data from current waiting list participants, HCHC anticipates that 80% of the FSS participants will be female heads of household, 64 percent of the FSS participants will be minority heads of household, less than two percent of the FSS participants will be of Hispanic origin.

D. **SUPPORTIVE SERVICES & SERVICE DELIVERY**

HCHC has contracted for a study which will accomplish the following:

- 1) it will determine what services are currently available to low income households,
- 2) it will determine which services are currently missing or under-funded in the county and suggest means to develop additional services when possible, and
- 3) it will provide a mechanism for screening and evaluation of FSS client needs.

HCHC anticipates that many of the participating families will require child care services, transportation services, budgeting, life skills training, drug & alcohol services, medical assistance, mental health services, remedial education and employment counseling/job search assistance. The following public & private service agencies have been identified as potential resources to support participants' self-sufficiency efforts:

- Child Care Services - Department of Social Services (DSS)
- Transportation Services - Urban Rural Transit Authority (URTA)

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- Div. of Vocational Rehabilitation
- Budgeting - Consumer Credit Counseling Service
- Life Skills Training - Employment & Training Center
 - DSS-Project Independence
 - Foreign Information Referral Network
 - Div. of Vocational Rehabilitation
- Remedial Education - DSS-Project Independence
 - Foreign Information Referral Network
 - Div. of Vocational Rehabilitation
 - Employment & Training Center
- Drug & Alcohol Services - Howard County Health Dept.
 - Dept. of Social Services
 - Police Dept.-Youth Division
- Medical Assistance - Dept. of Social Services
- Mental Health Services - Family Life Center
 - Winter Growth Center
 - Dept. of Social Services
 - Howard County Health Department

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Currently an informal service delivery network exists between the HCHC and the aforementioned agencies represented on the Coordinating Committee. One of the responsibilities of the consultant study is to tie the service delivery network into a formal arrangement. Once the study is complete this plan will be updated to incorporate any changes in the service delivery network. The Program Coordinator will be responsible for continued development of the support network.

E. **INCENTIVES**

HCHC's recognizes the importance of incentives to bolster recruitment for the FSS Program and to encourage continued goal achievement for current program participants. The incentives available are as follows:

- 1) The FSS escrow account, and
- 2) Priority for FSS participants for all Homeownership Programs offered by Howard County Housing.

F. **PRIORITIES FOR SERVICE**

1. Family Self Sufficiency Participants will be selected from current program participants.
2. The first priority for FSS participation (up to 50 percent of the program size) will initially be granted for program participants in the "Self-Sufficiency", and "Operation Bootstrap" Programs who are currently in good standing. Should

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demand exceed the supply of available slots, then applicants with the earliest waiting list date will be given preference.

3. The second priority for FSS participation (up to 50 percent of the program size inclusive of enrollees in #2 above) will be granted to current program participants who are enrolled in "JOBS", "JTPA", or other jobs training programs. Should demand exceed supply, applicants with the earliest waiting list date will be given preference.
3. After participants in the "Self-Sufficiency", and "Operation Bootstrap" Programs are served, the balance of units for program participants (if any) will be offered to households based on their date of initial entry into the Housing Choice Voucher Program.
4. If a family who desires to participate in FSSP is skipped due to the lack of available services, the family will be given first priority for participation in FSS when the services become available.
5. Families participating in FSS will not be allowed to continue participation in FSS if the family decides to exercise the provisions of portability, unless the receiving PHA agrees to enter some type of cooperative agreement.
6. When absorption is not possible, HCHC will seek to establish cooperative agreements with initial PHAs that port participating families to Howard County and for those porting families that seek to initiate their FSS participation once housed in Howard County.

G. INELIGIBLE FAMILIES

1. Families who have not executed repayment agreements for amounts owed to HCHC or other PHA's, are ineligible for participation in FSSP.
2. Families who have executed repayment agreements for amounts owed to HCHC, or other PHA's, and are in default of those agreements are ineligible for participation in the FSSP.
3. Families who have previously been terminated from any FSSP are ineligible for further consideration for FSS at any future date.

H. TERMINATION

1. Households terminated from FSSP due to circumstances beyond their control will be allowed to continue to receive assistance under the traditional HCVP.

2. Households who are terminated from FSSP due to failure to meet the requirements of the Contract of Participation, and are not in good standing will not be eligible for further participation under the HCVP. Good standing for the purposes of this section shall be defined as follows:
 - ~~1.~~a. Having missed no more than one payment on a current repayment agreement in the previous six month period, and/or can be no more than one month behind in making scheduled payments.
 - ~~2.~~b. If a previous damage claim exists, the program participant must cooperate in establishing a repayment agreement regardless of occupancy status.
 - ~~3.~~c. Program participant must be current on all rental payments to the current landlord.
 - ~~4.~~d. Program participant has no previous violation(s) of family obligations within seven years of FSSP termination date.
3. Households who are terminated for fraud under FSSP will be terminated from FSSP, and will be ineligible for continued assistance under the traditional HCVP.
4. If a family is terminated from FSSP, the family will not be eligible to submit a HCVP application/be added to the HCVP waiting list for two years from the family's date of termination from the program. The family will not be eligible for participation in FSSP at any point in the future. HCHC will attempt to work with other PHAs to prohibit families terminated from FSSPs in other jurisdictions from applying for the waiting list in other jurisdictions as well.

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I. CERTIFICATION & ASSURANCES

HCHC certifies that the refusal of any family to participate in the FSSP will not affect the family's admission to or continued occupancy of assisted housing.

HCHC certifies that the FSSP Coordinator has consulted with other similar Federal, State, and local programs to avoid duplication of services and activities.

J. INTERIM ESCROW DISBURSEMENTS

To be eligible for an interim disbursement the program participant must meet all of the following criteria:

- 1. A participant in good standing in both the FSS and HCVP Programs, cannot owe an outstanding rent balance to HCHC or any landlord, and be actively employed or attending school.
- 2. A participant having accumulated at least six months of escrow deposits and completed at least one goal contained in the FSS Contract.

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The interim disbursement limit is 25 percent of the total balance in any one year period, with a maximum of three total withdrawals over the life of the FSS Contract.

Escrow Disbursements will only be approved for purposes directly related to program precepts, and as documented in the Contract of Participation as follows:

- 1. Obtaining/Maintaining employment;
- 2. Job training and/or college/vocational school matriculation; and
- 3. Transportation expenses for retaining employment and/or attending school.

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CHAPTER 25 - HUD SPECIAL POLICY AREAS

A. VAWA – Violence Against Women Act

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.”

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B. DEFINITIONS

A.● The term **domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

B.● The term **dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors:

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The length of the relationship;

The type of relationship; and

The frequency of interaction between the persons involved in the relationship.

C. The term ***stalking*** means:

To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or

To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

D. 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.

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C. VICTIM DOCUMENTATION

Howard County Housing Commission Policy

When a participant family is facing termination of assistance or when an applicant family is facing denial of admission 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 HCHC will require the individual to submit documentation affirming that claim.

The documentation must include two elements:

A signed statement by the victim that provides the name of the perpetrator and certifies that the incidents in question are bona fide incidents of actual or

threatened domestic violence, dating violence, or stalking, and one of the following:

- A police or court record documenting the actual or threatened abuse, or
- A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

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The required certification and supporting documentation must be submitted to the HCHC within 14 business days after the HCHC issues a written request by way of the termination letter. The HCHC will enclose a special VAWA hand-out, along with the HUD approved VAWA form, in the notice of termination. If the individual does not provide the required certification and supporting documentation within 14 business days, or the approved extension period, the HCHC may proceed with assistance termination.

If the HCHC can demonstrate an actual and imminent threat to other participants or those employed at or providing service to the property if the participant's tenancy is not terminated, the HCHC will bypass the standard process and proceed with the immediate termination of the family's assistance.

i. Terminating the Assistance of a Domestic Violence Perpetrator

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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 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.

Howard County Housing Commission Policy

When the actions of a participant, applicant, or other family member result in a decision by the HCHC to deny or terminate the family's assistance and another family member claims that the actions involve criminal acts of physical violence

against family members or others, the HCHC will request that the victim submit the above required certification and supporting documentation in accordance with the stated time frame. If the certification and supporting documentation are submitted within the required time frame, or any approved extension period, the HCHC will terminate the perpetrator's assistance. If the victim does not provide the certification and supporting documentation, as required, the HCHC will proceed with termination of the family's assistance.

If the HCHC can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the participant's tenancy is not terminated, the HCHC will bypass the standard process and proceed with the immediate termination of the family's assistance.

E. PHA Confidentiality Requirements

All information provided to the HCHC 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.

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CHAPTER 26 – PROJECT-BASED VOUCHERS [24 CFR 983]

INTRODUCTION

This chapter describes HUD regulations and HCHC policies related to the project-based voucher (PBV) program. Policies and procedures covering the Housing Choice Voucher program shall apply to the PBV program, except as otherwise provided in this Chapter.

A. Definitions

The following definitions shall apply in this Chapter:

- “Applicant” – A household (including a single person) that applies for admission to the PBV program.
- “Agreement to Enter into a HAP Contract” or “AHAP” – A contract that commits to the Selectee that, upon satisfactory completion of construction or rehabilitation, the Commission will enter into a HAP contract with the Selectee. See Forms HUD-52531- A and –B.
- “Developer/Owner” or “Owner” – A developer or owner of housing that seeks PBV assistance via a HAP contract.
- “Housing Assistance Payments contract” or “HAP contract” – A contract that requires the Commission to provide PBV subsidy payments to the Selectee in exchange for the Selectee leasing housing units to eligible tenants in full compliance with the terms of the contract. See Forms HUD 52530a-1, a-2, b-1, and b-2.
- “Qualifying Agencies” – Bona fide organizations that provide Supportive Services to populations in need of the same.
- “Selectee” – the Developer/Owner of housing that is selected for HAP contract award via a competitive or non-competitive selection method.
- “Supportive Services” – Assistive services as provided in 24 CFR 578.53, including but not limited to case management, counseling, child care vouchers, job training, education services, legal services, life skills training, mental health services, outpatient health services and substance abuse treatment services.

B. How PBV Works

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A PBV program is administered by a Public Housing Authority (PHA) that already administers the tenant-based voucher program under an Annual Contributions Contract (ACC) with HUD. In the PBV program, the assistance is “attached to the structure.”

The PHA enters into a Housing Assistance Payments (HAP) contract with an Owner for units. During the term of the HAP contract, the PHA makes housing assistance payments to the Owner for units leased and occupied by eligible families. The Housing Assistance Payments contract between the Owner and HCHC will be for an initial term of ten years. After the initial term, HCHC may agree to extend the term of the contract for an additional term of up to five years. To be eligible for an extension, the property and Owner must be in compliance with program rules and applicable HUD statutes and regulations. The length of the extension will be negotiated with the Owner and the form will be subject to any HUD prescribed conditions at the time of the extension.

C. How PBV is Funded

A PHA's PBV program is funded with a portion of appropriated funding (budget authority) available under the PHA's voucher ACC. HCHC may attach up to 20 percent of its voucher budget authority to PBV units.

D. Selection of Owner Proposals

HCHC will solicit proposals for PBV assistance via a competitive selection process or a non-competitive selection process, as applicable (24 CFR 983.51).

Non-competitive selection by HCHC is applicable to a proposal for housing assisted under a federal, state, or local government housing assistance, community development, or Supportive Services program that requires competitive selection of proposals (e.g., HOME, and units for which competitively awarded LIHTCs have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within three years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance.

Competitive selection by HCHC will occur via a Request for Proposal (RFP) process. HCHC will post RFPs on its website and seek to provide broad public notice of the RFP via bid-posting websites known to be used by the types of vendors sought. Developers/Owners will submit proposals in response to a RFP issued by HCHC. Proposals will be reviewed by HCHC under the following criteria:

<u>CRITERION</u>	<u>MAX POINTS</u>
<u>Accessibility: Relationship of the proposed development to public facilities, sources of employment and services, including health,</u>	<u>25</u>

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<u>education, transportation, and recreational facilities</u>	
<u>Experience with development and operation of affordable housing communities for large families, seniors, and special populations</u>	<u>20</u>
<u>Feasibility of project, including likelihood of financing and marketability, and ability to operate project and units using current payment standards</u>	<u>15</u>
<u>Consistency with HUD's goal of deconcentration of poverty and HCHC's initiatives</u>	<u>15</u>
<u>Experience of with development or rehabilitation; management of similar properties and experience with assisted housing programs, or plans to use a management company with a record of such experience managing projects similar to the proposed project</u>	<u>15</u>
<u>Documented need for the proposed type of residential housing in the proposed geographic area</u>	<u>10</u>

Before selecting a PBV proposal, HCHC must determine that the PBV proposal complies with HUD program regulations and requirements, including a determination that the property is eligible housing, complies with the cap on the number of PBV units per building, and meets HUD site selection standards (24 CFR 983.57).

The selected Developer/Owner will be notified of selection in writing via first class mail, electronic mail, or both. HCHC will provide any required public notice of selection in writing via its website. HCHC and the Selectee will enter into an Agreement to Enter into a HAP Contract within a reasonable period after notice of selection is provided, but not before required subsidy-layering and environmental reviews are completed.

HCHC and the Selectee will promptly enter into a HAP Contract after HCHC inspects the PBV units and determines that all such units meet HQS (for existing housing) or after HCHC receives satisfactory evidence of completion from the Selectee, inspects the units

completed in a phase of development, and determines that units for that phase meet HQS (for new construction and rehabilitation).

A HCHC-owned unit may be assisted under the PBV program only if the HUD field office or HUD-approved independent entity reviews the selection process and determines that HCHC-owned units were appropriately selected based on the selection procedures specified in HCHC's Administrative Plan. If HCHC selects a proposal for housing that is owned or controlled by HCHC, HCHC must identify the entity that will review HCHC's proposal selection process and perform specific functions with respect to rent determinations and inspections.

E. Eligible Housing Types

The PHA may attach PBV program assistance to units in existing housing or in newly constructed or rehabilitated housing.

In the case of newly constructed or rehabilitated housing, the housing is developed under an agreement between the Owner and the PHA. In the agreement, the PHA agrees to execute a HAP contract after the Owner completes the construction or rehabilitation of the units. Additionally, in the case of newly constructed or rehabilitated housing, Developers/Owners must provide the following as evidence of completion:

- A certification that the work meets HQS and all requirements of the agreement;
- A certification of compliance with labor standards and equal opportunity requirements in development of the housing; and
- Additional documentation, as requested by HCHC, to establish compliance with applicable laws and codes (e.g., occupancy permit).

Not more than 25 percent of the units in any building may be assisted with PBV. The exceptions to this limitation are for single-family properties (defined as 1-4 units in a building) and "excepted units" in a multi-family building. Excepted units are those that are specifically made available for elderly or disabled families or families receiving Supportive Services.

All PBV selected sites must be in compliance with PBV goals, Civil Rights requirements, Housing Quality Standards, HUD site selection standards (24 CFR 983.57), and the affirmative furtherance of Fair Housing.

F. Ineligible Housing Types

A PHA may not attach PBV assistance for units if the following types of housing:

- Shared housing;
- Units on the grounds of a penal, reformatory, medical, mental or similar public or private institution;
- Nursing homes or facilities providing continuous psychiatric medical, nursing service board and care or intermediate care;

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- Units that are owned or controlled by an educational institution and are designated for occupancy by students of the institution;
- Manufactured homes;
- Cooperative housing;
- Transitional housing;
- High rise elevator units for families with children (unless the PHA and HUD determine there is no reasonable alternative);
- Owner occupied units;
- Units occupied by an ineligible family; and
- Units subsidized with any governmental rent subsidy or any governmental subsidy that covers all or any part of the operating costs of the housing.

G. Tenant Eligibility and Selection

Applicants must meet the eligibility requirements provided in this Administrative Plan for the tenant-based Housing Choice Voucher Program. Additionally, Applicants must meet the Owner's lawful, HCHC-approved eligibility requirements for tenancy at the PBV-assisted project.

Applicants who will occupy units with PBV assistance must be selected from HCHC's waiting list. HCHC may establish selection criteria or preferences for occupancy of particular PBV units. HCHC may place families referred by the PBV Owner on its waiting list.

HCHC will maintain separate waiting lists for Applicants interested in PBV Supportive Services housing. HCHC will populate these lists via referrals from Qualifying Agencies providing services to populations in need of Supportive Services. When a vacancy occurs in a PBV Supportive Services housing unit, HCHC will survey the Supportive Services housing waiting list. If HCHC is unable to provide enough eligible Applicants from its Supportive Services housing waiting list, the Owner may refer Applicants to HCHC.

If HCHC's waiting list is closed and the Owner refers an Applicant (because HCHC was unable to provide interested, eligible Applicants) that Applicant will be placed on the waiting list as a special admission for the PBV program. The Applicant must still meet all tenant-based eligibility requirements.

If an Applicant from HCHC's waiting list has been approved by the Owner and is in verification status with HCHC and their name comes to the top of the waiting list to receive tenant-based assistance, the Applicant will be given the option to continue to be processed for the PBV unit or to be processed for a tenant-based voucher. The Applicant will sign a statement declaring their choice.

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HCHC will not screen Applicants for family behavior or check rental references. This will remain the responsibility of the Owner. HCHC will screen Applicants in the manner established for all voucher Applicants.

If the Owner of a PBV unit denies a PBV Applicant that has come from HCHC's waiting list, that denial does not affect their place on the waiting list for tenant-based assistance.

H. Continued Participation by Tenant

A tenant family may choose to move out of a PBV unit with continued assistance any time after 12 months.

If a PBV tenant family is determined no longer eligible for the PBV program, they will be given a minimum of 30 days to vacate a unit. If the tenant family does not vacate the unit, HCHC must remove that PBV unit from the HAP contract or substitute a similar unit in the building. A PBV tenant family that is terminated from the PBV program will be given a 30-day notice of the termination and must vacate the unit on or before the effective date of the termination.

If the tenant family receives no rent assistance for six months (that is, if the family's income has remained at a level where their Total Tenant Payment is equal to or exceeds the gross rent for the unit), the family will be required to vacate the unit. HCHC will notify the family sixty days before the six-month deadline that they must vacate the unit. If the family does not vacate the unit at the end of the six months, HCHC will remove the unit from the HAP contract or substitute a comparable unit, as required by the applicable HAP contract, in the same complex.

I. Overcrowded, Under-Occupied, and Accessible Units

If HCHC determines that a tenant family is occupying a wrong-size unit or a unit with accessibility features that the family does not require but another family does require, HCHC will offer continued assistance in the following order:

- An appropriate PBV unit either in the same building or another PBV assisted building.
- Tenant-based assistance if the family has been a PBV participant for 12 months.
- Other project-based assistance (e.g., public housing unit).

If HCHC offers the tenant family the opportunity to receive tenant-based rental assistance under the voucher program, HCHC will terminate the housing assistance payments for a wrong-sized or accessible unit at the expiration of the term of the family's voucher (including any extension granted by HCHC).

If HCHC offers the tenant family the opportunity for another form of continued housing assistance as provided above (not in the tenant-based voucher program), and the family does not accept the offer, does not move out of the PBV unit within a reasonable time as

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determined by HCHC, or both, HCHC will terminate the housing assistance payments for the wrong-sized or accessible unit, at the expiration of a reasonable period as determined by HCHC.

J. Leases and Rent Increases

If the Owner uses a standard lease form for rental to unassisted tenants, the lease for a voucher-assisted tenant must be in such standard form but it must be for a one-year initial term and it must include the HUD tenancy addendum. The lease must specify the name(s) of the Owner(s) and the tenant, the address of the unit rented, the term of the lease including any provision for renewal, the amount of the tenant rent to Owner, a listing of what services, maintenance, equipment and utilities to be provided by the Owner and the amount of any charges that are for food, furniture or Supportive Services.

An Owner may request an increase to the rent at the anniversary of the HAP contract by a 60-day written notice to HCHC.

K. HQS Violations

If HCHC determines a contract unit is not in accordance with the HQS, HCHC may exercise any of its remedies under the HAP contract for all or any contract units. Such remedies include termination, suspension or reduction of housing assistance payments, and termination of the HAP contract.

HCHC shall not make any housing assistance for a dwelling unit that fails to meet the HQS, unless the Owner corrects the defect within the period specified by HCHC and HCHC verifies the correction. If a defect is life threatening, the Owner must correct the defect within no more than 24 hours. For other defects, the Owner must correct the defect within no more than 30 calendar days (or any HCHC-approved extension).

L. Vacancies

The Owner should promptly notify HCHC in writing of vacancies and anticipated vacancies. Upon receipt of a notice, HCHC will promptly refer eligible Applicants to the Owner so as to minimize the number of vacancy days.

HCHC at its discretion, may make vacancy payments as stipulated in the applicable HAP contract and within the limits provided by regulation (24 CFR 983.352(b)).

If HCHC has made a good faith effort in referring eligible families to an Owner, and a PBV unit remains vacant for 120 days or more, HCHC may amend the HAP contract by subtracting the number of PBV units that have been vacant for that period.

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CHAPTER 27 – CONVERISON OF PUBLIC HOUSING TO PROJECT-BASED ASSISTANCE UNDER RENTAL ASSISTANCE DEMONSTRATION [PIH Notice 2012-32, Revision 1]

INTRODUCTION

On June 24, 2014, HCHC received a Commitment to Enter into a Housing Assistance Payments Contract (CHAP) from HUD's Rental Assistance Demonstration (RAD). The CHAP initiated a process to convert the type of assistance HCHC receives for its Public Housing units. Specifically, this process will convert all of HCHC's existing Public Housing units to units that are assisted by the project-based voucher program (PBV) (see Chapter 26 for more information on PBV). HCHC anticipates that this conversion process will be completed approximately one year after the issuance of the CHAP.

This Chapter 27 provides special requirements applicable to Public Housing projects converting assistance to long-term PBV assistance under the first component of RAD. Accordingly, this Chapter 27 is applicable only to conversions under the first component of RAD.

M. PBV RESIDENT RIGHTS AND PARTICIPATION [PIH Notice PIH-2012-32, Revision 1, Section 1.6.C]

No Re-screening of Tenants upon Conversion

Pursuant to the RAD statute, at conversion, current households are not subject to rescreening, income eligibility, or income targeting provisions. Consequently, current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR § 982.201, concerning eligibility and targeting, will not apply for current households. Once that remaining household moves out, the unit must be leased to an eligible family.

Right to Return

Any residents that may need to be temporarily relocated to facilitate rehabilitation or construction will have a right to return to an assisted unit at the development once rehabilitation or construction is completed. Where the transfer of assistance to a new site is warranted and approved (see PIH-2012-32-REV1, Section 1.6.B.7 and Section 1.7.A.8 on conditions warranting a transfer of assistance), residents of the converting development will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete.

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Residents of a development undergoing conversion of assistance may voluntarily accept a PHA or Owner's offer to permanently relocate to another assisted unit, and thereby waive their right to return to the development after rehabilitation or construction is completed.

Renewal of Lease

Under current regulations at 24 CFR § 983.257(b)(3), upon lease expiration, a PHA can choose not to renew the lease, without good cause. In such a case, the regulatory consequence is the loss of the assisted unit. Under RAD, the PHA must renew all leases upon lease expiration, unless cause exists. Consequently, 24 CFR §983.257(b)(3) will not apply. This provision must be incorporated by the PBV owner into the tenant lease or tenancy addendum, as appropriate.

Phase-in of Tenant Rent Increases

If a tenant's monthly rent increases by more than the greater of 10 percent or \$25 purely as a result of conversion, the rent increase will be phased in over 3 or 5 years. To implement this provision, HUD is waiving section 3(a)(1) of the United States Housing Act of 1937 (the Act), as well as 24 CFR § 983.3 (definition of "total tenant payment" (TTP)) only to the extent necessary to allow for the phase-in of tenant rent increases. A PHA must create a policy setting the length of the phase in period at three years, five years or a combination depending on circumstances. For example, a PHA may create a policy that uses a three year phase-in for smaller increases in rent and a five year phase-in for larger increases in rent. This policy must be in place at conversion and may not be modified after conversion.

The below method explains the set percentage-based phase-in an owner must follow according to the phase-in period established. For purposes of this section "standard TTP" refers to the TTP calculated in accordance with regulations at 24 CFR §5.628 and the "most recently paid TTP" refers to the TTP recorded on line 9j of the family's most recent HUD Form 50058:

Three Year Phase-in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP and the standard TTP
- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 66% of difference between most recently paid TTP and the standard TTP
- Year 3: Year 3 AR and all subsequent recertifications – Full standard TTP

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Five Year Phase in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 20% of difference between most recently paid TTP and the standard TTP

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- Year 2: Year 2 AR and any IR prior to Year 3 AR – 40% of difference between most recently paid TTP and the standard TTP
- Year 3: Year 3 AR and any IR prior to Year 4 AR – 60% of difference between most recently paid TTP and the standard TTP Section I: Public Housing Projects PIH-2012-32 (HA) Rental Assistance Demonstration – Final Implementation 41
- Year 4: Year 4 AR and any IR prior to Year 5 AR – 80% of difference between most recently paid TTP and the standard TTP
- Year 5 AR and all subsequent recertifications – Full standard TTP

Please Note: In either the three year phase-in or the five-year phase-in, once the standard TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward.

Public Housing Family Self Sufficiency (PH FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs

Current PH FSS participants will continue to be eligible for FSS once their housing is converted under RAD, and PHAs will be allowed to use any PH FSS funds granted previously or pursuant to the FY 2013 PH FSS NOFA, to serve those FSS participants who live in units converted by RAD and who will as a result be moving to the HCV FSS program, subject to the following:

- If a PHA has an HCV FSS program, a PHA must convert the PH FSS program participants at the covered project to their HCV FSS program. Please see future FSS Notices of Funding Availability and other guidance for additional details, including FSS coordinator funding eligibility of PHAs under a RAD conversion.
- If a PHA does not have an HCV FSS program, the PHA must establish an HCV FSS program and convert the PH FSS program participants at the covered project into their HCV FSS program. PHAs are not required to offer enrollment in FSS to residents in converting projects and other HCV participants, other than to residents in converting projects that were enrolled in the PH FSS program. Please see future FSS Notices of Funding Availability and other guidance for additional details, including FSS coordinator funding eligibility of PHAs under a RAD conversion.

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All PHAs will be required to administer the FSS program in accordance with FSS regulations at 24 CFR Part 984 and in accordance with the participants' contracts of participation. However, residents who were converted from the PH FSS program to the HCV FSS program through RAD may not be terminated from the HCV FSS program or have HCV assistance withheld due to the participant's failure to comply with the contract of participation. Consequently, 24 CFR 984.303(b)(5)(iii) does not apply to FSS participants in converted properties.

Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be

eligible to be counted towards the unit count for future public housing ROSS-SC grants, nor will its residents be eligible to be served by future public housing ROSS-SC grants.

Resident Participation and Funding

In accordance with PIH-2012-32-REV1, Attachment 1B, residents of covered projects converting assistance to PBVs will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.

Resident Procedural Rights

The following items must be incorporated into both the Section 8 Administrative Plan and the owner's lease, which includes the required tenancy addendum, as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.

- Termination Notification. HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert assistance under RAD. In addition to the regulations at 24 CFR § 983.257, related to owner termination of tenancy and eviction, as modified by the waiver in Section I(3) above, the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall not be less than:
 - o A reasonable period of time, but not to exceed 30 days:
 - If the health or safety of other tenants, PHA employees, or persons residing in the immediate vicinity of the premises is threatened; or
 - In the event of any drug-related or violent criminal activity or any felony conviction;
 - o 14 days in the case of nonpayment of rent; and
 - o 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.
- Grievance Process. HUD is incorporating additional procedural rights to comply with the requirements of section 6 of the Act. For issues related to tenancy and termination of assistance, PBV program rules require the PHA to provide an opportunity for an informal hearing, as outlined in 24 CFR § 982.555. RAD will waive 24 CFR § 982.555(b) in part, which outlines when informal hearings are not required, and require that:
 - o In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(vi), an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a PHA (as owner) action in accordance with the individual's

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lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.

- For any hearing required under 24 CFR § 982.555(a)(1)(i)-(vi), the contract administrator will perform the hearing, as is the current standard in the program.
- For any additional hearings required under RAD, the PHA (as owner) will perform the hearing.

o An informal hearing will not be required for class grievances or to disputes between residents not involving the PHA (as owner) or contract administrator. This hearing requirement shall not apply to and is not intended as a forum for initiating or negotiating policy changes between a group or groups of residents and the PHA (as owner) or contract administrator.

o The PHA (as owner) give residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).

o The PHA (as owner) provide opportunity for an informal hearing before an eviction.

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Current PBV program rules require that hearing procedures must be outlined in the PHA's Section 8 Administrative Plan.

Earned Income Disregard (EID)

Tenants who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID after conversion, in accordance with regulations at 24 CFR § 5.617. Upon the expiration of the EID for such families, the rent adjustment shall not be subject to rent phase-in, as described in PIH-2012-32-REV1, Section 1.6.C.4; instead, the rent will automatically rise to the appropriate rent level based upon tenant income at that time. Under the Housing Choice Voucher program, the EID exclusion is limited to only persons with disabilities (24 CFR § 5.617(b)). In order to allow all tenants (including non-disabled persons) who are employed and currently receiving the EID at the time of conversion to continue to benefit from this exclusion in the PBV project, the provision in section 5.617(b) limiting EID to only disabled persons is waived. The waiver and resulting alternative requirement only applies to tenants receiving the EID at the time of conversion. No other tenant (e.g., tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion (e.g., due to loss of employment); tenants that move into the property following conversion, etc.) is covered by this waiver.

Capital Fund Education and Training Community Facilities (CFCF) Program

CFCF provides capital funding to PHAs for the construction, rehabilitation, or purchase of facilities to provide early childhood education, adult education, and job training programs for

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public housing residents based on an identified need. Where a community facility has been developed under CFCF in connection to or serving the residents of an existing public housing project converting its assistance under RAD, residents will continue to qualify as “PHA residents” for the purposes of CFCF program compliance. To the greatest extent possible the community facility should continue to be available to public housing residents

N. PBV: OTHER MISCELLANEOUS PROVISIONS [PIH Notice PIH-2012-32, Revision 1, Section 1.6.D]

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Access to Records, Including Requests for Information Related to Evaluation of Demonstration

PHAs must agree to any reasonable HUD request for data to support program evaluation, including but not limited to project financial statements, operating data, Choice-Mobility utilization, and rehabilitation work. Please see Appendix IV for reporting units in Form HUD 50058.

Additional Monitoring Requirement

The PHA’s Board must approve the operating budget for the covered project annually in accordance with HUD requirements.

Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3)

Under existing PBV program rules, projects that qualify as “existing housing” under 24 CFR § 983.52(a) are not subject to Davis-Bacon (prevailing wages, the Contract Work Hours and Safety Standards Act, and other related regulations, rules, and requirements) or Section 3 (24 CFR Part 135). However, the Davis-Bacon Act and Section 3 shall apply to all initial repairs that are identified in the Financing Plan to the extent that such repairs qualify as construction or rehabilitation, regardless of whether the project qualifies as “existing housing.” Developmental requirements under 24 CFR § 983.154 and fair housing provisions under 24 CFR § 983.152(c)(vi) continue to apply.

Establishment of Waiting List

In establishing the waiting list for the converted project, the PHA shall utilize the project-specific waiting list that existed at the time of conversion, unless the assistance is being transferred to another neighborhood. If a project-specific waiting list does exist, but the PHA is transferring the assistance to another neighborhood, the PHA must notify applicants on the wait-list of the transfer of assistance, and on how they can apply for residency at the new project site or other sites. Applicants on a project-specific waiting list for a project where the assistance is being transferred shall have priority on the newly formed waiting list for the new project site in

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accordance with the date and time of their application to the original project's waiting list. In addition, the waiting list must be established and maintained in accordance with PBV program requirements.

If a project-specific waiting list for the project does not exist, the PHA shall establish a waiting list in accordance 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure that applicants on the PHA's public housing community-wide waiting list have been offered placement on the converted project's initial waiting list. For the purpose of establishing the initial waiting list, PHAs have the discretion to determine the most appropriate means of informing applicants on the public housing waiting list given the number of applicants, PHA resources, and community characteristics of the proposed conversion under RAD. Such activities should be pursuant to the PHA's policies for waiting list management, including the obligation to affirmatively further fair housing.

A PHA may consider contacting every applicant on the public housing waiting list via direct mailing; advertising the availability of housing to the population that is less likely to apply, both minority and non-minority groups, through various forms of media (e.g., radio stations, posters, newspapers) within the marketing area, informing local non-profit entities and advocacy groups (e.g., disability rights groups); and conducting other outreach as appropriate. Applicants on the agency's centralized public housing waiting list who wish to be placed onto the newly-established waiting list are done so in accordance with the date and time of their original application to the centralized public housing waiting list. Any activities to contact applicants on the public housing waiting list must be conducted accordance with the requirements for effective communication with persons with disabilities at 24 CFR § 8.6 and the obligation to provide meaningful access for persons with limited English proficiency (LEP).

To implement this provision, HUD is waiving 24 CFR § 983.251(c)(2). However, after the initial waiting list has been established, the PHA shall administer its waiting list for the converted project in accordance with 24 CFR § 983.251(c).

Mandatory Insurance Coverage

The project shall maintain at all times commercially available property and liability insurance to protect the project from financial loss and, to the extent insurance proceeds permit, promptly restore, reconstruct, and/or repair any damaged or destroyed property of a project, except with the written approval of HUD to the contrary.

Agreement Waiver

For public housing conversions to PBV, there will be no Agreement to Enter into a Housing Assistance Payments (AHAP) contract. Therefore, all regulatory references to the Agreement (AHAP), including regulations under 24 CFR Part 983 Subpart D are waived.

Future Refinancing

Owners must receive HUD approval for any refinancing or restructuring of permanent debt within the HAP contract term to ensure the financing is consistent with long-term preservation. (Current lenders and investors are also likely to require review and approval of refinancing of the primary permanent debt.)

Administrative Fees for Public Housing Conversions

For the initial Calendar Year in which a project's assistance has been converted, RAD PBV projects will be funded with public housing money. Since the public housing funding will not have been transferred to the TBRA account and since this funding is not section 8 assistance the annual contributions contract (ACC) between the PHA and HUD will cover the project units, but be for zero dollars. For this transition period, the ACC will primarily serve as the basis for covering the units and requiring PHA compliance with HUD requirements, but it will not be (as it is in the regular PBV program) the funding vehicle for the PBV RAD vouchers. Given this, and given the fact that PHAs will be receiving full public housing funding for the PBV units during this transition period, PHAs will not receive ongoing section 8 administrative fee funding during this time.

Generally, PHAs receive ongoing administrative fees for units under a HAP contract, consistent with recent appropriation act references to "section 8(q) of the [United States Housing Act of 1937] and related appropriations act provisions in effect immediately before the Quality Housing and Responsibility Act of 1998" and 24 CFR 982.152(b). During the transition period mentioned in the preceding paragraph, these provisions are waived, and PHAs will not receive section 8 ongoing administrative fees for PBV RAD units.

After this transition period, the ACC will be amended to include section 8 funding that corresponds to the units covered by the ACC. At that time, the regular section 8 administrative fee funding provisions will apply.

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ADDENDUM
PROGRAM INTEGRITY
[24 CFR792.101 TO 792.204, 982.54]

INTRODUCTION

The US Department of Housing and Urban Development (HUD) estimate that \$200 million dollars is paid annually to program participants who falsify or omit material facts in order to gain more rental assistance than they are entitled to under the law. HUD further estimates that 12% of all HUD assisted families are either totally ineligible or are receiving benefits which exceed their legal entitlement.

HCHC is committed to ensuring that the proper level of benefits is paid to all participating families, and that housing resources reach only income-eligible families so that program integrity can be maintained. HCHC will take all steps necessary to prevent fraud, waste and mismanagement so that program resources are utilized judiciously.

This chapter outlines HCHC policies for the prevention, detection and investigation of program abuse and fraud.

A. CRITERIA FOR INVESTIGATING OF SUSPECTED ABUSE AND FRAUD

HCHC makes every effort to educate participating families about the rules, regulations and family obligations under the Housing Choice Voucher Program, as to avoid unintentional violations. However, HCHC takes seriously its responsibility to monitor participants and owners for compliance and will investigate valid claims or indicators of abuse and fraud.

HCHC will initiate an investigation of a participating family as a result of the following:

- Referrals, Complaints & Tips – HCHC will follow-up on referrals from other agencies, companies or persons which are received by email, fax, mail, telephone or in person, which alleges that a family is in non-compliance with or otherwise violating the family obligations or any other program rules. Follow-up will be made providing that the referral evidences at least one item of information that can be independently verified. A copy of the allegation will be retained.
- Internal File Review – A follow-up will be made if HCHC staff discovers (as a function of a certification or reexamination, an interim re-determination or a quality control review), information or facts which conflict with previous file data, the HCHC knowledge of the family, or is discrepant with statements made by the family.

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- Verification of Documentation – A follow-up will be made if the HCHC receives independent verification or documentation that conflicts with representatives in the family’s file (such as public record information or credit bureau reports, reports from other agencies).

B. PREVENTING PROGRAM ABUSE AND FRAUD

HCHC will use multiple methods to prevent program abuse, fraud, non-compliance and violations of program rules.

- Program Briefing Sessions – Mandatory meetings will be conducted at the time of admission to the program and each time a family intends to change units, prior to the issuance of a voucher. At the end of the meeting each family will be required to sign a form confirming their understanding of program rules.
- Review and Explanation of Forms – The program staff will routinely explain all forms that program participants are required to sign.
- Resident Counseling – The program staff is available daily to counsel program participants to clarify program rules and requirements.
- Signage

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C. DETECTING PROGRAM ABUSE AND FRAUD

HCHC will remain vigilant about program integrity by routinely and systemically reviewing all available documentation for participating families.

- Quality Control File Review – Prior to admission, at the time of recertification or other actions, the HCHC will conduct file reviews in conformance with SEMAP standards. Such reviews shall include, but are not limited to the following:
 - o Accurately verify all income, assets and deductions.
 - o Accurately verify social security numbers and dates of birth.
 - o Verify documentation authenticity.
 - o Review ratios between income and expenditures.
 - o Review of signatures for consistency.
 - o Verify that all forms are completed, signed and dated.
- Observations – HCHC will remain vigilant as to the signs of unreported income and unauthorized occupants.
- Electronic and Third Party Verification – Inquiries to Federal, State and local agencies as authorized under HUD federal form 9886, HUD EIV, Public Law 100-628 and the

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Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages, unemployment and other benefits.

- Credit Bureaus – Inquiries to credit agencies may be made, with proper applicant/participant notification and authorization, as follows:
 - o Before admission during a final eligibility determination.
 - o When an allegation of unreported income is received.
 - o When a program participant's expenditures exceeds her/his reported income, without a plausible explanation.

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D. PROCESSING ALLEGATIONS OF ABUSE AND FRAUD

HCHC staff will accept referrals of suspected abuse or fraud and investigate each allegation accordingly. First, staff will determine if the subject of the referral is a program participant. If the subject is a voucher holder or the member of a participating household, the staff will determine if the information in the referral conflicts with or is absent from the information in the file. Next the staff determines if the information can be verified independently and if the HCHC is the best entity to complete an investigation.

Once HCHC determines that an allegation or referral warrants further investigation, the case will be monitored by the HCHC Investigator or other party as designated by the Executive Director. The exact steps taken will be dependent upon the nature of the allegation and include, but are not limited to the following:

- Credit Bureaus & Verification of Credit – credit agencies and creditors will be contacted to verify financial activity and reported sources of income.
- Current & Former Employers – Any business that may have provided income to the suspect during the time of the allegation will be contacted to verify wage records.
- Neighbors & Witnesses – people who the HCHC believe may have direct or indirect knowledge of facts related to the allegation will be interviewed.
- Other Agencies – As needed, the HCHC will contact the appropriate representatives in other agencies to verify relevant information.
- Public Records – As needed, the HCHC will review public records (e.g. real estate, marriage & divorce, financing statements, voter registration, police records, judgements, etc.). kept in any jurisdictional courthouse
- Interviews – meetings will be scheduled with the head of household and other members are needed to discuss the allegations.

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In all cases, the HCHC will use legal resources and secure the appropriate written authorization from the program participant as needed.

Documents accumulated as a result of the investigation are considered “work product” and will be maintained in the participant’s file or a separate file, in a secure location. Additionally, investigations “in process” will not be discussed with uninvolved HCHC staff.

At the end of the investigation the HCHC Investigator or other designated party will report the findings to the Executive Director and Chief of Housing Choice Voucher and Public Housing Programs. It will then be determined if a violation has occurred. If it is determined that the allegation is legitimate, the HCHC will review the facts to determine:

- The type of the violation – fraud or non-compliance.
- The nature of the violation – intentional or unintentional.
- The amount of money owed by the family.
- The family’s eligibility to continue participation.

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HCHC will use the aforementioned to propose and pursue the most appropriate remedy. Examples of such are as follows:

Procedural Non-Compliance – Non-income

The family fails to observe a HCHC procedure or requirement, but does not misrepresent a material fact and no overpayment has been made on behalf of the family. Examples of such are as follows:

- Failure to appear for a scheduled appointment.
- Failure to return documentation timely.

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In this case the family will receive a Warning Notice detailing the following:

- A description of the non-compliant act and the rule, regulation or family obligation violated.
- The date by which the violation must be corrected.
- The action that HCHC will take if the violation isn’t corrected timely.
- The consequence of repeated violations.

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Procedural Non-Compliance – Income

The family fails to report changes in income or assets, resulting in too much rental assistance being paid on behalf of the family. Once verified the family will receive a Violation Notice detailing the following:

- A description of the violation and the date of the violation.
- The amount of the overpayment, and thus what is owed to HCHC.
- A date by which a response is required.
- The right to disagree with the findings and to request and informal review.

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HCHC will meet families that respond to the notice and discuss the regulation and/or family obligation violated. At that time a Counseling Report or other documentation of the meeting

will be completed and maintained the family's file, with a copy going to the family upon request. HCHC will initiate termination action if the family fails to respond to the notice.

Intentional Misrepresentation

The family willfully gives a false report (verbal or in writing) or omits information that must be reported which may or may not result in the overpayment of housing assistance. The misrepresentation will be evaluated as follows:

~~A.~~ The participant had knowledge that such action was wrong - determining if the participant was made aware of program requirements and prohibitions, as demonstrated by the participant's signature on various federal and local certifications and forms.

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~~B.~~ The participant acted to willfully violate the program regulations and/or family obligations – as determined by the following:

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~~1.~~ An admission by the participant of the misrepresentation.

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~~2.~~ Repeated incidents of the same or similar violation.

~~3.~~ Proof that a false name, social security number or some other form of identification was used.

~~4.~~ Proof that the misrepresentation was admitted to others.

~~5.~~ Proof that the participant omitted information that he/she must report.

~~6.~~ Proof that the participant altered, falsified or forged submitted documents.

~~7.~~ Proof that the participant uttered and certified statements at during a meeting that were later verified as false.

In all cases of misrepresentation involving money, HCHC will pursue the recovery of overpayments as follows:

~~8.~~ Criminal Prosecution – when appropriate, HCHC will refer the case for State or federal prosecution and initiate termination of assistance.

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~~9.~~ Administrative Remedies – the HCHC may agree to a payment plan or demand payment in full. The HCHC may allow continued occupancy with conditions or initiate termination of assistance. Both are dependent upon the extent of the violation and the amount of money owed.

E. OVERPAYMENT TO LANDLORDS

If the landlord/owner is overpaid as a result of his/her fraud, misrepresentation or violation of the HAP Contract, HCHC will terminate the Contract and arrange for restitution to the HCHC and /or family.

Reserved

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REASONABLE ACCOMMODATIONS POLICY & PROCEDURES

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INTRODUCTION

The Howard County Housing Commission (HCHC) is an equal opportunity public housing agency and thereby has adopted a policy to provide "reasonable accommodations" in housing for applicants and residents with disabilities where a reasonable accommodation is necessary to provide these applicants and residents equal opportunity access to affordable housing and services in Howard County. This policy is in furtherance of the goal to provide affordable housing for low-to-moderate income families regardless of disability and in compliance with applicable federal, state, and local law.

A "reasonable accommodation" is a modification or change that HCHC can make to HCHC procedures and/or to a resident's unit or to a common area which would assist an otherwise eligible person with a disability to benefit from HCHC services, provided that the change does not pose an undue financial and administrative burden to HCHC or result in a fundamental alteration housing programs offered by HCHC.

The Howard County Housing Commission Reasonable Accommodation Policy & Procedures is comprised of two parts -- **Part I – Policy and Part II – Procedures**-- and sets forth the policy and procedures of HCHC for making reasonable accommodations for qualified applicants and residents with disabilities.

HCHC may require documentation and verification of the following from a reliable source to initiate the process of evaluating a reasonable accommodation request:

- ~~A~~1. That an applicant or resident has a disability.
- ~~B~~2. That an applicant or resident requires an accommodation for a disability.
- ~~C~~3. That the proposed accommodation will support the applicant's or resident's access to affordable housing and/or services.

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HCHC will evaluate and respond to requests for reasonable accommodations. In the process of the responding to the request HCHC may require frequent contact with the applicant or resident, as this process should be a cooperative effort between the HCHC and the requestor. This process is designed to guide HCHC employees in responding to and implementing reasonable accommodation requests.

The HCHC will take appropriate steps to assure that all persons with a disability who are eligible to apply for housing assistance or that currently participate in a HCHC administered housing program or service are provided with the information necessary to have access to and/or participate in programs and services.

PART I - POLICY

1.A. PURPOSE

The purpose of this policy is to:

1. communicate HCHC's policy on reasonable accommodations for persons with disabilities in connection with the operation of programs and services;
2. establish a procedural guide for policy implementation; and
3. comply with applicable Federal, State and local laws to ensure accessibility for persons with disabilities to housing programs, benefits and services administered by HCHC.

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2.B. AUTHORITY

The requirements of this policy are based upon the following statutes or regulations:

1. Section 504 of the Rehabilitation Act of 1973, as amended ("Section 504") prohibits discrimination on the basis of disability and states that:

"No qualified individual with a disability shall, solely on the basis of disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance";

2. The Fair Housing Act ("FHA") prohibits discrimination in the sale or rental of a dwelling. FHA requires reasonable accommodations in rules, policies, practices or services as may be necessary to afford equal opportunity to use and enjoy a dwelling;
3. Title II of the Americans With Disabilities Act ("ADA"), prohibits discrimination on the basis of disability status by public entities. Except as provided in §35.102 (b), of 28 CFR Part 35, the ADA applies to all services, programs and activities provided or made available by public entities (State and local governments); and

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4. Part 8, of Code of Federal Regulations, Title 24, Housing and Urban Development, entitled Non-Discrimination Based on Disability in Federally Assisted Programs and Activities of the HCHC of Housing and Urban Development applies to recipients of federal funds and implements the requirements of the Rehabilitation Act.

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3.C. **POLICY STATEMENT**

HCHC is committed to ensuring that its policies and practices do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities in connection with, the operation of HCHC's housing services or programs, solely on the basis of such disabilities. Therefore, if an individual with a disability requires an accommodation, such as an accessible feature or modification to HCHC policy, HCHC will provide such accommodation, unless doing so would result in a fundamental alteration in the nature of the program or an undue financial or administrative burden. In such cases, HCHC will try to make another accommodation that would not result in a financial or administrative burden.

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4.D. **DEFINITIONS**

1. "ADA" shall mean the Americans with Disabilities Act.
2. "FHA" shall mean the Fair Housing Act of 1968.
3. "HCHC" shall mean the Housing County Housing Commission.
4. "Individual with disabilities" shall have the same meaning as the term "individual with disabilities" under 24 C.F.R. §8.3, as follows:

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24 C.F.R. § 8.3. Definitions.

"Individual with a disability" means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

5. "Policy" shall mean Part A of this Reasonable Accommodation Policy and Procedure, as adopted by the HCHC Board of Commissioners, and as may be amended from time to time.
6. "Procedures" shall mean Part B of this Reasonable Accommodation Policy and Procedure, as may be revised from time to time.
7. "Reasonable accommodation" means a modification or change in HCHC's rules, policies, practices, or services that will provide the opportunity to participate in HCHC's programs and services and to meet HCHC's essential requirements of tenancy to an otherwise eligible individual with a disability.
8. "Requestor" shall mean the applicant or resident submitting the request for a reasonable accommodation.
9. "Applicant" shall mean an individual that is working to submit or has submitted a housing application and requires a reasonable accommodation to complete the application or the eligibility process.

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10. “**Resident**” shall mean an individual that is receiving housing assistance from HCHC requires a reasonable accommodation.
11. “**Central office**” shall mean the Howard County Housing Commission office located at 6751 Columbia Gateway Drive, 3rd floor Columbia, MD 21046.
12. “**Management office**” shall mean the management offices located at each housing site.

5.E. GENERAL PRINCIPLES

Listed below are the general principles which provide a foundation for the policy and procedures which HCHC staff will apply when responding to requests for reasonable accommodations within all HCHC housing programs:

a.1. The process of reviewing each reasonable accommodation request is individualized. It is presumed that the individual with a disability, based on her/his consultation with medical professionals, is usually knowledgeable of the appropriate types of, and possible methods for providing, reasonable accommodations needed when making a request. However, HCHC reserves the right to investigate and offer equally effective alternatives to the requested accommodation, and/or alternative methods for providing the requested accommodation.

b.2. The procedure for evaluation and responding to requests for reasonable accommodations requires a cooperative relationship between HCHC and the requestor. The process is **not** adversarial.

c.3. HCHC shall inform all requestors of alternative forms of communication. The request form is designed to facilitate communication between HCHC and our requestor. If a requestor does not, or cannot use the request form, HCHC will still respond to the reasonable accommodation request. The requestor may also request assistance with the Request Form or request that the form be provided in an alternative format or means of communication.

Example(s): Some examples of alternative equally effective forms of communication include qualified interpreters/readers, telecommunications devices for deaf persons (TDD’s), Maryland Relay System (TTY), taped texts audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.

d.4. If the accommodation is reasonable (see procedures), HCHC will grant it. In accordance with the procedure (below), HCHC will grant the request for a reasonable accommodation only to the extent that an undue financial and administrative burden is not created.

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~~e.5.~~ All written documents required by or as a result of this policy must contain plain language and be in appropriate alternative formats in order to communicate information and decisions to the person requesting the accommodation.

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~~f.6.~~ Any required meetings with a person with a disability will be held in an accessible location.

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6.F. ENFORCEMENT

The HCHC Compliance Office is responsible for enforcing the requirements under this policy. The Office of Law is HCHC's legal counsel and therefore provides legal counsel in the decision making process. Questions regarding this policy, its interpretation or implementation should be forwarded to the Central Office in writing, in person or by phone. If the question is best addressed by an in person meeting, HCHC may require the requestor to schedule an appointment.

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7.G. AMENDMENT

1. Substantial amendments to the policy require a resolution of the Board of Commissioners.
2. The procedures may be amended, within the scope of the policy, by the HCHC Executive Director.
3. Any amendment to the policy or procedures shall be consistent with all applicable laws and regulations and reviewed by Office of Law.

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8.H. STAFF TRAINING

A training timeline will be established upon the approval of this document for all existing staff and new hires, supplemented by in-service updates as required.

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9.I. RECORD KEEPING

Records of reasonable accommodation requests, responses and documentation associated with the request and decision will be maintained as follows:

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~~(a)1.~~ Applicants – During the period the application is active, pending an eligibility determination or no more than three years after the application denial or withdrawal date, the documentation will be maintained in the application file.

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~~(b)2.~~ Residents – During the period of residency or no more than three years after lease termination by HCHC, lease termination by the resident or eviction, the documentation will be maintained in the case management file.

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10.J. DECISIONS, NOTICES & APPEALS

HCHC shall use the following guidelines to evaluate reasonable accommodation requests for applicants and residents with disabilities. If any conflicts exist between these guidelines and ADA and/or FHA rules, guidance from the U.S. Department of Housing and Urban Development (HUD) or other statutory or legal requirements, HCHC shall defer to those requirements.

Decision Making

In the absence of specific cause and/or otherwise proven undue burden, HCHC shall accept the judgment of an individual with a disability requesting the accommodation, accepting that the accommodation is appropriate for and related to the requestor's disability; is necessary for an equal housing opportunity, and is reasonable. In determining whether reason for denial exists, HCHC may obtain verification of the reasons for the requested accommodation, and may also seek advice from qualified professionals on alternative methods of accommodating the individual's needs.

A request for reasonable accommodation shall be granted when the following three requirements are met:

1. the requestor or subject of the request is a qualified " individual with a disability";
2. the requested accommodation is necessary to provide the person with the disability an equal opportunity to use and enjoy housing or have access to other program services; and
3. the requested accommodation is reasonable. A request shall be considered "reasonable" if it does not create an undue administrative and financial burden or constitute a fundamental alteration in the nature of the housing program or service.

The factors which shall be considered in determining whether a requested accommodation would create an undue administrative and/or financial burden on HCHC are:

- ~~A~~1. the nature of the accommodation;
- ~~B~~2. the cost of the accommodation;
- ~~C~~3. HCHC financial and administrative resources;
- ~~D~~4. the size of the housing program;
- ~~E~~5. the type of unit or facilities involved; and
- ~~F~~6. the possibility of recouping costs from another source.

In determining whether a requested accommodation constitutes an undue administrative or financial burden or a fundamental alteration in the housing program HCHC shall

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evaluate accommodation requests on a case-by-case basis, taking into consideration the circumstances and resources available at the time of the request which avoids the potential impact of a precedent being set.

In determining whether a requested accommodation would cause a fundamental alteration in the nature of the housing program, HCHC shall consider the requested accommodation and if the subsequent activities to be conducted to fulfill the request would extend beyond the scope of its primary purpose (i.e. to operate a subsidized housing project, ensuring resident compliance with lease obligations and other residency requirements).

In determining whether a requested accommodation, in whole or in part, constitutes an undue administrative or financial burden or a fundamental alteration in the housing program HCHC shall comply with the request to the extent that it can without experiencing undue burden(s).

If it is determined that a requestor's proposed accommodation cannot be approved HCHC shall, if applicable, propose an alternative accommodation that is equally effective in removing the barriers to the requestor's equal housing opportunity. If several different accommodations exist, HCHC will select the most convenient and cost effective accommodation, provided that there is no detrimental impact directly related to the requestor.

If HCHC determines that the requested accommodation is not likely to provide the requestor with an equal opportunity to use and enjoy the housing program or services, HCHC may deny the accommodation.

Additionally, in those circumstances where HCHC deems that a proposed reasonable accommodation cannot be granted because doing so would fundamentally alter the housing program service, or activity, or would result in undue financial and/or administrative burdens, HCHC has the responsibility of proving such result(s).

If in evaluating the request HCHC determines that the requested accommodation, based on objective evidence, poses a direct threat to the health and/or safety of others or results in substantial physical damage to the property of others, HCHC may deny the accommodation.

If the HCHC alters a proposed accommodation or denies a request, HCHC shall, set forth in writing, its decision and the basis for its decision and submit it to the Office of Law for review prior to notifying the requestor.

The responsibility for deciding that a proposed reasonable accommodation would result in an undue administrative or financial burden or a fundamental alteration of the housing program or service will be made by the individual program's or service's Chief or Manager.

If the requestor disagrees with the decision to deny the reasonable accommodation, he/she can request an administrative review of the decision. The review will be conducted by the Executive Director, Deputy Director or her/his designee, but not the staff person(s) directly involved in making the initial decision. The final decision shall rest with the Executive Director, Deputy Director or his/her designee after considering all resources available for use in the funding and operation of the program, service or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion.

HCHC shall, in writing, inform the requestor whose reasonable accommodation request has been altered or denied, whether the decision was made by HCHC or, where applicable, by HUD, the reason(s) for the decision and the requestor's right to file a fair housing complaint, whether or not an administrative review has been requested, with the following agencies:

Department of Housing and Urban Development (HUD)
Philadelphia Regional Office
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-9344
Telephone 1 (888) 799-2085 or (215) 861-7646
TDD (215) 656-3450 Fax (215) 656-3449
Email Complaints_office_03@hud.gov

Howard County Office of Human Rights
6751 Columbia Gateway Drive, 2nd floor
Columbia, MD 21046
Telephone (410) 313-6430 Fax 410-313-6468

Maryland Commission on Human Relations
6 Saint Paul Street, Suite 900
Baltimore, Maryland 21202
Telephone (410) 767-8600 or (800) 637-6247
TTY (410) 333-1737 Fax (410) 333-1841

PART II - PROCEDURES

A. COMMUNICATION WITH APPLICANTS AND RESIDENTS

- 1.** HCHC applicants seeking accommodations may contact the Central Office.
HCHC residents seeking accommodations may contact their housing development

Howard County Housing Commission

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Management Office or the Central Office to make a request. The Request Form will be provided upon request; however an alternate and equally effective format will be accepted.

~~(b)~~2. HCHC is responsible for notifying (i.e. written notices, signage, briefing/meeting content, etc.) all applicants/residents that a request may be submitted for reasonable accommodation for an individual with a disability. All applicants/residents will be provided the Request Form when requesting a reasonable accommodation. However, an applicant/resident may submit the request in writing, orally, or use another equally effective means of communication to request the accommodation. Upon receiving the request, HCHC will respond acknowledging receipt of the request within 15 business (why delete) days. If additional information or documentation is required, a written request will be made to the requestor. A submission date may be specified so as not to delay HCHC's review of the request.

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~~(e)~~3. HCHC will grant or deny the request within 30 business days after receiving all needed information and documentation from the resident. All decisions to grant or deny reasonable accommodations will be communicated in writing or if required, in an alternative format in order to communicate the decision to the applicant/resident. Any exceptions to the 30 business day period for notification of HCHC's decision on the request will be provided to the resident in writing setting forth the reasons for the delay. The administrative review process will be governed by the same timelines.

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~~(d)~~4. HCHC will maintain written materials--policy and procedures or other summarizing document-- for making a request for reasonable accommodations at its Central and Management Offices.

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~~(e)~~5. **Aides & Devices.** HCHC shall take appropriate steps to assure effective communication with disabled applicants/residents, making the appropriate auxiliary aids (e.g. Interpreters, Readers, use of taped materials) available when necessary to ensure equal access to housing programs and services. This does not include personal items such as hearing aids, magnifying eyeglasses or any other aid that would result in a fundamental alteration in the nature of the housing program or constitute an undue administrative or financial burden.

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NOTE: An applicant/resident that fails to meet any HCHC imposed deadline because of a delay in the provision of an auxiliary aid by HCHC will be granted an extension.

Alternate Formats. HCHC shall take appropriate steps to assure effective communication with disabled applicants/residents requiring program forms, necessary to comply with eligibility screening and continued occupancy, in alternative formats (visual impairments) and reading levels (cognitive impairments) when such is necessary to ensure equal access to housing programs and services.

3rd Party Assistance. HCHC shall take appropriate steps to assure effective communication with disabled applicants/residents permitting the intervention of an advocate, friend or service provider in order to comply with eligibility screening and continued occupancy processes when such is necessary to ensure equal access to housing programs and services. Also, HCHC staff will explain written material verbally and possibly more than once, and if necessary assist the individuals or obtain assistance for them in filling out any necessary forms.

b.B. GUIDELINES FOR DETERMINING REASONABLENESS

a.1. Requests. In accordance with these policies and procedures HCHC will consider requests for reasonable accommodations and the proposed methods for providing such accommodations for an individual with a disability. In reviewing requests, HCHC will evaluate the requested method and may require the requestor to provide further information to demonstrate the need for the requested accommodation to enable access to and use of the housing program or service. Additionally, HCHC may offer equally effective alternatives to the requested accommodation, and/or alternative methods for providing the requested accommodation.

Requests for reasonable accommodations will be considered on a case-by-case basis. Decisions regarding reasonable accommodations will be made in compliance with all applicable accessibility laws and requirements.

b.2. Applicants & Residents. An applicant may make a reasonable accommodation request at any point during the eligibility process. A resident may make a reasonable accommodation request at any point during their tenancy. There is no limit on the number of reasonable accommodation requests that can be made or that HCHC is required to provide; however HCHC may require documentation that the accommodation is necessary and will be effective in ensuring equal access to housing programs and services.

Verification of a disability will only be requested as is necessary for HCHC to verify that the requestor requires or is entitled to the accommodation requested (e.g., applicant/resident applies for a rent deduction based on the claim of a disability). Otherwise, HCHC will not ask if the requestor or a household member associated with the requestor has a disability, nor may they inquire as to the nature or severity of a disability or regarding its treatment, nor will HCHC ask any question which would require the applicant/resident to disclose a specific medical condition or medical history.

Where HCHC intends to take an adverse action against an applicant/resident (e.g. deny eligibility, terminate assistance, take action to evict, exclude a household member, etc.), and a notice of adverse action is sent or private conference held, HCHC shall inform the applicant/resident of their ability to submit additional information or documentation to be

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considered as evidence of a mitigating circumstance or as the basis for making a reasonable accommodation with respect to the negative or unfavorable information.

If an applicant/resident requests a different accommodation because he/she believes that HCHC previously made an insufficient or inappropriate accommodation, that request shall be evaluated as though it was an initial request.

3. Live-in-Aides. In some cases, an individual with a disability may require a live-in-aide.

In accordance with the provisions of the HCHC dwelling lease and policy, HCHC may permit a live-in aide to reside in the dwelling unit to assist an individual with a disability. A live-in-aide is a person:

- a. that is determined to be essential to the care and well being of a household member with a disability;
- b. that is not obligated to financially support the household; and
- c. that would not be living in the unit except to provide the supportive services.

Prior to granting permission for a live-in aide, medical verification of the need for a live-in-aide is required. Additionally the live-in-aide must submit to a criminal background check and all other eligibility/occupancy requirements in accordance with HCHC's policies and procedures. A live-in-aide will not be required to share a bedroom with another member of the household [see 24 CFR 966.4(d)(3)]. The following factors will be considered by HCHC in determining whether to approve a live-in aide:

- a. whether the current unit is sufficient to appropriately house an additional occupant;
- b. if the unit is not sufficient and the addition of another member would result in an overcrowded living situation, the availability of an appropriate dwelling unit to facilitate a transfer; and/or
- c. HCHC's obligation to make reasonable accommodation for persons with disabilities.

HCHC has the discretion to approve the request for a live-in-aide but deny the use of a particular person to fulfill the request.

4. Verification. The verification of a person's disability will only be required to the extent necessary to:

- a. verify that applicants are qualified for the housing for which they are applying;
- b. verify that applicants are entitled to any claimed preference;

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- c. verify that applicants/residents are qualified for deductions used in determining adjusted income; and
- d. verify that applicants/residents who have requested a reasonable accommodation have a need for the requested accommodation.

HCHC may not:

- ~~(1)~~a. require applicants to provide access to confidential medical records in order to verify a disability nor require specific details as to the disability;
- ~~(2)~~b. require documentation of the manifestation of the disability that causes a need for a specific accommodation or accessible unit; or
- ~~(3)~~c. ask what the specific disability is.

e.5. Assessment and Decision Making. A reasonable accommodation request may seek changes or adjustments to rules, policies, practices or procedures which are followed or prescribed by HCHC, or physical modifications to an applicant's/resident's prospective or current unit or other housing site, including assistive technology. A reasonable accommodation request may also seek the allowance of retroactive relief (e.g. reinstatement of an application to the waiting list, based on the original date, time and preference, where an applicant did not respond to an update notice for reasons related to the disability). HCHC will use the criteria listed below to evaluate reasonable accommodation requests.

~~1.~~a. Reasonable Accommodation Requests Assessment Factors

Step I - Is the requestor a qualified "individual with a disability"?

- (a) If **NO**, HCHC is not obligated to provide a reasonable accommodation and may deny the request.
- (b) If **YES**, go to Step 2.
- (c) If more information is required to make the decision, contact the requestor for more information.

Step II - Is the requested accommodation related to the disability?

- ~~1.~~(a) If **NO**, HCHC is not obligated to make the accommodation; therefore, we may deny the request.
- ~~2.~~(b) If **YES**, go to step 3.
- ~~3.~~(c) If more information is required to make the decision, contact the requestor for more information.

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Step III - Is the requested accommodation reasonable? This determination will be made based on the following:

~~1.~~(a) Determining whether the accommodation will cause HCHC an undue financial or administrative burden.

~~2.~~(b) Determining whether the accommodation will cause a fundamental alteration in housing services/program offered by HCHC.

~~2.b.~~ Reasonable Accommodation Decision Making Process

•(1) If the answer to #3 is **YES**, HCHC will approve the request and provide the response in writing with a description of the accommodation.

•(2) If the answer to #3 is **NO**, HCHC may deny the request and provide the response in writing.

•(3) If more information is required, HCHC will respond in writing, requesting more information and notifying the requestor that a decision may not be made until the information is provided.

•(4) Acknowledgement of receipt of reasonable accommodation requests and the decisions on those requests will be communicated within 30 days. If HCHC requests additional information before making the decision the requestor is expected to submit that information in a manner reasonable to comply with the 30 day time period.

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NOTICE: RIGHT TO REQUEST A REASONABLE ACCOMMODATION

If you or a member of your family have a disability and require a modification of the housing unit or the program to fully access Howard County Housing Commission (HCHC) programs or services you may request a reasonable accommodation. Modifications that can be made to meet your needs include:

- a change in our policies or procedures;
- a change or repair in the housing unit or some other area of the housing site; or
- a change in the way we communicate with you or provide you with information.

If your request is reasonable, and within HCHC's power, HCHC will either notify you in writing, that your specific request has been granted or suggest an alternate accommodation that may also meet your need.

HCHC provides you with a written decision on your request within 30 business days unless additional information is needed to make a decision. In such case, HCHC will notify you that additional information or a face-to-face meeting is required before a decision can be made. Upon receipt of such information, HCHC will need an additional 15 days to provide the requestor a decision.

If your request is denied, HCHC will provide its decision to you in writing explaining the basis for the denial. If you believe that providing additional information will change the decision, you may provide this additional information to HCHC.

Reasonable Accommodation Request Forms can be picked up at the HCHC Central Office, any Management Office or mailed to you upon request. Please advise HCHC if you need help completing the form, or if you wish to receive the form in an alternative format to meet your communication needs.

If you are in danger of losing your housing assistance or being evicted and you can prove that the family obligation or lease violation is directly related to your disability you can request a reasonable accommodation that will allow you to be compliant.

Under 24 CFR § 982.551(k) falsifying information constitutes program fraud and may result in the denial or termination of benefits.

FORM: REASONABLE ACCOMMODATION REQUEST

Social Security #: _____ Subsidy/Account #: _____

Applicant/Resident Name: _____

Address: _____

Telephone Number: _____

1. Name of the disabled household member that needs the accommodation:

Family Status of disabled household member:

☐ Head of Household ☐ Co-Head or Spouse ☐ Other Adult ☐ Child

2. Please describe the reasonable accommodation need(s):

3. Please explain the reason that you are requesting the reasonable accommodation:

I authorize HCHC to contact the following health care professional (provider of services to the disabled) to verify Howard County Housing Counselor has disability and have need for a reasonable accommodation:

Name of Medical Professional: _____

Address: _____ 254

Contact Number: _____ Fax Number: _____

Signature: _____ Request Date: _____



ACKNOWLEDGMENT: REASONABLE ACCOMMODATION REQUEST RECEIVED

DATE _____

TO _____
Applicant/Resident Name

Address

City, State & Zipcode

ACCOUNT/SUBSIDY # _____

Dear Applicant or Resident:

Howard County Housing Commission has received your Reasonable Accommodation Request and will respond 30 business days from the day that the request was received. You will be notified if more information is needed to make a decision on your request or if it will take longer than 30 days to make the decision.

If you have any questions during the decision making process please contact

_____ using the following information:

Call: (410) 313-6318	Write to: 6751 Columbia Gateway Drive, 3 rd floor Columbia, MD 21046

Howard County Housing Commission

March 2013



Fax to: (410) 313-5960

Email to:
staff_person@howardcountymd.gov

Sincerely,

Howard County Housing Commission

LETTER: REQUEST VERIFICATION BY PROFESSIONAL

DATE: _____

Dear _____:
Healthcare Provider/Medical Professional

Your patient _____ has requested a reasonable accommodation from Howard County Housing Commission and has requested that we contact you to verify their disability and need for a reasonable accommodation in housing. Enclosed are the following forms:

- ☐ Reasonable Accommodation Form signed by the patient or
- ☐ Verification of Disability and Need Certification Form

State and Federal law requires housing providers to make reasonable accommodations or changes to either the housing unit, other areas of the housing development or program policies and procedures if such changes are necessary to enable a person with a disability to have equal access to and enjoyment of the dwelling, other housing facilities or programs at the housing site. NOTE: Requested changes must be necessary as a result of the person's disability and may not alter the essential functions of the lease.

Howard County Housing Commission

March 2013

The



Applicant/Resident has requested the accommodation listed on the Reasonable Accommodation Form. Please use the Certification of Need Form to indicate whether, based on your professional assessment, the patient has a disability and whether the requested accommodation is necessary to provide an equal opportunity to enjoy housing. We encourage you to submit additional, relevant information (not including information that need not be disclosed such as diagnosis) that may assist in making the best accommodation for the Applicant/Resident. If the reasonable accommodation includes services currently or to be provided, please indicate the organization that will provide the services and the service start date.

Please return this form as indicated below. Please feel free to call if you have any questions.

Call: (410) 313-6318	Write to: 6751 Columbia Gateway Drive, 3 rd floor Columbia, MD 21046
Fax to: (410) 313-5960	Email to: staff_person@howardcountymd.gov

Sincerely,
Howard County Housing Commission

FORM: VERIFICATION OF DISABILITY & NEED CERTIFICATION

Howard County Housing Commission is required by law to make reasonable accommodations or changes to either the housing unit, other areas of the housing development or program policies and procedures if such changes are necessary to enable a person with a disability to have equal access to and enjoyment of the dwelling, other housing facilities or programs at the housing site.

Section 504 of the Rehabilitation Act of 1973, as amended, defines Individuals with Disabilities as any persons who:

1. have a physical or mental impairment that substantially limits one or more major life activities (e.g., caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working); or
2. have a record of such an impairment (have a history of, or have been misclassified as having a mental or physical impairment that substantially limits one or more major life activities); or

Howard County Housing Commission

March 2013

Please use this form to verify that the Applicant/Resident (1) has a disability; (2) has made a request related to that disability; and (3) that the accommodation would provide equal access to and enjoyment of the dwelling, other housing facilities or programs at the housing site or that the disability restricts them from performing a task. Please attach additional documentation to support the verification decision and accommodation request.

I, _____
Print Healthcare Provider/Medical Professional Name

☐ DO

☐ DO NOT

LETTER: REQUEST FOR INFORMATION OR VERIFICATION

DATE_____

TO_____

Applicant/Resident Name

Address

City, State & Zipcode

Howard County Housing Commission

ACCOUNT/SUBSIDY #_____

March 2013



Howard County

HOUSING

Dear
Resident:

Applicant or

Howard

County Housing

Commission has received your Reasonable Accommodation Request and need to know more about the accommodation request listed below before we can decide:

Describe the requested accommodation in plain language

We need to know more because (see the statement listed below)

You can give us more information by (see the statement listed below)

If this is a problem for you, other ways of providing the information may also be acceptable.

We will not make a decision until we have this new information. If you think that you have already given us this information, if you think that we should not ask for this information, or if you have any other questions please contact us as follows:

Call: (410) 313-6318	Write to: 6751 Columbia Gateway Drive, 3 rd floor Columbia, MD 21046
Fax to: (410) 313-5960	Email to: staff_person@howardcountymd.gov

Sincerely
Howard County Housing Commission

LETTER: REQUEST FOR A MEETING

DATE _____

TO _____

Applicant/Resident Name

Howard County Housing Commission

ACCOUNT/SUBSIDY # _____

March 2013

Address

City, State & Zipcode

Dear Applicant or Resident:

Howard County Housing Commission has received your reasonable accommodation request and would like to meet with you about your request. This meeting may help us make our decision. If needed, you may bring someone to the meeting to assist you.

The scheduled meeting/appointment information is listed below:

DATE:

TIME:

PLACE:

If this is not convenient for you or you cannot keep this appointment, please contact using the following information:

Call: (410) 313-6318	Write to: 6751 Columbia Gateway Drive, 3 rd floor Columbia, MD 21046
Fax to: (410) 313-5960	Email to: staff person@howardcountymd.gov

At the meeting we will talk about _____

Please come ready to talk to us about the changes you requested. Please bring copies of any information that you would like to give us. We look forward to meeting with you.

Sincerely

Howard County Housing Commission

Howard County Housing Commission

March 2013

LETTER:



Howard County

HOUSING

ACCOMMODATION REQUEST

DENIAL OF
REASONABLE

DATE _____

TO _____

Applicant/Resident Name

Address

City, State & Zipcode

ACCOUNT/SUBSIDY # _____

Dear Applicant or Resident:

You requested the following change or accommodation

Describe request & attach a copy of your request form.

Your request has been **denied** because:

☐ You do not meet the definition of an individual with a disability and we are not required to provide a reasonable accommodation.

☐ You do not need this accommodation in order to enjoy or participate equally in our housing.

☐ We think the accommodation you requested is not reasonable because:

☐ It will create undue financial and administrative burdens for us.

☐ It will change the fundamental nature of our program.

We have decided this because:

Give reason(s), in clear and simple language.

We relied on these facts to deny your request

Give facts, in clear and simple language.

Howard County Housing Commission

March 2013

To make this decision we

Explanation of what information was reviewed, which people were spoke to and a description of other aspects of the investigation process

If you disagree with this decision, you may contact our office to request an administrative review of the decision.

Sincerely,

Howard County Housing Commission



LETTER: APPROVAL OF REQUEST FOR A REASONABLE ACCOMMODATION

DATE _____

TO _____

Applicant/Resident Name

ACCOUNT/SUBSIDY # _____

Address

City, State & Zipcode

Dear Applicant or Resident:

We have approved your request for the following change or reasonable accommodation:

Describe request & attach a copy of your request form.

- ☐ We can provide you with this accommodation immediately.
- ☐ We can provide you with this accommodation by this date _____.
- ☐ To make the change you requested, we must have three bids and then arrange installation.
This is why we are not able to provide you with the accommodation immediately.
- ☐ Other reason for delay _____.

If you think this change or reasonable accommodation is not what you requested, is not acceptable, if you object to the amount of time it will take to provide it, or if you have any questions please contact us:

Call: (410) 313-6318

Write to: 6751 Columbia Gateway Drive,

Howard County Housing Commission

March 2013

	3 rd floor Columbia, MD 21046
Fax to: (410) 313-5960	Email to: staff person@howardcountymd.gov

Sincerely

Howard County Housing Commission

GLOSSARY

1937 Act	The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.)
Administrative Plan	The HUD required written policy of the PHA governing its administration of the Section 8 tenant-based programs. The Administrative Plan and any revisions must be approved by the PHA's board and a copy submitted to HUD as a supporting document to the PHA Plan.
Annual Adjustment Factor	A factor published by HUD in the Federal Register which is used to compute annual rent adjustment.
Absorption	In portability, the point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA uses funds available under the receiving PHA consolidated ACC
ACC Reserve Account	An account established by HUD from amounts by which the maximum payment to the PHA under the consolidated ACC (during a PHA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.
Americans with Disabilities Act	ADA. Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
Adjusted Income	Annual income, less allowable HUD deductions.
Administrative Fee	Fee paid by HUD to the PHA for administration of the program.

Howard County Housing Commission

March 2013

Administrative Fee Reserve	An account established by PHA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.
Admission	The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program; the point when the family becomes a participant in the program.
Annual Budget Authority	The maximum annual payment by HUD to a PHA for a funding increment.
Annual Contributions Contract (CC)	A written contract between HUD and a PHA. Under the contract HUD agrees to provide funding for operation of the program, and the PHA agrees to comply with HUD requirements for the program
Annual Income	The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.
Annual Income After Allowances	The annual income (described above) less the HUD-approved allowances.
Applicant (or applicant family)	A family that has applied for admission to a program, but is not yet a participant in the program.
"As-Paid" States	States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.
Assets	
Assisted Tenant	A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.
Budget Authority	An amount authorized and appropriated by the Congress for payment to PHA's under the program. For each funding increment in a PHA program, budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of the funding increment.
Certificate	A Certificate issued by the PHA under the Section 8 pre-merger certificate program, declaring a family to be eligible for participation

	in this program and stating the terms and conditions for such participation. Will no longer be issued after October 1, 1999.
Certificate Program	Pre-merger rental certificate program.
Child	A member of the family other than the family head or spouse who is under 18 years of age.
Child Care Expenses	Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.
Citizen	A citizen or national of the United States.
Co-Head	An individual in the household who is equally responsible for the lease with the Head of Household. (A family never has a Co-head and a Spouse and; a Co-head is never a Dependent).
Common Space	In shared housing, space available for use by the assisted family and other occupants of the unit.
Congregate Housing	Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing.
Cooperative	A dwelling unit owned and or shared by a group of individuals who have individual sleeping quarters and share common facilities such as kitchen, living room and some bathrooms.
Consolidated Annual Contributions Contract (Consolidated ACC)	See 24 CFR 982.15 L
Code of Federal Regulations (CFR)	Commonly referred to as "the regulations", the CFR is the compilation of Federal rules which are first published in the Federal Register and define and implement a statute.
Contiguous	A census tract or jurisdiction that shares a common boundary with the census tract or jurisdiction of focus.
Continuously Assisted	An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program.
Cooperative	Housing owned by a nonprofit corporation or association (term

	includes mutual housing), and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing. A special housing type: See 24 CFR 982.619.
Consumer Price Index (CPI)	Published by the Department of Labor, a measure of the average change over time in the prices paid by urban consumers for various consumer goods and services. Often used as an inflation indicator.
Covered Families	Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance
Dependent	A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or over.
Disability Assistance Expense	Anticipated costs for care attendants and auxiliary apparatus for disabled family members which enable a family member (including the disabled family member) to work.
Disabled Family	A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.
Displaced Person/Family	A person or family displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.
Domicile	The legal residence of the household head or spouse as determined in accordance with State and local law.
Drug-Related Criminal Activity	The illegal manufacture, sale, distribution, use, or the possession with intent to manufacture, sell distribute or use, of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

Drug Trafficking	The illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).
Economic Self-Sufficiency Program	Any program designed to encourage, assist, train or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as treatment for drug abuse or mental health treatment). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). Also see 24 CFR 5.603 (c).
Elderly Family	A family whose head, spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.
Elderly Household	A family whose head or spouse or whose sole member is at least 62 years of age; may include two or more elderly persons living together or one or more such persons living with another person who is determined to be essential to his/her care and wellbeing.
Elderly Person	A person who is at least 62 years old.
Eligible Family	A family is defined by the PHA in the administrative Plan, which is approved by HUD.
Evidence of Citizenship or Eligible Status	The documents which must be submitted to evidence citizenship or eligible immigration status.
Exception Rent	In the pre-merger certificate program, an initial rent (contract rent plus any utility allowance) in excess of the published FMR. Also see FMR Exception rent.
Excess Medical Expenses	Any medical expenses incurred by elderly or disabled families only in excess of 3% of Annual Income which are not reimbursable from any other source.
Extremely Low-Income Family	A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD with adjustments

	for smaller and larger families. HUD may establish income ceilings higher or lower than 30% of medical income for a family if HUD finds such variations are necessary due to unusually high or low family incomes.
Fair Housing Act	Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.)
Fair Market Rent (FMR)	The rent including the cost of utilities (except telephone) that would be required to be paid in the housing market area to obtain privately owned existing decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms) and are published in the <i>Federal Register</i> .
Family	"Family" includes but is not limited to: A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size); an elderly family; a near-elderly family; a displaced family, the remaining member of a tenant family; and A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family. "Family" can be further defined by the PHA.
Family of a Veteran or Military Service Person	A family is a "family of veteran or service person" when: The veteran or service person (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death. The veteran or service person, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.
Family Rent to Owner	In the voucher program, the portion of the rent to owner paid by the family.
Family Self-Sufficiency Program	The program established by a PHA to promote self-sufficiency of

(FSS PROGRAM)	assisted families, including the provision of supportive services.
Family Share	The amount calculated by subtracting the housing assistance payment from the gross rent.
Family Unit Size	The appropriate number of bedrooms for a family, as determined by the PHA under the PHA's subsidy standards.
FMR/Exception Rent	The fair market rent published by BUD headquarters. In the pre-merger certificate program the initial contract rent for a dwelling unit plus any utility allowance could not exceed the FMR/exception rent limit (for the dwelling unit or for the family unit size). In the voucher program the PHA adopts a payment standard schedule that is within 90% to 110% of the FMR for each bedroom size.
Foster Child Care Payment	Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.
Full-Time Student	A person who is attending school or vocational training on a fulltime basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended).
Funding Increment	Each commitment of budget authority by BUD to a PHA under the consolidated annual contributions contract for the PHA program.
Gross Rent	The sum of the Rent to Owner and the utility allowance. If there is no utility allowance, Rent to Owner equals Gross Rent.
Group Home	A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).
Head of Household	The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head or the adult member of the subsidized household for purpose of determining income eligibility and rent
Housing Agency	A state, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing. NOTE: "PHA" and "HA" mean the same thing.

Housing and Community Development Act of 1974	Act in which the U. S Housing Act of 1937 (sometimes referred to as the Act) was recodified, and which added the Section 8 Programs.
Housing Assistance Payment	The monthly assistance payment by a PHA. The total assistance payment consists of: A payment to the owner for rent to owner under the family's lease. An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a "utility reimbursement" payment.
Housing Assistance Payments Contract (HAP contract)	A written contract between a PHA and an owner in the form prescribed by HUD headquarters, in which the PHA agrees to make housing assistance payments to the owner on behalf of an eligible family.
Housing Assistance Plan	A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. (2) A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.
Housing Quality Standards (HQS)	The HUD minimum quality standards for housing assisted under the tenant-based programs. HUD. The Department of Housing and Urban Development.
HUD Requirements	HUD requirements for the Section 8 programs. HUD requirements are issued by IflJD headquarters as regulations. Federal Register notices or other binding program directives
Imputed Asset	Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.
Imputed Income	HUD passbook rate x total cash value of assets. Calculation used when assets exceed \$5,000.
Imputed Welfare Income	An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction, but is included in the family's annual income and therefore reflected in the family's rental contribution.

Income	Income from all sources of each member of the household as determined in accordance with criteria established by HUD.
Indian	Any person recognized as an Indian or Alaska native by an Indian tribe, the federal government, or any State.
Indian Housing Authority (IHA)	A housing agency established either by exercise of the power of self-government of an Indian Tribe, independent of State law, or by operation of State law providing specifically for housing authorities for Indians.
Initial PHA	In portability, the term refers to both: A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA
Initial Payment Standard	The payment standard at the beginning of the HAP contract term.
Initial Rent to Owner	The rent to owner at the beginning of the HAP contract term.
Interest Reduction Subsidies	The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.
Jurisdiction	The area in which the PHA has authority under State and local law to administer the program.
Landlord	This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner.
Lease	A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the PHA. In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the PHA.

Lease Addendum	For pre-merger Certificate, pre-merger OFTO, and pre-merger Voucher tenancies, the lease language required by HUD in the lease between the tenant and the owner.
Live-In Aide	A person who resides with an elderly person or disabled person and who is determined to be essential to the care and well-being of the person, is not obligated for the support of the person, and would not be living in the unit except to provide necessary supportive services.
Local Preference	A preference used by the PHA to select among applicant families.
Low-Income Family	A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 80% for areas with unusually high or low income families.
Manufactured Home	A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type. See 24 CFR 982.620 and 982.621.
Manufactured Home Space	In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624
Market Rent	The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.
Medical Expenses	Those total medical expenses, including medical insurance premiums that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. (A deduction for elderly or disabled families only.) These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income. MERGER DATE: October 1, 1999.
Minor	A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

Mixed Family	A family with members that are citizens or having eligible immigration status and those without citizenship or eligible immigration status as defined in 24 CFR 5.504(b)(3).
Monthly Adjusted Income	1/12 of the Annual Income after Allowances or Adjusted Income.
Monthly Income	1/12 of the Annual Income.
National	A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.
Near-Elderly Family	A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62, living with one or more live-in aides.
Net Family Assets	Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.
Non-Citizen	A person who is neither a citizen nor a national of the United States.
Over-FMR Tenancy (OFTO).	In the pre-merger Certificate Program, a tenancy for which the initial gross rent exceeds the FMR/exception rent limit.
Owner	Any persons or entity having the legal right to lease or sublease a unit to a participant.
Participant	A family that has been admitted to the PHA's program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract (a.k.a. first day of initial lease term) executed by the PHA for the family.
Payment Standard	The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).
Person With Disabilities	A person who has a disability as defined in 42 U.S.C 423 or a developmental disability as defined in 42 U.S.C. 6001. Also includes a person who is determined, under HUD regulations, to have a physical or mental impairment that is expected to be of long-continued and indefinite duration, substantially impedes the ability to live

	independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions. For purposes of reasonable accommodation and program accessibility for persons with disabilities, means an "individual with handicaps" as defined in 24 CFR 8.3. Definition does not exclude persons who have AIDS or conditions arising from AIDS, but does not include a person whose disability is based solely on drug or alcohol dependence (for low-income housing eligibility purposes).
PHA Plan	The annual plan and the 5-year plan as adopted by the PHA and approved by HUD in accordance with part 903 of this chapter.
Portability	Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial PHA.
Premises	The building or complex in which the dwelling unit is located, including common areas and grounds.
Private Space	In shared housing, the portion of a contract unit that is for the exclusive use of an assisted family.
Processing Entity	Entity responsible for making eligibility determinations and for income reexaminations. In the Section 8 Program, the "processing entity" is the "responsible entity."
Program	The Section 8 tenant-based assistance program under 24 CFR Part 982.
Program Receipts	HUD payments to the PHA under the consolidated ACC, and any other amounts received by the PHA in connection with the program.
Public Assistance	Welfare or other payments to families or individuals based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.
Public Housing Agency (PHA)	PHA includes any State, county, municipality or other governmental entity or public body which is authorized to administer the program (or an agency or instrumentality of such an entity), or any of the following: A consortia of housing agencies, each of which meets the qualifications in paragraph (1) of this definition, that HUD determines has the capacity and capability to efficiently administer the program (in which case, HUD may enter into a consolidated ACC with any legal entity authorized to act as the legal representative of the consortia members): Any other public or private non-profit entity that

	was administering a Section 8 tenant-based assistance program pursuant to a contract with the contract administrator of such program (HUD or a PHA) on October 21, 1998; or For any area outside the jurisdiction of a PHA that is administering a tenant-based program, or where HUD determines that such PHA is not administering the program effectively, a private non-profit entity or a governmental entity or public body that would otherwise lack jurisdiction to administer the program in such area.
Reasonable Rent	A rent to owner that is not more than rent charged for comparable units in the private unassisted market, and not more than the rent charged for comparable unassisted units in the premises.
Recertification	Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.
Receiving PHA	In portability: A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family.
Regular Tenancy	In the pre-merger certificate program: A tenancy other than an over-FMR tenancy
Remaining Member of Tenant Family	Person left in assisted housing after other family members have left and become unassisted.
Rent to Owner	The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.
Residency Preference	A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area.
Residency Preference Area	The specified area where families must reside to qualify for a residency preference.
Resident Assistant	A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly, handicapped, and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or wellbeing.

	A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute to a portion of his/her income or resources towards the expenses of these individuals.
Responsible Entity	For the public housing and Section 8 tenant-based assistance, project-based certificate assistance and moderate rehabilitation program, the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner. The person or entity responsible for administering the restrictions on providing assistance to non-citizens with ineligible immigration status (the PHA). SECTION 214. Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible Immigration status specified in Section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a).
Secretary of Housing	The Secretary of Housing and Urban Development. SECTION 8. Section 8 of the United States Housing Act of 1937 (42 U.S.C. 14371).
Security Deposit	A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.
Service Person	A person in the active military or naval service (including the active reserve) of the United States.
Shared Housing	A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. A special housing type.
Single Person	A person living alone or intending to live alone.
Special Admission	Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.
Special Housing Type	See Subpart M of 24 CFR 982, which states the special regulatory requirements for SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

Specified Welfare Benefit Reduction	Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.
Spouse	The husband or wife of the head of the household; referring to the marriage partner, either a husband or wife who must be divorced to dissolve the relationship. In some states, it includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads."
Subsidized Project	A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of: Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or Direct loans pursuant to Section 202 of the Housing Act of 1959; or Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974; Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency; A Public Housing Project.
Subsidy Standards	Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.
Substandard Unit	Substandard housing is defined by HUD for use as a federal preference and is further defined by the PHA.
Suspension of Tolling	Stopping the clock on the term of a family's voucher, for such period as determined by the PHA, from the time when the family submits a request for PHA approval to lease a unit, until the time when the PHA approves or denies the request. If the PHA decides to allow extensions or suspensions of the voucher term, the PHA administrative plan must

	describe how the PHA determines whether to grant extensions or suspensions, and how the PHA determines the length of any extension or suspension.
Tenancy Addendum	For the Housing Choice Voucher Program, the lease language required by HUD in the lease between the tenant and the owner.
Tenant	The person or persons (other than a live-in-aide) who execute the lease as lessee of the dwelling unit.
Tenant Rent	The amount payable monthly by the family as rent to the unit owner (Section 8 owner or PHA in public housing). For a tenancy in the pre-merger certificate program, tenant rent equals the total tenant payment minus any utility allowance.
Total Tenant Payment (TTP)	The total amount the HUD rent formula requires the tenant to pay toward gross rent and utility allowance
Unit	Residential space for the private use of a family.
Unusual Expenses	Prior to the change in the 1982 regulations, this was the term applied to the amounts paid by the family for the care of minors under 13 years of age or for the care of disabled or handicapped family household members, but only where such care was necessary to enable a family member to be gainfully employed.
Utilities	Referring to water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service and cable is not included as a utility.
Utility Allowance	If the cost of utilities (except telephone) including range and refrigerator, and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of a reasonable consumption of such utilities and other services for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthy living environment.
Utility Allowance/Reimbursement Payment	In the voucher program, the portion of the housing assistance payment which exceeds the amount of the rent to owner. In the pre-merger certificate program, the amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant

	Payment for the family occupying the unit.
Vacancy Loss Payments	(For pre-merger certificate contracts effective prior to 10/2/95) When a family vacates its unit in violation of its lease, the owner is eligible for 80% of the Contract Rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if he/she notifies the PHA as soon as he/she learns of the vacancy and makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.
Very Low Income Family	A lower-income family whose annual income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the pre-merger certificate and voucher programs.
Veteran	A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefore under conditions other than dishonorable.
Violent Criminal Activity	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.
Voucher	A document issued by a PHA to a family selected for admission to the voucher program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The voucher also states the obligations of the family under the program.
Voucher Holder	A family holding a voucher with an unexpired term (search time).
Waiting List	A list of families organized according to HUD regulations and PHA policy waiting for subsidy to become available so that the PHA can proceed with an eligibility determination.
Waiting List Admission	An admission from the PHA waiting list.
Welfare Assistance	Income assistance from Federal or State welfare programs, including assistance provided under TANF and general assistance. This does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for

	working families. For the FSS Program (984.1 03(b)) "welfare assistance" includes only cash maintenance payments from Federal or State programs designed to meet a family's ongoing basic needs, but does not include food stamps, emergency rental and utilities assistance, SSI, SSDI, or Social Security.
Welfare Rent	This concept is used only for pre-merger Certificate tenants who receive welfare assistance on an "AS-PAID" basis. It is not used for the Housing Voucher Program. If the agency does not apply a ratable reduction, this is the maximum a public assistance agency could give a family for shelter and utilities, not the amount the family is receiving at the time the certification or recertification is being processed. If the agency applies a ratable reduction, welfare rent is a percentage of the maximum the agency could allow.
Welfare-To-Work (WTW) Families	Families assisted by a PHA with voucher funding awarded to the PHA under the HUD welfare-to-work voucher program (including any renewal of such WTW funding for the same purpose).

ACRONYMS

AAF -	Annual Adjustment Factor
ACC -	Annual Contributions Contract
ADA	American with Disabilities Act
BR -	Bedroom
CDBG -	Community Development Block Grant
CFR -	Code of Federal Regulations
CPI -	Consumer Price Index.
CR -	Contract Rent
ELI -	Extremely low income

EIV -	Enterprise Income Verification
FDIC -	Federal Deposit Insurance Corporation
FHA -	Federal Housing Administration
FICA -	Federal Insurance Contributions Act
FmHA -	Farmers Home Administration
FMR -	Fair Market Rent
FSS -	Family Self-Sufficiency
FSSP -	Family Self-Sufficiency Program
FY -	Fiscal Year
FYE -	Fiscal Year End
GAO -	Government Accounting Office
GR -	Gross Rent
HA -	Housing Authority
HAP -	Housing Assistance Payment
HCDA -	Housing and Community Development Act
HCHC -	Howard County Housing Commission
HQS -	Housing Quality Standards
HCVP -	Housing Choice Voucher Programm
HUD -	The Department of Housing and Urban Development
HURRA -	Housing and Urban Rural Recovery Act
IG -	Inspector General
IGR -	Independent Group Residence

INS	The U.S. Immigration and Naturalization Service
PB -	Project Based
IPA -	Independent Public Accountant
IRA -	Individual Retirement Accountant
MSA -	Metropolitan Statistical Area
PHA -	Public Housing Authority or Agency
PMSA -	Primary Metropolitan Statistical Area
PS -	Payment Standard
QC -	Quality Control
RA -	Reasonable Accommodation
RFP -	Request for Proposal
RFTA -	Request for Tenancy Approval
SMSA -	Standard Metropolitan Statistical Area
SRO -	Single Room Occupancy
TB -	Tenant Based
TTP -	Total Tenant Payment
TP/TR -	Tenant Payment/Tenant Rent
UA -	Utility Allowance
UAP/URP -	Utility Allowance/Reimbursement Payment
VAWA -	Violence Against Women Act
VLI -	Very Low Income
WTW -	Welfare to Work

HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN CHANGES

Chapter 1 – Statement of Policies and Objectives

- P – 3, 4 & 6** Addition of gender identity to protected classes
P – 12 Revision to reflect an online landlord resource directory

Chapter 3 - Compliance, Monitoring, Recordkeeping And Reporting

- P – 16** Removal of requirement to retain waiting list correspondence once family is admitted

Chapter 4 – Program Eligibility

- P – 26 & 27** Removal of prohibition against serving single persons or families without minor children
P – 27 & 28 Clarification that Live-In Aides will not be approved for sporadic care, are not excluded from the citizenship requirement and can't be approved for persons who are "near-elderly"
P – 31 Allows release of documented information regarding tenant rental history and lease violations to potential landlords upon request

Chapter 5 – Applying for Admission

- P – 34** Allows denial of addition to waiting list for applicants exceeding 80% of median income
P – 34 Eliminates requirement to report changes in income source or amount and to report changes in marital status
P – 36 Revises notice requirement for closing of the waiting list from 3 days to 30 days

Chapter 6 – Establishing Preferences& Waiting List Maintenance

- P – 43** Relocates residency preference requirement from Chapter 9
P – 43 Clarifies that applications from families requiring "Emergency" placement will continue to be accepted during periods that the waiting list is closed unless those families are specifically prohibited from applying in the waiting list closure notice
P – 44 & 45 Eliminates Emergency placement status for victims of domestic violence and subsidized housing residents
P – 46 Clarifies priority for Homeless Vouchers to include "Long Term" homeless families that have been homeless for at least 90 days, and expands the setaside from 12 to 15 families. Establishes a lottery for Long Term Homeless families not currently on the waiting list, if the 15 setaside vouchers are not filled by waiting list families
P – 50 Corrects requirement for removal from the waiting list from failure to respond to one notice to failure to respond to two notices

Chapter 7 – Subsidy & Occupancy Standards

- P – 52 & 53** (Provisions for assignment of voucher size have been previously approved, but implementation has been delayed till 2016)

- P – 54** Reflects recent change in HUD regulations which require that utility allowance be determined by the lesser of the voucher size or the bedroom size of the subsidy unit
- P – 55** Allows for the adjustment of voucher size for an overhoused family with a 30-day notice rather than waiting for the next annual reexam

Chapter 8 – Total Tenant Payment & Family Share Determination

- P – 58** Clarification of the procedure for calculating income for families who are not employed for a full twelve months
- P – 62** Prohibition against use of subsidized address by non-household members
- P – 63** Requirement for criminal background check prior to marriage, and determination of ineligibility for entire household should the spouse not pass the criminal background check after marriage
- P – 63** Requirements for removal of spouse and requirement to file for support payments if spouse is employed
- P – 63** Limit interims for families with sporadic income and self-employment income to once quarterly
- P – 64** Defines “zero income” as income less than \$1,200.00 annually. Requires monthly income review appointments and institutes pha presentation of financial opportunities for families
- P – 64** (Minimum TTP of \$50.00 for families previously approved – implementation delayed until 2016)
- P – 67** Allows PHA to determine what constitutes “reasonable” child care expenses based on cost surveys, and allows audit of expenses when child care expenses exceed 40% of Gross Adjusted Income
- P – 68** Allows for a separate utility schedule for certain Project Based developments if actual expenses are not adequately covered by the regular schedule
- P – 69** Reflects new HUD regulation requiring the use of the lesser of the bedroom size listed on the voucher or the number of bedrooms in the assisted unit

Chapter 9 – Verification Procedures

- P – 76** Changes reflect new HUD verification hierarchy making tenant supplied documentation more preferable than third party employment verifications

Chapter 10 – Voucher Issuance And Briefings

- P – 89** Allows for cancelling of un-leased vouchers in the event of inadequate funding and re-issuance when funding becomes available
- P – 92** Removes obsolete language in reference to Pre-Merger Certificates
- P – 94** Adds additional factor for determining rights to voucher for split households

Chapter 13 – Payment Standards & Contract Rent

- P – 114** Removes obsolete language in reference to Pre-Merger Certificates
- P – 115** Provides for replacement of lost checks at landlord’s expense if the landlord opts against direct deposit
- P – 117** (95% Payment Standards for Columbia previously approved – implementation delayed until 2016)

Chapter 14 – Recertifications

- P – 123** Addition of policy making it a violation of family obligations for families to fail to address mail delivery issues that exist for a period exceeding 10 days, or to properly notify the Housing Office

that mail delivery issues exist after the expiration of the 10 day period. The Housing Office may provide an additional 20 day extension if the family provides two alternative options for being contacted.

- P – 126 & 127** Clarification of policy for removal of family members
- P – 127** Repeats policy for awarding of voucher to split households
- P – 130** Requires family to provide verification of changes at the time that the change is reported, failure to provide verification may result in a delayed effective date for reductions in income

Chapter 15 – Moves with Continued Assistance/Portability

- P – 133** Clarification that families who do not reside in Howard County when they are admitted to the program can't exercise portability during their initial year of program participation
Deleting of provision that existing families will not be allowed to move if adequate funding does not exist
- P – 134** Removal of obsolete language in reference to the Certificate Program

Chapter 17 – Denial or Termination of Assistance

- P – 146** Removes reference to termination for failure to comply with a FSS Contract
- P – 158** Removes obsolete reference to HAP Contracts prior to October 1995

Chapter 18 – Owner Disapproval and Restriction

- P – 163** Adds provision to ban owners who fail to disclose issues with a unit that threaten the health and safety of the family

Chapter 20 – Owner or Family Debts to the HCHC

- P – 172** Adds provisions for when the HCHC will not offer repayment agreements
- P – 173** Extends repayment term from a maximum of 2 years to a maximum of 3 years
- P – 174** Outlines the terms for the monthly repayment of debts

Chapter 21 – Complaints and Appeals

- P – 177** Adds Deputy Chief as a referral source for complaints
- P – 178** Removes requirement to transmit a copy of the hearing procedures at notice of termination (procedures are generally transmitted at the time that the hearing is scheduled)
- P – 179** Adds provision for persons with disabilities to request a face to face meeting in lieu of a telephone/mail review as an accommodation for their disability
- P – 185** Clarification of 24CFR 982.552(c)(2) in reference to consideration of circumstances

Chapter 26 – Project Based Vouchers

(Previously Approved)

Chapter 27 – Conversion of Public Housing to Project Based Assistance Under Rental Housing Demonstration

(Previously Approved)



PUBLIC HOUSING
ADMISSIONS AND CONTINUED OCCUPANCY POLICY

**Howard County Housing
Public Housing
Admissions and Continued Occupancy Policy**

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Appendix A - Glossary

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Appendix C – Public Housing Grievance Procedure



PUBLIC HOUSING

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

This Admissions and Continued Occupancy Policy ("ACOP") defines the policies for the operation for the Public Housing Program of the Howard County Housing Commission ("HCHC"), incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

1.0 FAIR HOUSING

It is the policy of HCHC to comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973; and the U. S. Department of Housing and Urban Development ("HUD") regulations governing Fair Housing and Equal Opportunity.

No person shall, on the grounds of race, creed, religion, disability, color, sex, national origin, age, occupation, marital status, political opinion, sexual orientation, personal appearance, familial status, or source of income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of HCHC's programs.

To further its commitment to full compliance with applicable Civil Rights laws, HCHC will make available Federal/State/local information to applicants/tenants of the Public Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the HCHC main office.

HCHC will assist any family that believes they have suffered illegal discrimination by providing copies of the appropriate housing discrimination forms. HCHC will also assist them in completing the forms if requested, and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

2.0 REASONABLE ACCOMMODATION

Reasonable accommodation is any modification or adjustment in housing programs and related services that will enable persons with disabilities to participate fully in HCHC's housing programs and related services. In accordance with the Fair Housing policy identified in Section 1.0,

reasonable accommodation assures that an individual with a disability has the same rights and privileges in housing an individual without a disability. This section clarifies how people can request accommodations and the guidelines HCHC will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, HCHC will ensure that all applicants/residents are aware of the opportunity to request reasonable accommodations.

2.1 *Requesting a Reasonable Accommodation*

Request for Reasonable Accommodation forms will be made available for applicants and tenants at the HCHC main office. All decisions granting or denying requests for reasonable accommodations will be in writing.

2.2 *Reviewing the Request*

In reviewing a request for reasonable accommodation, the following questions will be asked:

2.2.1 Is the requestor a person with a disability? For this purpose, the definition of person with disabilities is different from the definition used for admission. The Americans with Disabilities Act definition used for this purpose is:

2.2.1.1 A person with a physical or mental impairment that substantially limits one or more major life activities or has a record of such impairment.

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or already documented, HCHC will obtain verification that the person is a person with a disability once the family's name comes to the top of the waiting list.

2.2.2 Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, HCHC will obtain documentation that the requested accommodation is needed due to the disability.

2.2.3 Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation request will be evaluated on a case-by-case basis.

2.2.4 Among other criteria, HCHC may consider if the requested accommodation:

Would constitute a fundamental alteration? If the request would alter the fundamental business that the HCHC conducts, that would not be reasonable. For example, the HCHC would deny a request to have the HCHC do grocery shopping for a person with disabilities.

Would create an undue financial hardship or administrative burden? If the cost would be an undue burden, HCHC may request a meeting with the individual to investigate and consider equally effective alternatives.

- 2.2.5 Generally, the individual knows best what it is they need. However, HCHC retains the right to require proof of how the requested accommodation enables the individual to access or use the HCHC programs or services.

If more than one accommodation is equally effective in providing access to HCHC's programs and services, HCHC retains the right to select the most efficient or economic choice.

If the tenant requests as a reasonable accommodation that they be permitted to make physical modifications at their own expense, HCHC will generally approve such request if it does not violate applicable codes or affect the structural integrity of the unit.

Any request for an accommodation that would enable a tenant to materially violate essential lease terms will not be approved (i.e., allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc.).

3.0 SERVICES FOR NON-ENGLISH SPEAKING RESIDENTS AND APPLICANTS

HCHC will endeavor to have bilingual staff or access to people who speak languages other than English in order to assist non-English speaking families. HCHC will work with County offices to access translators or interpreters in many languages spoken in the County. This effort shall include access to sign language interpreter services for hearing-impaired residents and applicants. Families in need of services specified in this section are asked to make a request as much in advance as possible.

4.0 COMMUNITY OUTREACH

HCHC will publicize the availability and nature of the Public Housing Program for extremely low-income, very low and low-income families in a newspaper of general circulation, minority media, and by other suitable means.

To reach people who cannot or do not read the newspapers, HCHC will distribute fact sheets to community service organizations. HCHC will also try to utilize public service announcements. HCHC will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Public Housing Program.

5.0 PRIVACY OF APPLICANTS AND PARTICIPANTS

All adult members of both applicant and tenant households are required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement.

Any request for applicant or tenant information will not be released unless there is a signed release of information request from the applicant or tenant.

6.0 APPLYING FOR PUBLIC HOUSING - THE WAITING LIST

6.1 *Introduction*

The Waiting List is a single County-wide compilation of applications for Public Housing. There are no lists dedicated to specific units or areas within the County.

6.2 *The Application*

To be considered for admission to Public Housing, an application to be placed on the Waiting List must be completed. Applications are available at the main office of HCHC and must be submitted to the same by mail or in-person delivery.

All applications received will be processed, and applicants will be notified by letter as to the final disposition of their application. Records will be maintained of all applications that are processed.

6.3 *Admission to the Waiting List*

To be admitted to the Waiting List, an applicant must meet the following basic eligibility requirements:

- 6.3.1 Qualify as a “family” (discussed further in section 7.2); and
- 6.3.2 Have income equal to, or less than, the approved income limits, as published from time to time by HUD (discussed further in section 7.3).

NOTE: Admission to the Waiting List is only the first step and is NOT a guarantee of admission to Public Housing.

6.4 *Order of Waiting List*

The applicant families admitted to the Waiting List will be ordered by the following:

- 6.4.1 Admission preference (if applicable, see section 8.0);
- 6.4.2 Date and time of the application.

6.5 *Applicants Nearing the Top of the Waiting List*

When an applicant appears to be near the top of the Waiting List, the applicant will be invited to an interview and the verification of the applicant family's eligibility and suitability for admission to Public Housing will begin. It is at this point in time that the applicant's Waiting List preference will be verified.

6.6 *Purging of the Waiting List*

All applicants on the Waiting List should be actively seeking housing assistance. To ensure this, HCHC will update applications on an annual basis. Applicants must complete and return the forms and respond to any correspondence from HCHC within the amount of time specified in the correspondence.

6.7 *Removal from the Waiting List*

HCHC will remove an applicant from the Waiting List if the applicant:

- 6.7.1 Requests in writing that the name be removed;
- 6.7.2 Fails to notify HCHC of changes to their contact information causing returned correspondence marked by the post office as "unable to forward", "insufficient address", "undeliverable", or "addressee unknown";
- 6.7.3 Fails to respond to a written request for information or a request to declare their continued interest in the program without good cause such as a medical emergency or unforeseen event relating to a disability;
- 6.7.4 Fails to appear for their scheduled interview without good cause such as a medical emergency or unforeseen event relating to a disability; or
- 6.7.5 Fails to supply documentation necessary to determine eligibility;
- 6.7.6 Provides false information on the application; or
- 6.7.7 Rejects a Public Housing unit offer without good cause as specified in section 9.7.

6.8 *Missed Appointments*

Applicants who fail to keep a scheduled appointment with HCHC will be sent a notice of termination of the process for eligibility.

HCHC will allow the applicant to reschedule for good cause. Generally, no more than one (1) opportunity will be given to reschedule. When good cause exists for missing an appointment, such as a medical emergency or unforeseen event relating to a disability, HCHC will work with

the applicant to find a suitable time. Applicants will be offered the right to an informal review before being removed from the Waiting List.

6.9 *Notification of Negative Action*

Any applicant whose name is removed from the Waiting List will be notified by HCHC, in writing, that the applicant has 10 days from the date of the letter to present mitigating circumstances or request an informal review. The letter will also indicate that the applicant's name will be removed from the Waiting List if he/she fails to respond within the timeframe specified. This system of removing applicants from the Waiting List will not violate the rights of persons with disabilities. If an applicant claims that his/her failure to respond to a request for information or updates was caused by a disability, HCHC will verify that there is in fact a disability and that the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the Waiting List.

7.0 ELIGIBILITY AND SUITABILITY FOR ADMISSION

7.1 *Introduction*

After an applicant has reached the top of the Waiting List, HCHC will begin a verification process to determine if the applicant is eligible and suitable for admission. An applicant is eligible for admission to Public Housing if the applicant:

- 7.1.1 Qualifies as a "family" as defined in section 7.2;
- 7.1.2 Has an annual income within the income limits provided by HUD;
- 7.1.3 Has at least one (1) family member who is either a U.S. citizen or an eligible immigrant;
- 7.1.4 Provides documentation of Social Security numbers for every family member; and
- 7.1.5 Does not have a family member with a criminal history that renders him/her ineligible for admission. See section 7.6 for more information.

NOTE: To be admitted to Public Housing, eligible applicants must also meet the suitability requirements for residency in Public Housing as described in section 7.7.

7.2 *Qualification as a "family"*

According to HUD regulations [24 CFR § 5.403], a qualified "family" meets at least one (1) of the following definitions:

- 7.2.1 Family with or without children. Two (2) or more persons who are related by blood, marriage or adoption, or who are sharing residency, income and resources as a family unit and have demonstrated a stable family relationship over a period of at least 12 months.

7.2.1.1 A stable family relationship may be shown by the following:

- 7.2.1.1.1 Joint tax return;
- 7.2.1.1.2 Prior lease held jointly;
- 7.2.1.1.3 Birth certificate(s) of children demonstrating parentage;
- 7.2.1.1.4 Joint bank account statements;
- 7.2.1.1.5 Jointly-held insurance policies; or
- 7.2.1.1.6 Other documentation deemed credible by HCHC.

7.2.1.2 Inclusion of Absent and Unborn Children. Children temporarily absent from the home due to placement in foster care are considered family members. Unborn children are considered family members for purposes of determining unit size.

7.2.2 Elderly Family. A family whose head, spouse or sole member is at least 62 years of age. It may include two (2) or more persons who are at least 62 years of age living together or 1 or more persons who are at least 62 years of age living with one (1) or more live-in aides.

7.2.2.1 Live-in aide is defined as a person residing with one (1) or more elderly persons, near-elderly persons, or persons with disabilities who is determined to be essential to the care and well-being of the persons, is not obligated for the support of the persons, and would not be living in the unit except to provide the necessary supportive services.

7.2.3 Near-Elderly Family. A family whose head, spouse or sole member is at least 50 years of age but below the age of 62; or two (2) or more persons, who are at least 50 years of age but below the age of 62, living together; or one (1) or more persons, who are at least 50 years of age but below the age of 62, living with one (1) or more live-in aides.

7.2.4 Disabled Family. A family whose head, spouse or sole member is a person with disabilities. It may include two (2) or more persons who are persons with disabilities living together or one (1) or more persons with disabilities living with one (1) or more live-in aides.

7.2.5 Displaced Family. A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

7.2.6 Remaining Member of a Tenant Family. A member who was listed on the lease of a Public Housing unit, is 18 years of age or older, and is the only family member remaining in the unit.

7.2.7 A Single Person who is 18 years of age or older, who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

NOTE: Applicant families that are too small or too large to be appropriately housed in any available Public Housing unit may be denied admission to the program (See section 9.4.2 for information on occupancy standards). However, a denial based solely on an applicant family's size will not affect the applicant family's eligibility to seek assistance through the Housing Choice Voucher Program.

7.3 *Income Eligibility*

To be eligible for Public Housing, an applicant family must meet specific income requirements. Regulations formulated by HUD require HCHC to use income limits and income targeting. HUD determines the income limits for the area and makes adjustments based on family size. Income limits are published by HUD at <<http://www.huduser.org>>.

7.3.1 Income Limit: To be eligible for Public Housing, applicant family's annual income must be no greater than 80 percent of the median income for the area. See section 10 for information regarding determination of income.

7.3.2 Income Targeting: HUD regulations [24 CFR § 960.202] require that 40 percent of new admissions during any HCHC fiscal year be families with annual income that is no greater than 30 percent of the median income for the area (extremely low-income).

7.3.2.1 Exception to 40 percent requirement: HUD regulations allow an exception to the 40 percent income targeting requirement if over 75 percent of families admitted to HCHC's Housing Choice Voucher Program in the same fiscal year qualify as extremely low-income. The credit applied against the 40 percent requirement for Public Housing may not exceed the lower of:

7.3.2.1.1 10 percent of Public Housing waiting list admissions during HCHC's fiscal year; or

7.3.2.1.2 10 percent of Housing Choice Voucher Program waiting list admissions during HCHC's fiscal year.

7.4 *Citizenship and Eligible Immigration Status*

To be eligible for Public Housing, an applicant family must contain at least one (1) U.S. citizen or eligible immigrant under one (1) of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)).

7.4.1 Mixed Family. An applicant family whose members include individuals with citizenship or eligible immigrant status and those without citizenship or eligible immigrant status will qualify for pro-rated housing assistance. This family will pay a higher rent than it would if all family members were citizens or eligible immigrants. See section 11.7 for method of calculating for pro-rated assistance.

7.5 *Disclosure of Social Security Numbers*

To be eligible for Public Housing, families are required to document the Social Security numbers of all family members, or certify that an individual does not have a Social Security number. Refusal to provide a Social Security number or a certification renders an applicant ineligible for Public Housing.

7.6 *Ineligibility Due to Criminal Activity*

As required by HUD regulations, eligibility for admission will be denied for an applicant or a member of an applicant family if HCHC determines that a member of the applicant family:

- 7.6.1 Was evicted from federally assisted housing for drug related criminal activity. Such denial of admission will last for three (3) years following the date of eviction.
 - 7.6.1.1 HCHC may waive this required denial if the family can demonstrate that the person who engaged in the drug related activity has been rehabilitated or is no longer a member of the household.
- 7.6.2 Is currently engaging in the use of an illegal drug.
 - 7.6.2.1 HCHC may waive this required denial if the individual can demonstrate that he/she is no longer engaged in illegal drug use or is currently in good standing in a rehabilitation program.
- 7.6.3 Has shown a pattern of use of illegal drugs or abuse of alcohol that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- 7.6.4 Has been convicted of drug-related criminal activity for the manufacture of methamphetamine on the premises of federally assisted housing.
- 7.6.5 Is subject to a lifetime registration requirement under a State sex offender program.

7.7 *Suitability for Admission*

Applicants will be evaluated to determine whether, based on their past behavior, such behavior could reasonably be expected to result in noncompliance with the Public Housing lease. Methods for verifying such behavior may include, without limitation, reviews of credit, rental, and criminal histories. **Otherwise eligible applicants will be denied admission if they fail to meet the suitability criteria.**

In determining whether an applicant is suitable for admission to Public Housing, HCHC will consider the applicant's past behavior including without limitation:

- 7.7.1 Past performance in meeting financial obligations, especially rent;

- 7.7.2 Based on past and current housekeeping habits, the ability to maintain their housing in a decent, sanitary, and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
- 7.7.3 History of disturbing neighbors or destruction of property;
- 7.7.4 History of criminal activity by any family member involving acts of physical violence against persons or property, drug-related criminal activity, or any other criminal activity that would adversely affect the health, safety, or welfare of other residents or HCHC staff;
- 7.7.5 History of fraud in connection with any government housing assistance program;
- 7.7.6 History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents; and
- 7.7.7 Providing false information relating to eligibility, criminal history, preferences, family composition, or income on any document related to the application process for Public Housing. This behavior will also be considered as a basis to remove the applicant from the Waiting List.

Home Visits. HCHC may elect to visit the current home of the applicant. The home visit provides an opportunity for the applicant family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal activity. A determination as to whether HCHC will conduct a home visit shall be based only upon a review of the family's tenant history in accordance with this section.

7.8 *Victims of Domestic Violence*

HCHC will not deny admission to an otherwise eligible and suitable applicant on the basis that the applicant is or has been the victim of domestic violence, dating violence, or stalking.

When an applicant family member reports being a victim of domestic violence, dating violence, or stalking, HCHC may require that the member submit: (1) written certification of this status; and/or (2) evidence to corroborate the claim (police report, court record, signed statement of victim services professional, etc.).

7.9 *Denial of Admission and Right to Informal Review*

HCHC is not obligated to assist applicant families who fail to meet one (1) or more of the eligibility or suitability criteria for admission. If HCHC determines that an applicant does not meet the criteria for admission, HCHC will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may submit a written request for an informal review of the decision within 10 days of the denial.

If HCHC's determination is based on the criminal record of a family member, HCHC will provide the subject of the record and the applicant with a copy of the criminal record.

The informal review may be conducted by any person designated by HCHC, other than a person who made or approved the decision under review or subordinate of this person. The applicant must be given the opportunity to present written or oral objections to HCHC's decision. HCHC must notify the applicant in writing of the final decision within 30 days after the informal review, including a brief statement of the reasons for the final decision.

Informal Hearing for Denial of Citizen/Immigrant Status. The participant family may submit a written request that HCHC provide for an informal hearing after the family has notification of a USCIS decision on their citizenship status on appeal, or in lieu of request of appeal to the USCIS. This request must be made by the participant family within 30 days of receipt of the Notice of Denial or Termination of Assistance, or within 30 days of receipt of the USCIS appeal decision.

8.0 ADMISSIONS PREFERENCES

8.1 Introduction

HCHC gives priority to the admission of applicant families that qualify for a preference described in this section. This means that a family qualifying for one (1) or more preferences will rank higher on the Waiting List than a family which qualifies for less or no preferences regardless of the date and time of their respective applications.

This policy regarding admissions preferences is subject to the HUD policies discussed in section 9.0 regarding income targeting, deconcentration, and income mixing. This policy is also subject to HCHC's Most Beneficial Use Policy as described in section 9.4. This policy is also subject to selection preferences for developments designated exclusively for elderly or disabled families or for mixed-population developments.

8.2 Preferences

During the application process, the applicant family will have the opportunity to establish eligibility for the following preferences:

8.2.1 Residency and/or Work in Howard County. The applicant family is eligible for this preference if it can establish any of the following:

8.2.1.1 Resides in Howard County, MD;

8.2.1.1.1 The applicant may establish this preference by providing a combination of documents showing current residency (current lease, bills, bank statements, etc.).

8.2.1.2 Has a head, spouse, or sole member who works in Howard County, MD; or

8.2.1.2.1 There must be a work assignment in Howard County of at least 20 hours per week.

8.2.1.3 Has a head, spouse, or sole member who has a current offer of employment in Howard County, MD.

8.2.1.3.1 The offer must be for a work assignment in Howard County of at least 20 hours per week.

8.3 *Verification of Preferences*

HCHC reserves the right to require third-party verification of the applicant family's eligibility for a preference.

9.0 **TENANT SELECTION AND ASSIGNMENT PLAN**

9.1 *Introduction*

Applicant families who have reached the top of the County-wide Waiting List and are deemed eligible and suitable for admission to Public Housing will be offered a unit. However, offers are subject to the policies described in sections 9.2, 9.3, and 9.4. **This means that an applicant family may be offered a unit before another applicant family who has spent more time on the list.**

9.2 *Income Targeting Policy*

As discussed in section 7.3, HCHC follows, with limited exceptions, the HUD requirement that at least 40 percent of newly admitted applicants in any fiscal year be applicants whose annual income is at or below 30 percent of the area median income (extremely low-income). To ensure this requirement is met, HCHC will monitor the incomes of newly admitted applicants and the incomes of the applicants on the Waiting List. If it appears that the requirement to house extremely low-income applicants will not be met, HCHC will skip higher income applicants on the Waiting List to reach extremely low-income applicants.

If there are not enough extremely low-income applicants on the Waiting List, HCHC will conduct outreach through various public mediums (e.g., local newspapers, internet advertisement, etc.) on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

NOTE: The Income Targeting Policy applies at the time of admission only and does not relate to continued occupancy.

9.3 *Deconcentration and Income Mixing Policy*

It is the policy of HCHC to provide for deconcentration of poverty and encourage income mixing by bringing higher income applicants into lower income developments and lower income applicants into higher income developments. Toward this end, HCHC may skip applicants on the Waiting List to reach other applicants with a lower or higher income.

HCHC will affirmatively market housing to all eligible income groups. Lower income residents will not be steered toward lower income developments and higher income groups will not be steered toward higher income developments.

Subject to its annual deconcentration analysis, HCHC may offer one (1) or more incentives to encourage applicant families whose income classification would help to meet the deconcentration goals of a particular development. Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and non-discriminatory manner.

9.4 *Most Beneficial Use Policy*

It is the policy of HCHC to match available Public Housing units with applicants in manner that promotes the usefulness of the units and preserves them from under-utilization. Accordingly, HCHC may skip applicants on the Waiting List to reach other applicants who, based on individual needs and/or family size, will derive the most beneficial use from the unit.

- 9.4.1 Units Designed for Person with disabilities. When selecting an applicant for a unit with accessible features for person with disabilities, HCHC will give preference to an applicant family that includes a person with disabilities who can benefit from the unit's features. First preference will be given to existing tenants seeking a transfer and second preference will be given to applicants.

If no existing tenant or applicant needing accessible features can be found for a unit with such features, HCHC may lease the unit to an applicant not needing such features on the condition that the applicant will be required to move when a family needing the unit's accessible features is found by HCHC. The family will be required to sign a release to this extent and will be given a 30-day notice when a move is necessary.

- 9.4.2 Matching Family Size to Unit Size. Units shall be occupied by families with the appropriate size. The following guidelines will determine each family's unit size without overcrowding or over-housing:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
3	3	6
4	4	8

- 9.4.2.1 Generally, two (2) people are expected to share each bedroom.
- 9.4.2.2 Minors of the same sex will share a bedroom.
- 9.4.2.3 A single adult head of household will not be required to share a bedroom with a minor unless that is their preference.
- 9.4.2.4 Separate bedrooms should be allocated for persons of the opposite sex, different generations, and unrelated adults (other than adults who have a spousal relationship). For purposes of this section, siblings are considered to be of the same generation regardless of age.
- 9.4.2.5 Foster children will be included in determining unit size only if they will be in the unit for more than 180 days.
- 9.4.2.6 A live-in aide will generally be provided a separate bedroom. No additional bedrooms are provided for the aide's family.
- 9.4.2.7 Space may be provided for a child who is away at school but who lives with the family during school recesses.
- 9.4.2.8 Space will not be provided for a family member, other than a spouse, who will be absent for a majority of the lease term, such as a member who is away in the military.
- 9.4.2.9 In determining unit size, HCHC will count the unborn child of a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children who are temporarily away at school, or children who are temporarily in foster-care. HCHC may require verification by third party, court papers, or other such legal documentation.
- 9.4.2.10 A family may request a larger unit size than the guidelines allow. HCHC will allow the larger size unit if the family provides a verified medical need that the family be housed in a larger unit.
- 9.4.2.11 If there are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the family's own expense) to an appropriate sized unit when an eligible family needing the larger unit applies. The transferring family will be given a 30-day notice before being required to move.

9.5 *Alternative Assistance of Over- or Under-housed Families*

If a family becomes over-housed or under-housed and there are no appropriately sized Public Housing units available, HCHC may require the family to move in exchange for equivalent rental assistance provided through another HCHC program.

9.6 *Offer of a Unit*

When HCHC discovers that a unit will become available, HCHC will contact the first applicant family on the Waiting List who has the highest priority for this type of unit and whose income category would help to meet the deconcentration goal and/or the income targeting goal. If more than one (1) unit of the right size and type is available, HCHC will offer the unit that has been ready for leasing for the longest period. The family will have the option of considering and viewing the offered unit. After the opportunity to view the unit, the family will have 48 hours to accept or reject the unit.

The offer and the applicant family's decision must be documented in the tenant file. If the family rejects the offered unit, HCHC will send the family a letter documenting the offer and the rejection.

9.7 *Rejection of a Unit*

If the applicant family rejects a unit offer without good cause, the family will be removed from the Waiting List in accordance with section 6.7.

If the applicant family can show, and HCHC has verified, good cause for the rejection of a unit offer, the applicant family will not lose its place on the waiting list. "Good cause" includes the following:

- 9.7.1 Inaccessibility to source of employment or childcare such that an adult household member must quit a job or drop out of an educational institution or a job training program;
- 9.7.2 The family demonstrates to HCHC's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency;
- 9.7.3 A health professional verifies temporary hospitalization or recovery from illness of the head-of-household, other household members listed on the application, or a live-in aide necessary to care for the head-of-household;
- 9.7.4 The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit and does not want to be subject to a requirement to transfer later;
- 9.7.5 The unit has lead-based paint and the family includes children under the age of six (6);
- 9.7.6 An elderly or disabled family make the decision not to occupy or accept occupancy in designated housing [24 CFR 945.303(d)]; or

- 9.7.7 The family demonstrates to HCHC's satisfaction that it is unable to accept the unit because the family is currently leasing and residing in another dwelling unit and is unable to withdraw from that lease agreement. HCHC will consider this reason to be good cause for rejecting a unit offer for a period of one (1) year beginning from the date of the initial rejection. During this period, it will be the obligation of the family to notify HCHC when it is prepared to accept an available unit. If the family does not notify HCHC within this period, the family will be removed from the Waiting List. A family may use section 9.7.7 as the basis for good cause for rejecting a unit offer only once.

9.8 *Acceptance of a Unit*

Upon acceptance of a unit, the applicant family will be required to sign a lease and to take occupancy of the unit no later than 30 days after the date of the initial offer. If the family fails to sign the lease within the given time period, they will be removed from the Waiting List.

Lease and Occupancy Orientation. Prior to signing the lease, the applicant family head of household and all other adult family members will be required to attend the Lease and Occupancy Orientation when they are initially accepted for occupancy. The applicant family will not be housed if they have not attended the orientation. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled. Failure of an applicant to attend the orientation without good cause, such as a medical emergency or unforeseen event relating to a disability, may result in the cancellation of the occupancy process.

Certification of Receipt and Understanding. The applicant family will be provided with a copy of the lease, the grievance procedure, utility allowances, utility charges, the current schedule of routine maintenance charges, a walkthrough form, and a request for reasonable accommodation form. These documents will be explained in detail. The applicant family will sign a certification that they have received these documents and that they have reviewed them with HCHC personnel. The certification will be filed in the tenant's file.

Signing of the Lease. The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute the lease prior to admission. A copy of the executed lease will be furnished to the head of household and HCHC will retain the original executed lease in the tenant's file. A copy of the grievance procedure will be provided along with the resident's copy of the lease.

9.9 *Security Deposit*

Upon the execution of the lease, the family will pay a security deposit equal to the greater of \$100 or one month's Total Tenant Payment. Security Deposits will be kept in an interest-bearing account during the tenancy.

9.10 *Transfers*

As per section 14.2, resident transfers will take priority over Waiting List admissions.

10.0 DETERMINATION OF INCOME

10.1 Introduction

A family's rent payments and eligibility to remain in the program are based on the family's income. This section describes what factors are used to determine the family's annual and adjusted income.

10.2 Annual Income

Annual income is all amounts, monetary and nonmonetary, that go to, or on behalf of the family head or spouse (even if temporarily absent) or to any other family member or are anticipated to be received from a source outside the family in the 12 months following admission or the effective date of the annual reexamination. Annual income includes amounts derived from assets to which any member of the family has access that are not specifically excluded by Federal regulations. Annual income includes but is not limited to:

10.2.1 The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses and other compensation for personal services.

10.2.2 The net income from the operation of a business or profession.

10.2.2.1 Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income.

10.2.2.2 An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line decline, as provided in Internal Revenue Service regulations.

10.2.2.3 Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

10.2.3 Interest, dividends, and other net income of any kind from real or personal property.

10.2.3.1 Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income.

10.2.3.2 An allowance for depreciation is permitted only for straight-line depreciation.

10.2.3.3 Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family.

- 10.2.3.4 If the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current national passbook savings rate, as determined by HUD.
- 10.2.4 The full amount of periodic amount received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment other than Social Security or SSI payment.
- 10.2.5 Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded).
- 10.2.6 All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any family member. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family members' failure to comply with requirements to participate in an economic self-sufficiency program, or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.
- 10.2.7 Periodic and determinable allowances, such as alimony and child support payments, and regular contributions of gifts received from organizations or from persons not residing in the dwelling.
- 10.2.8 All regular pay, special pay, and allowances of a member of the Armed Forces. Special pay to a member exposed to hostile fire is excluded.

10.3 Exclusions from Annual Income

Annual income does not include:

- 10.3.1 Income from employment of children under the age of 18 years.
- 10.3.2 Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).
- 10.3.3 Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in section 10.2.5)
- 10.3.4 Amounts received by the family that is specifically for, or in reimbursement of, the cost of medical expenses for any family member.

- 10.3.5 Income of a live-in aide.
- 10.3.6 The full amount of student financial assistance paid directly to the student or to the education institution.
- 10.3.7 The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- 10.3.8 The amounts received from the following programs:
 - 10.3.8.1 Amounts received under training programs funded by HUD;
 - 10.3.8.2 Amounts received by a person with a disability that are disregarded for a limited time for the purposes of SSI eligibility and benefits because they are set aside for use under a Plan to Achieve Self Sufficiency (PASS);
 - 10.3.8.3 Amounts received by a participant in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
 - 10.3.8.4 Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for HCHC, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiative coordination. No resident may receive more than one such stipend during the same period of time; or
 - 10.3.8.5 Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program.
- 10.3.9 Temporary, nonrecurring, or sporadic income (including gifts).
- 10.3.10 Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
- 10.3.11 Earnings in excess of \$480 for each full-time student 18 years of age or older (excluding head of household or spouse).

10.3.12 Adoption assistance payments in excess of \$480 per adopted child.

10.3.13 The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. For the 12 months following this exclusion period, 50 percent of the incremental earnings will be excluded. These 24 months of exclusion can only happen within a 48-month period from the beginning of the first 12-month period of exclusion. This exclusion is only available to current tenant families whose annual income increases:

10.3.13.1 As a result of employment of a family member who was previously unemployed for one or more years. "Previously unemployed" includes a person who has earned in the previous 12 months no more than the equivalent of earnings for working 10 hours per week for 50 weeks at the prevailing minimum wage;

10.3.13.2 During the participation of a family member in any economic self-sufficiency program or other job training program; or

10.3.13.3 Due to new employment or increased earnings of a family member during or within six months of receiving state-funded assistance for TANF. The qualifying TANF assistance may consist of any amount of monthly income maintenance, and/or at least \$500 in such TANF benefits and services as one-time payments, wage subsidies, and transportation assistance.

10.3.14 Deferred periodic amounts from SSI and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts.

10.3.15 Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit.

10.3.16 Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.

10.3.17 Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include but are not limited to:

10.3.17.1 The value of the allotment of food stamps;

10.3.17.2 Payments to volunteers under the Domestic Volunteer Services Act of 1973;

10.3.17.3 Payments received under the Alaska Native Claims Settlement Act;

10.3.17.4 Income from submarginal land of the U.S. that is held for certain Indian tribes;

- 10.3.17.5 Payments or allowances made under HHS's Low-Income Home Energy Assistance Program;
- 10.3.17.6 Payments received under programs funded in whole or in part under the Job Training Partnership Act;
- 10.3.17.7 Income from the disposition of funds of the Grand River Band of Ottawa Indians;
- 10.3.17.8 The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims, or from funds held in trust for an Indian Tribe by the Secretary of Interior;
- 10.3.17.9 Amount of scholarships awarded under Title IV of the Higher Education Act of 1969, including Work Study;
- 10.3.17.10 Payments received under the Older Americans Act of 1965;
- 10.3.17.11 Payments from Agent Orange Settlement;
- 10.3.17.12 Payments received under the Maine Indian Claims Act;
- 10.3.17.13 The value of child care under the Child Care and Development Block Grant Act of 1990;
- 10.3.17.14 Earned income tax credit refund payments;
- 10.3.17.15 Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;
- 10.3.17.16 Payments and allowances to AmeriCorps participants under the National and Community Service Act of 1990;
- 10.3.17.17 Payments and allowances to individuals participating in programs under the Workforce Investment Act of 1998; and
- 10.3.17.18 Any amount of crime victim compensation under the Victims of Crime Act because of the commission of a crime against the applicant.

10.4 *Adjusted Income*

Adjusted Income is Annual Income less any of the applicable deductions listed below:

- 10.4.1 Dependant Deduction. \$480 for each dependant who is under 18 years of age, a person with disabilities, or is a full-time student. This deduction does not apply to foster children or adults.
- 10.4.2 Elderly or Disabled Family Deduction. \$400 for a family that qualifies as elderly or disabled (See section 7.2 for definitions).
- 10.4.3 Unreimbursed Medical/Unusual Expenses. The sum of the following, to the extent the sum exceeds 3 percent of annual income:
 - 10.4.3.1 Unreimbursed medical/unusual expenses of any elderly family or disabled family; and
 - 10.4.3.2 Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
- 10.4.4 Reasonable Childcare Expenses Deduction. The unreimbursed amounts anticipated to be paid by the family for the care of children less than 13 years of age during the period for which annual income is computed. Such amounts are deductible from annual income only when the care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education. The amount deducted must reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted may not exceed the amount of employment income included in annual income of the household member who is enabled to work as a result of the childcare services.

HCHC will determine the reasonableness of claimed childcare expenses by surveying the cost of childcare in the local area. The survey will gather information on the cost per hour or per day per child, when daily care is needed (before school, all day, after school), whether care is available all year round, and any age limits imposed by the provider. Monthly costs will then be estimated and used computing a cap to the annual amount of the deduction.

11.0 RENT DETERMINATION AND COLLECTION

11.1 *Introduction*

HCHC will base a tenant's rent on Total Tenant Payment (TTP). TTP can be determined under income-based or as flat rent formulas. TTP is subject to an allowance for utility costs paid by the tenant.

11.2 *Choice of Rent Type – Income-Based or Flat Rent*

At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the income-based method or having their rent set at the flat rent amount.

11.3 *Income-Based Rent*

Income-based rent is equal to the highest of:

- 11.3.1 10 percent of monthly income;
- 11.3.2 30 percent of adjusted monthly income; or
- 11.3.3 The family's Welfare Rent - The amount of the welfare benefit specifically designated by the public welfare agency for shelter and utilities.

11.4 *Flat Rent*

The flat rent is equal to the market-rate rental price of the unit. In determining a flat rent, HCHC considers the size and type of the unit, as well as its condition, amenities, services, and neighborhood. The amount of the flat rent will be reevaluated annually and adjustments will be applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family.

- 11.4.1 Reexamination. Families who opt for the flat rent will be required to go through the income reexamination process at least once every three (3) years. However, the family composition will be reviewed on an annual basis.
- 11.4.2 Switch to Income-Based Rent. At any time, a family who opts for the flat rent may request to have a special reexamination and switch to the income-based method only if the family can show:
 - 11.4.2.1 The family's income has decreased;
 - 11.4.2.2 The family's circumstances have changed increasing their expenses for child care, medical care, etc; or

- 11.4.2.3 Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

11.5 *Minimum Rent*

HCHC has set a minimum rent of \$0.

11.6 *Utility Allowance for Income-Based Renters*

If the tenant resides in a development where HCHC does not supply electricity, natural gas, heating fuel, cooking range, or refrigerator, HCHC will establish a utility allowance, appropriate for the size and type of dwelling unit for utilities paid by the tenant directly to the utility supplier. The TTP less the allowance for utilities equals the tenant's rent. If the allowance exceeds the TTP, HCHC will pay a utility reimbursement to the utility supplier for the tenant each month.

HCHC may change the utility allowance at any time during the term of the lease, and will give the tenant 30 days written notice of the revised allowance along with any resulting changes in the tenant's rent or utility reimbursement.

HCHC will not pay any utility reimbursement for tenants paying a flat rent.

11.7 *Special Rent Calculation for Families with Ineligible Non-Citizens*

As described in section 7.4.1, an eligible family that has one (1) or more ineligible non-citizens (mixed family) will have their rent calculated according to the following guidelines:

- 11.7.1 Determine the 95th percentile of gross rents (tenant rent plus utility allowance) for HCHC. The 95th percentile is called the maximum rent.
- 11.7.2 Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.
- 11.7.3 Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.
- 11.7.4 Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount, subtract the full utility allowance to obtain the prorated tenant rent.

11.8 Rent Collection Policy

Rent is due in advance on the *first (1st)* day of each month and the following procedures will be used in collection of rent:

- 11.8.1 Method of Payment. Payments must be made in the form of personal check, money order, or cashier's check. Payments must be made payable to Howard County Housing Commission and mailed to:

Howard County Housing Commission
P.O. Box 37138
Baltimore, MD 21297-3138

- 11.8.2 Consequences of Late Payment. The consequences of late payment are as follows:

- 11.8.2.1 Late Charge. If a tenant has not made payment by the *sixth (6th)* of the month, the tenant will be charged a late charge of 5 percent of the current month's rent balance. The late charge shall become due and collectible 14 days after HCHC provides the tenant with written notice of the charge [24 CFR 966.4(b)(3)&(4)].
- 11.8.2.2 Returned Check Fee. Checks returned by the tenant's bank for any reason are subject to a Returned Check Fee of \$35. This fee will be in addition to any applicable late charge.
- 11.8.2.3 Recover Possession. If payment has not been received by the *sixth (6th)* day of the month, on the *eleventh (11th)* day HCHC will proceed under Maryland law to recover possession, pursuant to the lease agreement and the law relating to the rights and duties of landlords and tenants. A *Failure to Pay Rent Notice* will be sent to the tenant.
- 11.8.2.4 Method to Settle Account. After a *Failure to Pay Rent Notice* has been sent to a tenant, the tenant will no longer be permitted to make payment by a personal check. The tenant may settle the account by providing payment in the form of a cashier's check or money order to the Gateway office of HCHC no later than two (2) days before the scheduled court date.
- 11.8.2.5 Eviction for Judgments. If a tenant is served with four or more judgments for failure to pay rent in any 12-month period, the tenant will receive *No Right of Redemption* and HCHC will begin eviction proceedings.

11.9 Repayment Agreements

When a family owes HCHC a debt in connection with the tenancy, the HCHC may permit the family to enter into a Repayment Agreement with HCHC. While HCHC has the sole discretion of whether to permit a Repayment Agreement, such discretion will be used on a non-discriminatory basis that complies with section 1.0. All Repayment Agreements must be in writing, signed by all parties, and assure that the full payment is made within a period not to exceed 36 months. Compliance with Repayment Agreements will be reviewed at the family's annual recertifications.

11.9.1 HCHC Discretion to Enter an Agreement. At HCHC's discretion, HCHC may choose not to enter into a Repayment Agreement in the following circumstances:

- 11.9.1.1 If the family already has a Repayment Agreement in place;
- 11.9.1.2 If HCHC determines that the family committed program fraud; or
- 11.9.1.3 If the family's right of redemption has been foreclosed by court action as specified in section 11.8.2.5.

11.9.2 Required Provisions. A Repayment Agreement established under this section must contain the following provisions:

- 11.9.2.1 Reference to the Public Housing Lease provision(s) whereby the family is in non-compliance and may be subject to termination of tenancy;
- 11.9.2.2 The monthly repayment amount is in addition to the family's regular rent contribution and is payable to HCHC;
- 11.9.2.3 The terms of the agreement may be re-negotiated if there is a decrease or increase in the family's income;
- 11.9.2.4 Late and/or missed payments constitute default of the Repayment Agreement and may result in termination of tenancy. HCHC will, at its discretion, report noncompliance to credit bureaus; and
- 11.9.2.5 Monthly payments will be equal to the greater of \$50 or seven (7) percent of the family's gross adjusted monthly income. Payments will be due and payable on the first (1st) day of the month and will be considered to be in arrears if payment is not received by HCHC on the sixth (6th) day of the month.

11.9.3 Repayment Options. The family will have the option to repay the debt balance in:

- 11.9.3.1 A lump sum payment;
- 11.9.3.2 Monthly installments; or
- 11.9.3.3 A combination of a lump sum payment and monthly installments.

12.0 RECERTIFICATIONS

12.1 *Introduction*

At least annually, HCHC will conduct a reexamination of family income and/or circumstances. The results of the reexamination determine: (1) the rent the family will pay, and (2) whether the family is housed in the correct unit size. The results of the reexamination process may lead to changes in the amount of rent due and/or a requirement that the family move to an appropriately sized unit based on changes in family size.

HCHC will send a notification letter to the tenant family letting them know that it is time for their annual reexamination. The format of the recertification process will be based on whether the family pays an income-based rent or a flat rent.

12.2 *Recertification Process for Tenants Paying Income-Based Rent*

The tenant family paying an income-based rent will receive an annual letter scheduling a recertification interview. During the interview, the family will provide all information regarding income, assets, expenses, and other information necessary to determine the family's share of rent.

The family will sign consent forms that will be mailed to the sources that will verify the information provided by the family. Upon receipt of verification, HCHC will determine the family's annual income and will calculate their income-based rent.

12.3 *Recertification Process for Tenants Paying Flat Rent*

Families who opt for the flat rent will be required to go through the income reexamination process at least once every three (3) years. However, family composition will be reexamined on an annual basis.

12.3.1 Process Between Income Reexaminations. During the interim years between required income reexaminations for families paying flat rent, the family will receive an annual letter which will state the following:

12.3.1.1 A form to be completed and signed by all adult family members declaring all current members of the household and any changes to the family's composition;

12.3.1.2 The amount of the flat rent for the unit in which the family resides;

12.3.1.3 The dates upon which HCHC expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.

- 12.3.1.4 The family has the option to chose between flat rent and income-based rent for the following year and should schedule a recertification interview if they prefer to switch to income-based rent;
- 12.3.1.5 An explanation of income-based rent including the types of income counted, the types of income excluded, and the categories allowances that can be deducted from income;
- 12.3.1.6 Families who opt for the flat rent will be required to go through the income reexamination process at least once every three years, rather than the annual review they otherwise would undergo;
- 12.3.1.7 The family may file a request to switch to income-based rent at *any time* if can show that it meets the criteria described in section 11.4.

12.4 *Effective Date of Rent Changes due to Annual Reexamination*

The new rent will generally be effective upon the anniversary date with 30 days notice of any rent increase to the family.

- 12.4.1 Effect of Delays in Rent Determination. If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective on the first of the month after the month in which the family receives a 30-day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

12.5 *Interim Reexaminations*

Interim reexaminations are designed for tenant families who have changes in household income or composition between regularly scheduled reexaminations.

- 12.5.1 Required Reporting of Changes. The family must report the following changes to HCHC in writing:
 - 12.5.1.1 Any increase in the family's income amounting to at least an additional \$2,400 per year or \$200 per month. The increase must reported by the end of the month in which it occurs.
 - 12.5.1.2 The addition of a household member through birth, adoption, or court-awarded custody. The addition must be reported within 2 weeks of its occurrence.

12.5.1.3 The removal of a household member from the unit. The removal must be reported within two (2) weeks of its occurrence.

12.5.2 Permissive Reporting of Changes. Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, HCHC will take timely action to process the interim reexamination and recalculate the tenant's rent.

12.5.3 Request to Add Household Member. In order to add a household member other than through birth, adoption, or court-awarded custody, the family must request that the individual be added to the lease.

To be added to the lease, the individual must complete an application form stating his/her income, assets, and all other information required of an applicant. The individual must provide documentation of his/her Social Security number and must verify his/her citizenship/eligible immigrant status.

Generally, additions to the household will be granted only if the proposed addition is: (1) a critically ill parent or adult child; or (2) a proposed spouse or significant other. The individual will go through the screening process used to determine eligibility and suitability of applicants as discussed in section 7.0. The approval of the addition of the individual will also be subject to HCHC occupancy standards provided in section 9.4.

If the proposed addition is found to be eligible and suitable, his/her name will be added to the lease. If the family is paying an income-based rent, the family's annual income will be recalculated taking into account the circumstances of the new family member.

If the individual is found to be ineligible or not suitable, he/she will be advised in writing and given the opportunity for an informal review.

12.6 *Special Reexaminations*

If a family's income is too unstable to predict for one (1) year, including families who report having no income or have a temporary decrease in income, HCHC may schedule special reexaminations every 30 days until the family's income stabilizes and an annual income can be determined.

12.7 *Effective Date of Rent Changes due to Interim or Special Reexamination*

The new rent will generally be effective on the first day of the second month after the month in which notice of the new rent amount is sent to the family.

12.7.1 Effect of Delays in Rent Determination. If the new rent is an increase and the family caused the delay, the increase will be effective on the date it would have been

effective had the process not been delayed (even if this means a retroactive increase). If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the reduction will be effective on the first of the month following the determination of the new rent amount.

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month following the date on which the interim reexamination should have been completed. If the new rent is an increase, any delay that is beyond the control of the family will not affect the date on which the increase will become effective.

13.0 INSPECTIONS

13.1 Introduction

HCHC will inspect Public Housing units to ensure their proper maintenance and livability. This section describes the different types of inspections that HCHC will/may conduct during the term of the lease.

13.2 Move-in Inspections

HCHC and an adult member of the family will inspect the unit prior to signing the lease. Both parties will sign a written statement of the condition of the unit, indicating any items that require maintenance. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file.

13.3 Annual Inspections

HCHC will inspect each Public Housing unit annually to ensure that each unit meets HCHC housing standards. Work orders will be submitted and completed to correct any deficiencies.

13.3.1 Preventive Maintenance Inspection. This is generally conducted along with the annual inspection. This inspection is intended to keep items in good repair and provides an opportunity for minor servicing that extends the life of the unit and its equipment. It checks weatherization, checks the condition of the smoke detectors, water heaters, furnaces, automatic thermostats and water temperatures, and checks for leaks.

13.3.2 Housekeeping Inspection. This is generally conducted along with the annual inspection. HCHC will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.

13.4 Special Inspections

Special inspections may be requested by the tenant at any time to make HCHC aware of a problem with the unit. In addition, a special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by HCHC.

13.5 Notice of Inspection

HCHC will give the tenant at least 48 hours written notice that HCHC intends to enter the unit. This notice requirement will not apply to the following situations:

13.5.1 If the entry is at the request of a tenant-generated maintenance work order.

13.5.2 If the entry is due to reasonable cause to believe that an emergency exists.

13.6 Emergency Inspections

If any employee and/or agent of HCHC has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person who enters the unit will leave a written notice to the tenant that indicates the date, time, and purpose of the entry.

13.7 Move-out Inspections

HCHC conducts the move-out inspection within five (5) days before or five (5) days after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. The tenant is notified of the inspection and is permitted to be present, unless the tenant vacates the unit without prior notice to HCHC. This inspection becomes the basis for any claims that may be assessed against the security deposit.

14.0 UNIT TRANSFERS

14.1 Introduction

HCHC may transfer a family to another unit on its own motion or at the request of the tenant.

Objectives of the Unit Transfers policy include addressing emergency situations, avoiding overcrowding and over-housing, facilitating modernization or other management objectives, and promoting HCHC's goal of maintaining mixed-income communities.

The Unit Transfers policy is to be used as a guide to ensure fair and impartial means of assigning units for transfers. It is not intended that this policy will create a property right or any other type of right for a tenant to transfer or refuse to transfer.

14.2 *Categories of Transfers*

Transfer requests will be sorted by the following categories and within each category by date and time. Category 1 transfers will receive the highest priority, while Category 2 transfers will receive priority over Category 3 transfers. Transfers for tenants will receive priority over Waiting List admissions.

- 14.2.1 Category 1: Administrative Transfers. These transfers are necessary to enable modernization work to proceed, to solve a serious problem, or to move a tenant family out of a unit with accessible features in order to allow a family with a disabled member in need of those features to occupy the unit (see section 9.4.1). These transfers may be requested by the tenant or required by HCHC.
- 14.2.2 Category 2: Reasonable Accommodations. These transfers are necessary in order to permit a family with a disabled member in need of accessible features to move into a unit with such features. These transfers may be requested by a tenant family that is in need of a unit with accessible features.
- 14.2.3 Category 3: Occupancy Transfers. These transfers are necessary when a family's household size has changed and the family is now too large or small for the unit. These transfers may be requested by the tenant or required by HCHC.

14.3 *Verification of Need*

When a family files a request for a transfer, the family may be required to provide third-party verification of the need of the requested transfer.

14.4 *Eligibility: Tenants in Good Standing*

A family's request for a transfer will not be approved unless the family is in good standing with HCHC. This means the family must comply with their lease, current in all payments to HCHC and tenant-paid utilities, and must pass a housekeeping inspection.

14.5 *Processing Tenant-Requested Transfers*

A tenant may request a transfer at any time by completing a transfer request form. HCHC will review the request in a timely manner. In considering the request, HCHC may request a meeting with the tenant to better understand the need for transfer and to explore possible alternatives.

HCHC will grant or deny the transfer request in writing within 30 days of receiving the request or holding the meeting, whichever is later.

If the transfer is approved, the family's name will be added to the transfer waiting list. If the transfer is denied, the denial letter will advise the family of their right to a hearing under the grievance procedure.

14.6 *Acceptance or Rejection of an Offered Unit*

14.6.1 Acceptance of Unit. Upon offer and acceptance of a unit, the family will execute all necessary lease documents and pay any rent and/or security deposit within 2 days of being informed the unit is ready to rent. The family will be allowed 7 days to complete a transfer. The family will be responsible for paying rent at the former unit as well as the new unit for any period of time they have possession of both.

14.6.2 Rejection of Unit

14.6.2.1 Tenant-Requested. If a tenant requests a transfer and refuses an offered unit without good cause, the tenant will be removed from the transfer waiting list.

14.6.2.2 HCHC-Required. If HCHC requires that a tenant be transferred for health and/or safety issues related to defects, modernization or maintenance work, to solve a serious problem, or to comply with occupancy standards and the tenant refuses an offered unit without good cause, HCHC may terminate the tenant from the program.

14.7 *Costs of Transfer*

Generally, the family will bear the cost of the transfer. HCHC will bear the cost of transfer only if:

14.7.1 The transfer is needed in order to carry out rehabilitation activities;

14.7.2 The action or inaction by HCHC has caused the unit to be unsafe or inhabitable; or

14.7.3 The transfer is required by HCHC to allow a family with a disabled member to move into an accessible unit as a reasonable accommodation (the family without a disabled member in need of the accessible unit will transfer out of the unit pursuant to a signed agreement to this effect, see section 9.4.1.)

15.0 **COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENT**

15.1 *Introduction*

To eligible for continued occupancy in Public Housing, every adult family member must:

15.1.1 Contribute 8 hours per month of community service (not including paid employment or political activities);

15.1.2 Participate in an economic self-sufficiency program for 8 hours per month; or

- 15.1.3 Perform 8 hours per month of combined community service and self-sufficiency activities.

The community service and self-sufficiency requirement becomes effective on the first day of the month following the date of HCHC's written notification informing the family member of his or her obligation to participate in the requirement.

15.2 *Exempt Individuals*

The community service and self-sufficiency requirement will not be applicable to a family member who meets at least one of the following requirements:

- 15.2.1 Is 62 years or older.
- 15.2.2 Is a blind or disabled individual, and who certifies that because of this disability he/she is unable to comply with the community service and self-sufficiency requirement.
- 15.2.3 Is a primary caretaker of an individual to whom paragraph 15.2.2 of this section is applicable.
- 15.2.4 Is engaged in work activities for at least 30 hours per week.
- 15.2.5 Is a member of a family receiving assistance, benefits or services under a State program funded under part A of title IV of the Social Security Act or under any other State welfare program, including Temporary Cash Assistance, and is in compliance with such program.
- 15.2.6 Is an individual who meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act or under any other State welfare program, including Temporary Cash Assistance. This includes an individual who meets at least 1 of the following requirements:
 - 15.2.6.1 Is required to care for a household member who is under the age of 1 year old. A person may be exempt under this paragraph for a maximum of 1 year in his/her lifetime.
 - 15.2.6.2 Is a victim of domestic or family violence and is actively receiving family violence services.
 - 15.2.6.3 Is a non-parent caretaker relative who has no children of his/her own in the unit.

Verification of Exempt Status. HCHC will require third party verification of eligibility before exempt status is granted. Such verification may require certified letters, records, and other documents. HCHC will require renewed verification of exempt status on an annual basis.

Grievance Procedure. A family member may dispute HCHC's determination that he/she is not eligible for exempt status through the grievance procedure.

Duty to Report Change in Status. After the reason(s) for a family member's exempt status no longer exist(s), the family member must report to HCHC that he/she is no longer eligible for exempt status. Failure to do so may constitute noncompliance with the requirement.

15.3 Notice of the Requirement and Opportunities

Procedures that will be used to notify families of obligations under the requirement and provide information to assist in the successful completion of the requirement are as follows:

15.3.1 Notice of the Requirement. HCHC will provide the household with written notice of the following:

15.3.1.1 A description of the requirement;

15.3.1.2 HCHC's identification of family members who are obligated to participate in the requirement and those members who are exempt from the requirement; and

15.3.1.3 The process for claiming status as an exempt household member. HCHC shall verify such claims.

15.3.2 List of Opportunities and Time Sheet. Upon notifying a family member of his/her obligation to participate in the requirement, HCHC shall provide the family member with:

15.3.2.1 A list of volunteer opportunities developed by HCHC in coordination with social service agencies and other community organizations;

15.3.2.2 Information that will assist the household member in seeking and obtaining suitable volunteer opportunities; and

15.3.2.3 A time sheet that the family member must use to log community service and/or self-sufficiency hours. The family member must have his/her supervisor or instructor date and sign each log entry.

15.4 *Verification of Compliance*

HCHC will monitor compliance with this requirement and take corrective measures in cases of noncompliance throughout the term of the lease.

15.4.1 Submission of Time Sheet. Participants must submit a completed time sheet to his/her caseworker by the end of each month. Each entry of the time sheet must be signed by the family member's supervisor or instructor. The participant must sign every time sheet that he/she submits.

15.4.2 Annual Verification of Compliance. At least 30 days prior to the end of the family's 12-month lease, HCHC shall verify the family's compliance with the requirement. Such verification may include a review of service records, verification from service organizations, verification from educational institutions, and any other method of verification HCHC deems relevant and necessary.

15.5 *Noncompliance with the Requirement*

If HCHC determines that a family member who is obligated to fulfill the requirement has failed to do so, HCHC shall send a written notice of noncompliance to the family. The written notice will include the following:

15.5.1 A brief description of the noncompliance, including the names of the culpable family member(s).

15.5.2 A statement that HCHC will not renew the family's lease unless:

15.5.2.1 The tenant, and any other noncompliant family member(s), enter into a written agreement in accordance with section 15.6; or

15.5.2.2 The family provides written assurance satisfactory to HCHC that the noncompliant household member(s) no longer reside(s) in the unit.

15.5.3 A statement that HCHC's determination of noncompliance is subject to the grievance procedure.

15.6 *Written Agreement to Cure*

Family members found to be in noncompliance with the requirement will be offered the opportunity to enter into a written agreement to cure the noncompliance. The agreement will state the following.

15.6.1 The noncompliant family member agrees to enter into an economic self-sufficiency program or contribute to community service for as many hours as needed to comply with the requirement over the past 12-month period.

15.6.2 The cure will occur over the 12-month period beginning with the date of the agreement and the family member must also stay current with the requirement for the upcoming year.

15.6.3 All earned hours will go toward completion of the current commitment until it is fulfilled.

15.6.4 If the family member falls behind in his/her obligation under the requirement by more than 3 hours after 3 months, HCHC will take action to terminate the lease.

16.0 PET POLICY

16.1 *Introduction*

HCHC has established this policy with regard to pet ownership by residents of its Public Housing communities. Pets are only allowed on HCHC property in full compliance with this policy. Violation of HCHC's pet policy will be grounds for termination of the lease.

16.2 *Exclusion of Assistive Animals*

This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals are allowed in all Public Housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors.

16.3 *Types of Pets Allowed and Restrictions*

HCHC permits only domesticated dogs, cats, birds, and fish in aquariums on Public Housing properties. Such permission is subject to the following restrictions:

16.3.1 Each unit may have no more than one dog, cat, cage, or aquarium.

16.3.2 No vicious or intimidating pets will be permitted. Breeds of dogs specifically prohibited under this policy are Pit Bulls and Rottweilers.

16.3.3 No pet weighing more than 20 pounds will be permitted.

16.3.4 No aquarium may exceed 10 gallons in capacity.

16.3.5 All dogs or cats must be spayed or neutered. Exceptions may be granted only upon medical certification that permanent harm may result from this procedure.

16.3.6 All cats must be declawed.

16.4 *Registration of Pet*

All pets must be registered with HCHC before being brought to reside in the development. The registration must include:

- 16.4.1 Proof of Current License. Every dog and cat must have a Howard County animal license, a valid rabies tag, and must wear a tag bearing the owner's name, address, and telephone number.
- 16.4.2 Proof of Inoculations. A certificate signed by a licensed veterinarian or a state or local authority empowered to inoculate animals certifying that the pet has received all inoculations required by applicable state and local law.
- 16.4.3 Proof of Spaying or Neutering. Documentation proving that the pet has been spayed or neutered. This requirement only applies to dogs and cats.
- 16.4.4 Proof of Declawing for cats. Documentation proving that the pet cat has been declawed.
- 16.4.5 Emergency Contact Information. A notarized statement providing the name(s) and contact information for the person(s) accepting responsibility for the care of the pet in case of owner's illness, hospitalization, or other emergencies when the owner is absent.
- 16.4.6 Photograph. A 3x5 color photograph of each pet is required and will be retained by HCHC.

16.5 *Reexamination*

Every pet must be re-registered annually at the time of the family's reexamination. Re-registration requires the following:

- 16.5.1 Proof of current license;
- 16.5.2 Proof of inoculations received in the previous year; and
- 16.5.3 Recent 3x5 color photograph.

16.6 *Pet Fees and Costs*

Approval of a pet under this policy is subject to the following fees and payments:

- 16.6.1 Pet Fee. The family shall pay a non-refundable Pet Fee of \$300 for a dog and \$150 for a cat. This fee shall be due and payable upon registration of the pet with HCHC.
- 16.6.2 Costs to Repair Damages. The family is responsible for all damages caused by their pets to persons or property. In addition, any pet-related insect infestation in the

family's unit will be the financial responsibility of the family and HCHC reserves the right to exterminate and charge the family.

16.7 *Family's Obligations*

Approval of a pet under this policy is subject to the following obligations of the family:

- 16.7.1 Compliance with Laws. The family is responsible for complying with all local, state and federal laws and regulations governing the possession of the pet.
- 16.7.2 Leashes/Pet Carriers. All dogs and cats must be on a leash or in a pet carrier and under full control by the family anytime they are outside the family's unit. A leash must not be longer than 4 feet. Pets are not allowed on elevators unless no one on the elevator objects to their presence. Individuals without pets shall always have priority use of the elevator.
- 16.7.3 Flea Collars/Treatment. All fur-bearing pets must wear flea collars at all times or provide proof that the pet has had preventive flea treatment on a regular basis as recommended by a veterinarian.
- 16.7.4 Pet Stickers. The family must display a pet sticker, provided by HCHC, on the entry door of the family's unit, and on the collar of the pet in a readily visible location.
- 16.7.5 No Unattended Pets. The pet must not be tied-up on the outdoors or left unattended at any time on HCHC property.
- 16.7.6 No Dog Houses or Enclosures. Dog houses will not be allowed on HCHC property. The family cannot alter a unit to create an enclosure for a pet.
- 16.7.7 Pet-free Areas. Except when leaving or entering the building, pets will not be allowed in the lobbies, community rooms, laundry rooms, basements, and day care centers.
- 16.7.8 No Interference with HCHC Staff/Operations. The family must not allow the pet to interfere with HCHC staff responsibilities or operations and must take adequate precautions to prevent such interference.
- 16.7.9 Removing Animal Waste. Except for a cat using a litter box, the family must not allow the dog or cat to excrete anywhere in the building. The family must immediately remove feces dropped anywhere on HCHC property.
 - 16.7.9.1 Pet waste must not be placed in trash chutes or in toilets.
 - 16.7.9.2 Waste must be placed in a sealed bag, tied securely, and deposited in a trash receptacle.

16.7.9.3 Families who own a cat must keep a litter box in their unit and must clean the litter box on a daily basis.

16.7.10 Maintenance of Sanitary Conditions. The family must take adequate precautions to ensure that the pet and its living quarters are at all times maintained in a manner to prevent odors and any other unsanitary conditions in the family's unit and surrounding areas.

16.8 *Removal for Nuisance or Threat to Health or Safety*

HCHC, or an appropriate community authority, shall require the removal of any pet from a project if the pet's conduct or condition is determined to be a nuisance or threat to the health or safety of other occupants of the project or of other persons in the community where the project is located.

Repeated substantiated complaints by neighbors or HCHC personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance will result in the family having to remove the pet.

17.0 TERMINATION

17.1 *Introduction*

The lease may be terminated by either the tenant or HCHC.

17.2 *Termination by Tenant*

The tenant may terminate the lease at any time upon submitting a 30-day written notice to HCHC. If the tenant vacates prior to the end of the 30 days, he/she will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

17.3 *Termination by HCHC*

HCHC will terminate the lease for serious or repeated violations of material lease terms. Examples of such serious or repeated violations of terms which will be described more specifically in the tenant's lease include but are not limited to:

17.3.1 Failure to pay rent or other charges when due.

17.3.2 Repeated late payment, which shall be defined as failure to pay the amount of rent or other charges due by the sixth (6th) day of the month.

17.3.3 Failure to allow inspection of the unit.

17.3.4 Failure to maintain the unit in a safe and sanitary manner.

- 17.3.5 Assignment or subletting of the premises.
- 17.3.6 Permitting persons not on the lease to reside in the unit more than 14 consecutive days or for 30 days in any 12-month period without the prior written approval of HCHC.
- 17.3.7 Threats or physical violence against HCHC staff.
- 17.3.8 Criminal activity by the tenant, household member, guest, or other person under Tenant's control, including criminal activity that threatens the health, safety, or right to peaceful enjoyment of the Public Housing unit and its immediate vicinity by other residents.
- 17.3.9 Any violent or drug-related criminal activity on or off the Public Housing premises.
- 17.3.10 Offensive weapons or illegal drugs seized in a Public Housing unit by law enforcement officers.
- 17.3.11 Criminal activity that subjects a family member to a state sex offender registration requirement.
- 17.3.12 Criminal activity that results in the felony conviction of a family member.
- 17.3.13 Serious or repeated damage to the dwelling unit, creation of physical hazards in the unit, common areas, grounds, or parking areas of any HCHC community.
- 17.3.14 Any fire on Public Housing premises caused by carelessness, failure to supervise children or unattended cooking.
- 17.3.15 Failure to pay utility bills when the tenant is responsible for paying such bills directly to the supplier of utilities.
- 17.3.16 Misrepresentation of household income, assets, or composition.
- 17.3.17 Failure to supply, in a timely fashion, any certification, release, information, or documentation of household income or composition needed to process annual reexaminations or interim redeterminations.
- 17.3.18 Noncompliance with an Agreement to Cure violations of the Community Service and Self-Sufficiency Requirement described in section 15.6.
- 17.3.19 Repeated minor violations of the lease which disrupt the livability of the building, affect the health or safety of any person, abridge the right of any tenant to quiet enjoyment of the leased premises and related facilities, interfere with the management of the building, or have an adverse financial effect on the building.

17.3.20 Failing to provide written notice to HCHC that the family will be absent from the unit for a period of more than 21 consecutive days. Written notice must include when the absence will begin, when it will end, and where the family will stay during the absence.

17.3.21 Absence from the unit for a period of 60 consecutive days.

17.3.22 Noncompliance with the Pet Policy discussed in section 16.

17.3.23 Failure to comply with a Repayment Agreement entered into under Section 11.9.

17.4 *Victims of Domestic Violence*

Domestic violence, dating violence, or stalking do not constitute serious or repeated lease violations or prohibited criminal activity by anyone except the perpetrator if such person is a member of the household. HCHC will not terminate assistance to a family member on the basis that the member is or has been the victim of domestic violence, dating violence, or stalking. However, HCHC has the authority to bifurcate a lease in order to terminate assistance to an occupant who engages in criminal acts of physical violence against family members or others without evicting, removing, terminating assistance to, or otherwise penalizing the victims of such acts.

When a family member reports being a victim of domestic violence, dating violence, or stalking, HCHC may require that the member submit: (1) written certification of this status; and/or (2) evidence to corroborate the claim (police report, court record, signed statement of victim services professional, etc.).

This section shall not limit the authority of HCHC to terminate a lease for violations not based on acts of domestic violence, dating violence, or stalking against a household member.

HCHC may terminate a lease in order to avert an actual or imminent threat to other residents or to HCHC employees.

17.5 *Termination by Abandonment*

HCHC will consider a unit to be abandoned and terminate the lease when a tenant has both fallen behind in rent and has clearly indicated by words or actions an intention not to continue living in the unit.

Disposition of Personal Property. When a unit has been abandoned, a HCHC representative may enter the unit and remove any abandoned personal property. It will be stored in a reasonably secure place. A notice will be mailed to the tenant stating where the property is being stored and when it will be disposed. If the tenant fails to reclaim the abandoned property within the time specified in the notice, HCHC will dispose of the same.

17.6 *Return of Security Deposit*

Pursuant to Maryland Real Property Article, Section 8-203(e), after a family moves out, HCHC will return the security deposit within 45 days and/or give the family a written statement of why all or part of the security deposit is being kept. Deposits may be used to recover unpaid rent, late charges, and costs to repair damages. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

If State law requires the payment of interest on security deposits, it shall be complied with.

18.0 **RULE ON SATELLITE OVER-THE-AIR RECEPTION DEVICES**

18.1 *Introduction*

This section has been adopted in accordance with FCC Order 98-273.

The tenant will be permitted to install a TV antenna, wireless cable antenna, data or voice services antenna, or a direct-to-home satellite dish at the unit only in accordance with the restrictions listed in this section.

18.2 *Number and Size*

The tenant may install only one satellite dish or receiving antenna within the unit. The dish or antenna may not exceed 3.3 feet in diameter. The dish or antenna may receive but must transmit signals.

18.3 *Location*

Location of the satellite dish or antenna is limited to the area within the unit, namely:

18.3.1 Inside of the unit; or

18.3.2 In an area outside of the unit but within the tenant's sole, exclusive use and control such as a balcony, patio, deck, or yard.

The tenant must not place a satellite dish or antenna on any roof, exterior wall, window, windowsill, fence, clubhouse, parking area, common-use balcony, stairwell, walkway, hallway, community yard, common area, or in any area that other residents are allowed to use or where the tenant has restricted use.

The tenant must not allow a satellite dish or antenna to extend beyond the vertical and horizontal space that is leased to the tenant for his/her exclusive use and control.

18.4 *Safety and Non-Interference*

The tenant's installation:

- 18.4.1 Must comply with reasonable safety standards;
- 18.4.2 May not interfere with any cable, telephone or electrical systems or those of neighboring properties;
- 18.4.3 May not be connected to HCHC's telecommunication systems; and
- 18.4.4 May not be connected to the electrical system of the HCHC unit except by plugging into a 110-volt duplex receptacle.

If the satellite dish or antenna is placed in a permitted outside area, it must be safely secured only by the following methods:

- 18.4.5 Securely attaching it to a portable, heavy object such as a small slab of concrete in a container; or
- 18.4.6 Any other method approved by HCHC in writing.

The tenant's satellite dish or antenna system must be a stand-alone system. The tenant must not splice into any existing wires or cables. HCHC may require reasonable screening of the satellite dish or antenna by plants, so long as it does not impair reception.

HCHC may also restrict the tenant's placement of a satellite dish or antenna for historical preservation purposes.

18.5 *Signal Transmission From Exterior Dish or Antenna to Interior of Unit*

The tenant may not damage or alter the unit and may not drill holes through outside walls, doorjambs, windowsills, etc. If the tenant's satellite dish or antenna is located outside of the unit (on a balcony, patio, etc.), the signals received by it may be transmitted to the interior of the dwelling only by the following methods:

- 18.5.1 Running a "flat" cable under a doorjamb in a manner that does not physically alter the Premises and does not interfere with proper operation of the door;
- 18.5.2 Wireless transmission of the signal from the satellite dish or antenna to a device inside the dwelling; or
- 18.5.3 Any other method approved by HCHC in writing.

18.6 *Workmanship of Installation*

The tenant is responsible for ensuring that the installation of any satellite dish or antenna is performed in a safe and secure manner within the unit.

HCHC reserves the right, but has no obligation, to inspect the installation of any satellite dish or antenna within the unit. HCHC reserves the right, but has no obligation, to require that the satellite dish, receiving antenna, any related equipment or any part thereof be re-located, re-installed, or removed if in HCHC's reasonable judgment, such equipment poses a safety hazard or may cause damage beyond reasonable wear and tear to the unit.

18.7 *Maintenance*

Tenant will have the sole responsibility of maintaining any satellite dish, receiving antenna and any and all related equipment.

18.8 *Removal and Damages*

The tenant must remove the satellite dish or receiving antenna and any related equipment upon moving out of the unit. The tenant must pay for any damages and for the cost of repairs or repainting which may be reasonably necessary to restore the unit to its condition prior to the installation of the satellite dish, antenna or any and all related equipment.

18.9 *Liability Insurance and Indemnity*

Tenants and occupants install and operate the satellite dish, receiving antenna, any related equipment or any part thereof at their sole risk.

To ensure that the tenant is able to pay damages in the event that the satellite dish, receiving antenna, any related equipment or any part thereof causes injury or damage, the tenant must purchase and maintain liability insurance in an amount not less than \$500,000.00 for the satellite dish, receiving antenna, any related equipment or any part thereof for as long as it is at the unit. The tenant must provide HCHC with proof of such insurance. The tenant must instruct the insurance carrier must notify HCHC at least 30 days in advance of any cancellation of liability policy.

18.10 *Security Deposit*

To protect HCHC against possible repair costs, damages, or failure to remove at time of move-out, HCHC reserves the right to increase the security deposit for a tenant who maintains a satellite dish or antenna. Any increased security deposit will not imply a right to drill or otherwise alter the unit. An increase in the tenant's security deposit must comply with federal, state, and local laws and regulations pertaining to security deposits as well as with section 1.0.

18.11 When Tenant May Start Installation

The tenant may not start installation of a satellite dish or antenna until the tenant provides HCHC with:

18.11.1 Written evidence of the liability insurance referred to above; and

18.11.2 If applicable, payment of an additional security deposit.

19.0 RULE ON USE OF GRILLS

19.1 Introduction

This section addresses the tenant's ability to store and use a grill at their unit. Because of the design or structure of some Public Housing units, some tenants may not be permitted to store and use a grill at their unit.

19.2 Safe Use and Maintenance

The tenant, or any other person, may not operate a grill inside of the unit or within 15 feet of any building or structure, including a deck. This section does not confer upon any tenant the right to operate his/her grill on property that is not leased to him/her.

The tenant will be obligated to maintain his/her grill in a decent, safe, and sanitary manner to refrain from disturbing neighbors and damaging the unit

20.0 VERIFICATION

20.1 *Introduction*

HCHC will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

20.2 *Acceptable Methods of Verification*

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted (citizenship documentation such as listed below may be required). Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the USCIS SAVE approval code, and forms signed by the family.

In compliance with Federal regulations and the agency's EIV/UIV Policy, HCHC will use HUD's Enterprise Income Verification/Upfront Income Verification System to verify income. Additionally, HCHC will require the family to provide pay stubs to show income.

Other information will be verified by third party verification. This type of verification includes written documentation with forms sent directly to and received directly by a source, not passed through the hands of the family. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from HCHC or automatically by another government agency, i.e. the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name date of contact, amount received, etc.

When third party verification cannot be obtained, HCHC will accept documentation received from the applicant/tenant. Tenant-provided documentation will be accepted if HCHC has been unable to obtain third party verification in a reasonable period of time. Photocopies of the documents provided by the family will be maintained in the file.

When neither third party verification nor tenant-provided verification can be obtained, HCHC will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

20.3 *Types of Verification*

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought.

Verification Requirements for Individual Items		
Item to Be Verified	3rd party verification	Tenant-provided verification
General Eligibility Items		
Social Security Number	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	Social Security card, birth certificate, military ID, or military DD 214 form
Eligible immigration status	USCIS SAVE confirmation #	USCIS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Value of and Income from Assets		
Savings, checking accounts	Letter from institution	Passbook, most current statements
CDS, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of
Income		
Earned income	Letter from employer	Multiple pay stubs

Verification Requirements for Individual Items		
Item to Be Verified	3rd party verification	Tenant-provided verification
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence
Alimony/child support	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Periodic payments (i.e., social security, welfare, pensions, workers compensation, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	Letter from program provider indicating - whether enrolled or completed - whether training is HUD-funded - whether Federal, State, local govt., or local program - whether it is employment training - whether it has clearly defined goals	N/A

20.4 *Verification of Citizenship or Eligible Non-Citizen Status*

The citizenship/eligible noncitizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status by such means as a Social Security card, birth certificate, military ID, or military DD 214 Form.

Prior to being admitted or at the first reexamination, all eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted or at the first reexamination, all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original USCIS documentation. HCHC will make a copy of the individual's USCIS documentation and place the copy in the file. HCHC will also verify their status through the USCIS SAVE system. If the USCIS SAVE system cannot confirm eligibility, HCHC will mail information to the USCIS requesting that a manual check can be made of USCIS records.

Family members who do not claim to be citizens, nationals, or eligible noncitizens must be listed on a statement of ineligible members and the head of the household must sign the list.

Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to Public Housing.

Any family member who does not choose to declare their status must be listed on the statement of ineligible members. If no family member is determined to be eligible under this section, the family's eligibility will be denied.

The family's assistance will not be denied, delayed, reduced, or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the delay is caused by the family.

If HCHC determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their Public Housing unit, the family will be evicted. Such family will not be eligible to be readmitted to Public Housing for a period of 24 months from the date of eviction or termination.

20.5 *Verification of Social Security Numbers*

Prior to admission, each family member who has a Social Security number must provide verification of their Social Security number. New family members must provide this verification prior to being added to the lease.

The best verification of the Social Security number is the original Social Security card. If the card is not available, HCHC will accept letters from the Social Security Agency that establishes and states the number. Documentation from other governmental agencies will also be accepted that establishes and states the number. Driver's licenses, military IDs, passports, or other official documents that establish and state the number are also acceptable.

If an individual states that they do not have a Social Security number, they will be required to sign a statement to this effect. HCHC will not require any individual who does not have a Social Security number to obtain a Social Security number.

If a member of an applicant family indicates they have a Social Security number, but cannot readily verify it, the family cannot be housed until verification is provided.

If a member of a tenant family indicates they have a Social Security number, but cannot readily verify it, they shall be asked to certify to this fact and shall have up to sixty (60) days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be evicted.

20.6 *Timing of Verification*

Verification information must be dated within 60 days of certification and within 120 days of reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes. When an interim reexamination is conducted, HCHC will verify and update those elements reported to have changed.

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50058 Form: The HUD form that housing authorities are required to complete for each assisted household in Public Housing to record information used in the certification and re-certification process and, at the option of the housing authority, for interim reexaminations.

1937 Housing Act: The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (24 CFR 5.100)

Adjusted Annual Income: The amount of household income, after deductions for specified allowances, on which tenant rent is based. (24 CFR 5.611)

Adult: A household member who is 18 years or older or who is the head of the household, or spouse, or co-head.

Allowances: Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly families, disability expenses, and child care expenses for children under 13 years of age.

Annual Contributions Contract (ACC): The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program. (24 CFR 5.403)

Annual Income: All amounts, monetary or not, that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; 24 CFR 5.609)

As-Paid States: States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. Currently, the four as-paid states are New Hampshire, New York, Oregon, and Vermont.

Applicant (applicant family): A person or family that has applied for admission to a program but is not yet a participant in the program. (24 CFR 5.403)

Assets: The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, surrender cash value of insurance, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are not counted as assets. (Also see "net family assets.")

Asset Income: Income received from assets held by family members. If assets total more than \$5,000, income from the assets is "imputed" and the greater of actual asset income and imputed asset income is counted in annual income. (See "imputed asset income" below.)

Ceiling Rent: Maximum rent allowed for some units in Public Housing projects.

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Certification: The examination of a household's income, expenses, and family composition to determine the family's eligibility for program participation and to calculate the family's share of rent.

Child: For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age. (24 CFR 5.504(b))

Child Care Expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(d))

Citizen: A citizen or national of the United States. (24 CFR 5.504(b))

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

Consent Form: Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participant to determine eligibility or level of benefits. (24 CFR 5.214)

Dating violence: Means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of a relationship can be determined based on the length and type of relationship and the frequency of interaction between the persons involved in the relationship.

Decent, Safe, and Sanitary: Housing is decent, safe, and sanitary if it satisfies the applicable housing standards.

Department: The Department of Housing and Urban Development. (24 CFR 5.100)

Dependent: A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age or is a person with a disability or is a full-time student. (24 CFR 5.603(d))

Dependent Allowance: An amount, equal to \$480 multiplied by the number of dependents, that is deducted from the household's annual income in determining adjusted annual income.

Disability Assistance Expenses: Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed,

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provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. (24 CFR 5.603(d))

Disability Assistance Expense Allowance: In determining adjusted annual income, the amount of disability assistance expenses deducted from annual income for families with a disabled household member.

Disabled Family: A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "person with disabilities.")

Disabled Person: See "person with disabilities."

Displaced Family: A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (24 CFR 5.403(b))

Displaced Person: A person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. [1937 Act]

Domestic violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Howard County, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Howard County.

Drug-Related Criminal Activity: Drug trafficking or the illegal use, or possession of a controlled substance.

Economic Self-Sufficiency Program: A program that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for:

- (1) Job training;
- (2) Work placement;
- (3) Basic skills training;
- (4) Education (GED classes, junior college or college);
- (5) English proficiency;
- (6) Work fare;
- (7) Financial or household management;
- (8) Apprenticeship; and
- (9) Any program necessary to ready a participant to work (such as substance abuse or mental health treatment).

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Elderly Family: A family whose head, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides. (24 CFR 5.403)

Elderly Family Allowance: For elderly families, an allowance of \$400 is deducted from the household's annual income in determining adjusted annual income.

Elderly Person: A person who is at least 62 years of age. (1937 Housing Act)

Extremely low-income families: Those families whose incomes do not exceed 30 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

Fair Housing Act: Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.). (24 CFR 5.100)

Family includes but is not limited to:

- A. A family with or without children;
- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;
- E. A displaced family;
- F. The remaining member of a tenant family; and
- G. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. (24 CFR 5.403)

Family Members: All members of the household other than live-in aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the lease.

Family Self-Sufficiency Program (FSS Program): The program established by a housing authority to promote among participating families, including the coordination of supportive services. (24 CFR 984.103(b))

Flat Rent: A rent amount the family may choose to pay in lieu of having their rent determined under the formula method. The flat rent is established by the housing authority set at the lesser of the market value for the unit or the cost to operate the unit. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

Formula Method: A means of calculating a family's rent based on the greater of: 10 percent of their monthly income, 30 percent of their adjusted monthly income, the welfare rent, or the minimum rent. Under the formula method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

Full-Time Student: A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree. (24 CFR 5.603(d))

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Head of Household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. (24 CFR 5.504(b))

Household Members: All members of the household including members of the family, live-in aides, foster children, and foster adults. All household members are listed on the lease, and no one other than household members are listed on the lease.

Housing Assistance Plan: A housing plan that is submitted by a unit of general local government and approved by HUD as being acceptable under the standards of 24 CFR 570.

Imputed Income: For households with net family assets of more than \$5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used as income from assets in determining annual income.

In-Kind Payments: Contributions other than cash made to the family or to a family member in exchange for services provided or for the general support of the family (e.g., groceries provided on a weekly basis, baby sitting provided on a regular basis).

Interim (examination): A reexamination of a family income, expenses, and household composition conducted between the regular annual recertifications when a change in a household's circumstances warrants such a reexamination.

Live-In Aide: A person who resides with one or more elderly person, near-elderly persons or persons with disabilities and who:

- A. Is determined to be essential to the care and well-being of the person(s);
- B. Is not obligated for the support of the person(s); and
- C. Would not be living in the unit except to provide the necessary supportive services. (24 CFR 4.403(b))

Low-Income Families: Those families whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes. (1937 Act)

Medical Expenses: Medical expenses (of all family members of an elderly or disabled family), including medical insurance premiums, that are anticipated during the period for which annual income is computed and that are not covered by insurance. (24 CFR 5.603(d)). These expenses include, but are not limited to, prescription and non-prescription drugs, costs for doctors, dentists, therapists, medical facilities, care for a service animals, transportation for medical purposes.

Mixed Family: A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. (24 CFR 5.504(b))

Monthly Adjusted Income: One twelfth of adjusted income. (24 CFR 5.603(d))

Monthly Income: One twelfth of annual income. (24 CFR 5.603(d))

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National: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession. (24 CFR 5.504(b))

Near-Elderly Family: A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides. (24 CFR 5.403(b))

Net Family Assets:

- A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
- B. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.
- C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received there for. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

Non-Citizen: A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))

Occupancy Standards: The standards that a housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

Person with Disabilities: A person who:

has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. For purposes of employment, this term does not include: Any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from performing the duties of the job in question, or whose employment, by reason of current alcohol or drug abuse, would constitute a direct threat to property or the safety of others; or any individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job. For purposes of other programs and activities, the term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

- (a) Physical or mental impairment includes:

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- (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- (2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.
- (b) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (c) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- (d) Is regarded as having an impairment means:
 - (1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation;
 - (2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
 - (3) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment.

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. (1937 Act)

No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.

Proration of Assistance: The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR 5.520)

Public Housing Agency (PHA): Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing under the 1937 Housing Act. (24 CFR 5.100)

Recertification: The annual reexamination of a family's income, expenses, and composition to determine the family's rent.

Remaining Member of a Tenant Family: A member of the family listed on the lease who continues to live in the Public Housing dwelling after all other family members have left. (Handbook 7565.1 REV-2, 3-5b)

Self-Declaration: A type of verification statement by the tenant as to the amount and source of income, expenses, or family composition. Self-declaration is acceptable verification only when third-party verification or documentation cannot be obtained.

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Shelter Allowance: That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

Single Person: Someone living alone or intending to live alone who does not qualify as an elderly family, a person with disabilities, a displaced person, or the remaining member of a tenant family. (Public Housing: Handbook 7465.1 REV-2, 3-5)

Stalking: Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

State Wage Information Collection Agency (SWICA): The State agency receiving quarterly wage reports from employers in the State or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information. (24 CFR 5.214)

Temporary Assistance to Needy Families (TANF): The program that replaced the Assistance to Families with Dependent Children (AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

Tenant: The person or family renting or occupying an assisted dwelling unit. (24 CFR 5.504(b))

Tenant Rent: The amount payable monthly by the family as rent to the housing authority. Where all utilities (except telephone and cable) and other essential housing services are supplied by the housing authority or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone and cable) and other essential housing services are supplied by the housing authority and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance. (24 CFR 5.603(d))

Third-Party (verification): Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

Total Tenant Payment (TTP):

- A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:
 - 1. Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of :
 - a. 30 percent of the family's monthly adjusted income;
 - b. 10 percent of the family's monthly income; or
 - c. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.

If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a)(1) shall be the amount resulting from one application of the percentage.

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2. Total tenant payment for families residing in Public Housing does not include charges for excess utility consumption or other miscellaneous charges.
- B. Total tenant payment for families residing in Public Housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a Public Housing program, whose initial lease was effective before August 1, 1982.

Utility Allowance: If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made by a housing authority of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. (24 CFR 5.603)

Utility Reimbursement: The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit. (24 CFR 5.603)

Very Low-Income Families: Low-income families whose incomes do not exceed 50 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary of HUD may establish income ceilings higher or lower than 50 percent of the median for the areas on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in Section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act)

Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded by Federal, State or local governments. (24 CFR 5.603(d))

Welfare Rent: In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

Work Activities: The term "work activities" means:

- (1) Subsidized or unsubsidized employment in either the public or private sector;
- (2) Work experience (time-limited preparation for employment in public or private work setting);
- (3) On-the-job training;
- (4) Job search and job readiness assistance;
- (5) Community service programs;
- (6) Vocational educational training (not to exceed 12 months with respect to any individual);
- (7) Job skills training directly related to employment;
- (8) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
- (9) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and
- (10) The provision of child care services to an individual who is participating in a community service program.

APPENDIX B - Acronyms

ACC - Annual Contributions Contract

CFR - Code of Federal Regulations

FCC - Federal Communications Commission

FSS - Family Self Sufficiency (program)

HCDA - Housing and Community Development Act

HHS – (U.S. Department) Health and Human Services

HQS - Housing Quality Standards

HUD - Department of Housing and Urban Development

USCIS - (U.S.) Citizenship and Immigration Service

NAHA - (Cranston-Gonzalez) National Affordable Housing Act

NOFA - Notice of Funding Availability

OMB - (U.S.) Office of Management and Budget

PHA - Public Housing Agency

QHWR - Quality Housing and Work Responsibility Act of 1998

SSA - Social Security Administration

TANF – Temporary Assistance for Needy Families

TTP - Total Tenant Payment

APPENDIX C – Public Housing Grievance Procedure



Grievance Procedure for Public Housing

1.0 *Purpose and Scope*

- 1.1 The Howard County Housing Commission ("HCHC") has adopted this grievance procedure in compliance with 24 CFR Subpart B §966.50-57.
- 1.2 The purpose of the grievance procedure is to assure that a HCHC tenant is afforded an opportunity for a hearing if the tenant disputes an HCHC action or failure to act involving the tenant's lease or regulations which adversely affect the individual tenant's rights, duties, welfare or status.

2.0 *Definitions*

- 2.1 Grievance: Any dispute a Tenant may have with respect to HCHC action or failure to act in accordance with the individual Tenant's lease or HCHC regulations that adversely affects the individual tenant's rights, duties, welfare or status.
- 2.2 Complainant: Any tenant (as defined below) whose grievance is presented to HCHC in accordance with the requirements presented in this procedure.
- 2.3 Elements of due process: An eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:
 - 2.3.1 Adequate written notice to the tenant of the grounds for terminating the tenancy and for eviction;
 - 2.3.2 Right of the tenant to be represented by counsel;
 - 2.3.3 Opportunity for the tenant to refute the evidence presented by HCHC, including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the tenant may have; and
 - 2.3.4 A decision on the merits of the case.
- 2.4 Hearing Officer: A person selected in accordance with 24 CFR § 966.55 and this procedure to hear grievances and render a decision with respect thereto.

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2.5 Hearing Panel: A three-member panel selected in accordance with 24 CFR § 966.55 and this procedure to hear grievances and render a decision with respect thereto.

2.6 Tenant: The adult person (or persons other than a Live-in aide):

2.6.1 Who resides in the unit, and who executed the lease with HCHC as lessee of the dwelling unit; or

2.6.2 Who resides in the unit, and who is the remaining head of the household of the tenant family residing in the dwelling unit.

2.7 Resident Organization: An organization of residents, which also may include a resident management corporation.

3.0 *Applicability*

3.1 In accordance with the applicable Federal regulations, this grievance procedure shall be applicable to all individual grievances (as defined in section 1.0) between the tenant and HCHC with the following two exceptions:

3.2 HUD has issued a due process determination that the law of the State of Maryland, which requires that a tenant be given the opportunity for a hearing in court, provides the basic elements of due process (as defined in section 2.3) before eviction from the dwelling unit. **Consequently, the grievance procedure shall not be applicable to, and A TENANT SHALL NOT BE ENTITLED TO A GRIEVANCE HEARING, for any termination of tenancy or eviction that involves:**

3.2.1 Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of HCHC;

3.2.2 Any violent or drug-related criminal activity on or off such premises; or

3.2.3 Any criminal activity that resulted in felony conviction of a household member.

3.3 HCHC grievance procedures shall not be applicable to disputes between tenants not involving HCHC or to class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and HCHC's Board of Commissioners.

3.4 This grievance procedure is incorporated by reference in all Tenant dwelling leases and will be furnished to each tenant and all resident organizations.

3.5 Any changes proposed in this grievance procedure must provide for at least 30 days written notice to tenants and Resident Organizations, setting forth the proposed changes and providing an opportunity to present written comments. Comments submitted shall be considered by HCHC before any revisions are made to the grievance procedure.

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4.0 *Informal Settlement*

- 4.1 Any grievance must be personally presented, either orally or in writing, to HCHC's central office **within 10 days after the grievable event**.
- 4.2 Grievances related to complaints about operational matters that are received by HCHC's main office will be referred to the person responsible for the management of the development in which the complainant resides. Grievances involving complaints related to discrimination, harassment, or disability rights will be referred to the Deputy Director.
- 4.3 When the grievance is received, it will be reviewed by the management office of the development or the Deputy Director (if applicable) to determine whether the grievance is excluded by section 3.0 of this policy. Should an exclusion apply, the complainant will be notified in writing that the matter raised is not subject to HCHC's grievance procedure.
- 4.4 If none of the exclusions cited in section 3.0 apply, the complainant will be contacted to arrange a mutually convenient time **14 days** to meet so the grievance may be discussed informally and settled without a hearing. At the informal hearing, the complainant will present the grievance and the person in charge of the management office or the Deputy Director will attempt to settle the grievance to the satisfaction of both parties.
- 4.5 **Within 14 days** following the informal hearing, HCHC shall prepare and either hand deliver or mail to the complainant a summary of the discussion that shall specify the names of the participants, the date of hearing, the nature of the proposed disposition of the complaint, the specific reasons for the disposition, and the procedures by which a formal hearing under this procedure may be obtained if the complainant is not satisfied. A copy of this summary shall also be placed in the tenant's file.

5.0 *Formal Grievance Hearing*

- 5.1 If the complainant is dissatisfied with the settlement arrived at in the informal hearing, the complainant must submit a written request for a hearing to the HCHC main office **no later than 10 days after the summary of the informal hearing is mailed or delivered to the complainant**. The written request shall specify:
- 5.1.1 The reasons for the grievance;
 - 5.1.2 The action of relief sought from HCHC; and
 - 5.1.3 At least three dates and times **in the following 30 days** when the complainant can attend a grievance hearing.
- 5.2 If the complainant requests a hearing in a timely manner, HCHC will schedule a hearing on the grievance at the earliest time possible for the complainant, HCHC and the hearing officer

APPENDIX C – Public Housing Grievance Procedure

or hearing panel, **but in no case later than 30 days** after HCHC received the complainant's written request.

5.3 If the complainant fails to request a hearing within 10 days after the summary of the informal hearing is mailed or delivered to the complainant, the HCHC decision rendered at the informal hearing becomes final and HCHC is not obligated to offer the complainant a formal hearing unless the complainant can show good cause why he/she failed to proceed in accordance with this procedure.

5.4 Failure to request a grievance hearing does not affect the complainant's right to contest HCHC's decision in a court hearing.

6.0 *Selection of the Hearing Officer or Hearing Panel*

6.1 A grievance hearing shall be conducted by an impartial person or persons appointed by HCHC after consultation with resident organizations, as described below:

6.1.1 HCHC shall solicit an impartial hearing officer.

6.1.2 Prior to HCHC's decision to select the hearing officer, resident organizations will be afforded a 30-day notice and comment period regarding the credentials of the proposed hearing officer.

7.0 *Escrow Deposit for Hearings Involving Rent*

Before a hearing is scheduled in any grievance involving the amount of rent which HCHC claims is due under this lease, the complainant shall pay to HCHC an amount equal to the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The complainant shall, thereafter, deposit the same amount of the monthly rent in an escrow account monthly until the complaint is resolved by decision of the hearing officer or hearing panel.

8.0 *Scheduling Hearings*

8.1 When a complainant submits a timely request for a grievance hearing, HCHC will promptly contact the hearing officer or panel to schedule the hearing on one of the dates and times indicated by the complainant.

8.2 Once the hearing panel or hearing officer has agreed upon the hearing date and time, the complainant shall be notified in writing. Notice to the complainant shall be either personally delivered to the complainant or sent by regular and certified mail. The written notice will specify the time, place and procedures governing the hearing.

APPENDIX C – Public Housing Grievance Procedure

9.0 *Procedures Governing the Hearing*

- 9.1 The hearing shall be held before a hearing panel or hearing officer. The complainant shall be afforded a fair hearing, which shall include:
- 9.1.1 The opportunity to examine before the hearing any HCHC documents, including records and regulations, that are directly relevant to the hearing.
 - 9.1.2 The tenant shall be allowed to copy any such document at the Tenant's expense. If HCHC does not make the document available for examination upon request by the complainant, HCHC may not rely on such document at the grievance hearing.
 - 9.1.3 The right to be represented by counsel or other person chosen as the tenant's representative and to have such person make statements on the tenant's behalf.
 - 9.1.4 The right to a private hearing unless the complainant requests a public hearing.
 - 9.1.5 The right to present evidence and arguments in support of the Tenant's complaint to controvert evidence relied on by HCHC or project management, and to confront and cross examine all witnesses upon whose testimony or information HCHC or project management relies; and
 - 9.1.6 A decision based solely and exclusively upon the facts presented at the hearing.
- 9.2 The hearing panel or officer may render a decision without proceeding with the hearing if they determine that the issue has been previously decided in another proceeding.
- 9.3 At the hearing, the complainant must first make a showing of an entitlement to the relief sought and, thereafter, HCHC must sustain the burden of justifying HCHC action or failure to act against which the complaint is directed.
- 9.4 The hearing shall be conducted informally by the hearing panel or officer. Oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- 9.5 The hearing panel or officer shall require HCHC, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing panel or officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.
- 9.6 The complainant or HCHC may arrange in advance, at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.

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9.7 HCHC must provide reasonable accommodations for persons with disabilities to participate in the hearing. Reasonable accommodations may include qualified sign language interpreters, readers, accessible locations, or attendants. If the Tenant is visually impaired, any notice to the Tenant which is required under this procedure must be in an accessible format.

9.8 If a hearing panel member or officer fails to disqualify himself/herself due to a conflict of interest, HCHC will invalidate the results of the hearing and schedule a new hearing with a new hearing panel or officer.

10.0 Failure to Appear at Hearing

10.1 If the complainant or HCHC fails to appear at the scheduled hearing, the hearing panel or officer may make a determination to postpone the hearing **for a period not to exceed 10 days**, or may make a determination that the party has waived his/her right to a hearing.

10.2 Both the complainant and HCHC shall be notified of the determination by the hearing panel or officer. A determination that the complainant has waived his right to a hearing shall not constitute a waiver of any right the complainant may have to contest HCHC's disposition of the grievance in court.

11.0 Decision of the Hearing Officer or Panel

11.1 The hearing panel or officer shall prepare a written decision, together with the reasons for the decision **within 30 days** after the hearing. A copy of the decision shall be sent to the complainant and HCHC.

11.2 HCHC shall retain a copy of the decision in the Tenant's folder. A copy of the decision, with all names and identifying references deleted, shall also be maintained on file by HCHC and made available for inspection by a prospective complainant, his representative, or the hearing panel or officer.

11.3 The decision of the hearing panel or officer shall be binding on HCHC, which shall take all actions, or refrain from any actions, necessary to carry out the decision, unless HCHC's Board of Commissioners determines within 30 days, and promptly notifies the complainant of its determination, that:

11.3.1 The grievance does not concern HCHC action or failure to act in accordance with the complainant's lease or HCHC regulations, which adversely affect the complainant's rights, duties, welfare or status.

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- 11.3.2 The decision of the hearing panel or officer is contrary to applicable Federal, State or local law, HUD regulations, or requirements of the annual contributions contract between HUD and HCHC.
- 11.4 A decision by the hearing panel or officer or Board of Commissioners in favor of HCHC or which denies the relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect in any way, the rights of the complainant to a trial or judicial review in any court proceedings which may be brought in the matter later.

ASSET MANAGEMENT/VOLUNTARY CONVERSION/PROJECT-BASED VOUCHERS

The 24 unit Colt's Crossing Public Housing Complex , and the balance of the Commission's public housing inventory has been renovated within the past five (5) years. The Housing Commission has submitted an application for Voluntary Conversion through RAD and is currently in the conversion process. All 50 Public Housing units in the Commission's inventory are being converted to tenant-based rental assistance.

The Commission is in the middle of the Voluntary Conversion process and anticipates conversion in late 2015. The Commission is currently in the process of issuing bonds to finance needed renovations and proposed upgrades to the property.

The Commission is currently utilizing 25 Project Based Vouchers in the redeveloped Hilltop site currently known as Burgess Mills Station. The Commission also plans to utilize Project Based Vouchers for an upcoming 34 unit Efficiency Apartment Project that is scheduled to open late 2016. Project Basing of vouchers is consistent with the goals of the annual plan to redevelop properties and introduce a mixed income housing model that is financially self sustaining.

Civil Rights Information and Assessment

1. To the extent the information is available, describe the specific location of housing assisted or proposed to be assisted under HUD programs, and for each location, identify the proposed action for each such housing (e.g., new construction, acquisition, rehabilitation, demolition, disposition, replacement housing):

The following communities are assisted by HUD programs:

a. Assisted Housing: Public Housing Units - 50

Location		
Area	Unit Address	Census Tract & Block Group
Ellicott City	3280, 3282, 3284, 3286, 3288, 3289, 3290, 3291, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3302, 3303, 3304, 3305, 3306, 3307, 3308 & 3309 Corporate Court	6022.01.1
Hanover	6072 Adcock Lane	6012.01.4
	6089 Adcock Lane	6012.01.4
Elkridge	7955 Millstream Court	6011.08.2
	6592 Ducketts Lane	6012.04.1
Columbia: Clarksville & Savage	5610 Freshaire Lane	6055.03.3
	6288 Dawn Day Drive	6066.03.4
	6561 Fruitgift Place	6067.04.1
	5925 Grand Banks Road	6055.03.3
	5957 Grand Banks Road	6055.03.3
	5488 Green Dory Lane	6055.03.3
	9431 Indian Camp Road	6066.03.2
	10572 Jason Lane	6054.02.1
	7055 Knighthood Lane	6067.04.2
	5460 Mystic Court	6055.03.2
	9534 Quarry Bridge Court	6067.07.2
	9360 Reader Lane	6066.03.2
	5705 Cedar Lane	6055.03.3
	7103 Talisman Lane	6067.04.2
	8714 Tamar Drive	6066.06.1
	9460 Timesweep Lane	6066.03.4
	5423 White Mane	6066.07.1
Laurel	9406 Woodsong Court	6069.04.1
	9410 Woodsong Court	6069.04.1
	9379 Kings Grant	6069.04.1
	9419 Squires Court	6069.04.1
Jessup	8129 Sheffield Court	6069.04.1

Proposed Action: Action: RAD Conversion, approval pending. Howard County Housing (hereinafter, “HCH”) is at the top of the RAD waiting list, and if approved, will convert these units to project based units.

b. Burgess Mill Station – Phase I

Location: Census Tract-Block Group: 3120 Burgess Mill Station / 6028-1 / 198 units located on the former Hilltop site in Ellicott City, MD.

Action: Demolition & New Construction

c. Monarch Mills

Location: Census Tract-Block Group: 7600 Monarch Mills Way / 6067.07-1 / 269 units located on the former Guilford Gardens site in Columbia, MD.

Action: Demolition & New Construction

d. Morningside Park

Location: Census Tract-Block Group: 9950 Guilford Road / 6069.01-3 / 60 units community located in Jessup, MD.

Action: Rehabilitation - The building offers on-site parking, a game room, a community/meeting room with a kitchen, a gazebo and a patio.

e. Port Capital

Location: Census Tract-Block Group: 7141 Beverly Drive / 6012.03-1 / 84 units located in Jessup, MD.

Action: New Construction

f. Patuxent Square

Location: Census Tract-Block Group: 9900 Washington Boulevard / 6069.07- 3 / 80 units in Laurel, MD.

Action: Past new construction

g. Columbia Housing Group Homes

Location		
Area	Unit Address	Census Tract & Block Group
Columbia: Clarksville & Savage	6587 Dovecote Drive	6056.02.4
	5701 Cedar Lane	6055.03.3
	5342 Flight Feather	6066.07.2

	9359 Torrent Row	6066.03.3
	9017 Moving Water Lane	6068.03.2

Five single family homes located in Columbia, MD.

Action: Acquisition & Rehabilitation

h. Wye Ave Properties

Location: Census Tract-Block Group: 8031 and 8035 Donald Avenue / 6069.01-1 / Two single family homes in Jessup, MD.

Action: Acquisition and New Construction

i. Cottages at Greenwood

Location: Census Tract-Block Group: 8770 Mary Lane / 6069.01-3 / 10 home single family homes in Jessup, MD.

Action: New Construction

j. HopeWorks Safehouse (Formerly DVC of Howard County)

Location: Census Tract-Block Group: Information not available

Action: Acquisition and Rehabilitation

k. Parkview at Emerson

Location: Census Tract-Block Group: 9895 Palace Hall Drive / 6068.06-1 / 80 units in Laurel, MD.

Action: Acquisition

l. Bright Plume

Location: Census Tract-Block Group: 6489 Bright Plume / 6056.02-2 / One single family home in Columbia, MD.

Action: Rehabilitation

m. Graeloch

Location: Census Tract-Block Group: 10518 Graeloch Road / 6068.06-2 / One single family home in Laurel, MD.

Action: Rehabilitation

The following projects are proposed to be assisted:

n. Bridges Alliance

Location: Census Tract-Block Group: County-wide. Exact locations pending.

Action: Acquisition of scattered site single-family units

o. Beechcrest Relocation

Location: Census Tract-Block Group: 40 Ruth Avenue / 6069.04-3 / A mobile home park located in Laurel, MD.

Action: Acquisition, Relocation and Demolition

p. Small Efficiency Apartment & Day Resource Center Project

Location: Census Tract: data pending / 30-35 single efficiency apartments and a non-residential Day Resource Center to be located on Guilford Road near the intersection of Route 1 and Route 32

Action: Acquisition and new construction

q. Cottages at Greenwood II

Location: Census Tract: precise location pending / 26-28 home single family homes community to be located in Jessup, MD.

Action: New construction pending

2. Specify (by location and identity of the proposed action) which of the above-listed actions will occur (a) in an area of high minority concentration and (b) outside of such an area; and provide the source and substance of the data relied upon to define the area of minority concentration:

a. The following have units located in high minority concentration areas.

Assisted Housing Name	Action	Location
Burgess Mill Station	Demolition & New Construction	6028-1
Morningside Park	Partial Renovation	6069.01
Columbia Housing	Past Acquisition & Rehabilitation	6066.03, 6055.03, 6068.03 & 6056.02
Bright Plume	Rehabilitation	6056.02
Public Housing	RAD Conversion, if approved	6012.01, 6066.03, 6055.03, 6067.04, 6054.02, 6067.04 & 6069.01

- b. The following projects are located outside of high minority concentration areas.

Assisted Housing Name	Action	Location
Public Housing	RAD Conversion, if approved	6022.01, 6012.04, 6066.06, 6066.07 & 6069.04
Monarch Mills	Demolition & New Construction	6067.07
Port Capital	New Construction	6012.03
Patuxent Square	New Construction	6069.07
Columbia Housing	Acquisition & Rehabilitation	6066.07
Wye Ave. Properties	Rehabilitation	6069.01
Cottages at Greenwood	New Construction	6069.01
Parkview at Emerson	Land Acquisition	6068.06
Graeloch	Rehabilitation	6068.06
Beechcrest	Acquisition, Relocation& Demolition	6069.04

The data source is the 2012 Howard County Analysis of Impediments

3. Specify (by location and identity of proposed action) which of the above-listed actions will occur (a) in an area of low-income concentration and (b) outside of such an area; and provide the source and substance of the data relied upon to define the areas of low-income concentration.

- a. The following have projects located in low to moderate income concentrated areas.

Assisted Housing Name	Action	Location
Public Housing	RAD Conversion, if approved	6066.03-4, 6055.03-2, 6055.03-3, 6067.04-2 & 6054.02-1
Columbia Housing	Acquisition & Rehabilitation	

- b. The following have projects located outside of low to moderate income concentrated areas:

Assisted Housing Name	Action	Location
Public Housing	RAD Conversion, if approved	6022.01-?, 6012.01-?, 6066.03-2, 6012.04-1, 6067.04-1, 6066.06-1, 6066.07-1, 6069.04-1 & 6069.01-4
Burgess Mill Station	Demolition & New Construction	6028.1
Monarch Mills	Demolition & New Construction	6067.07
Morningside Park	Rehabilitation	6069.01
Port Capital	New Construction	6012.03

Patuxent Square	New Construction	6069.07
Columbia Housing	Acquisition & Rehabilitation	6055.03-3, 6068.03-2, 6056.02-4 & 6066.07- 2
Wye Ave. Properties	Acquisition & New Construction	6069.01
Cottages at Greenwood	New Construction	6069.01
Parkview at Emerson	Land Acquisition	6068.06
Graeloch	Rehabilitation	6068.06
Bright Plume	Rehabilitation	6056.02
Beechcrest	Acquisition, Relocation & Demolition	6069.04

The data source is the 2012 Howard County Analysis of Impediments

4. Specify (by location and identity of proposed action) which of the above-listed actions will occur in areas served by schools that have: (a) academic performance measures above the State average and (b) percentages of students receiving free and reduced prices meals that are below the State average:

The Howard County Public School System is a consistent high performer. Therefore all of the above listed projects are located in areas where the schools are performing equivalent to or above State average. To view the MD State Report Card for Howard County Assessments visit <http://mdreportcard.org/Assessments.aspx?K=13AAAA>. A profile of Howard County Public School can be viewed by visiting <http://www.hcpss.org/aboutus/profile.pdf>.

5. Specify (by location and identity of proposed action) which of the above-listed actions will occur in areas of job growth, proximity or access to employment via public transit, or other positive community attributes. Describe the positive community attributes, and specify the source and substance of the data or other information relied on to reach this assessment:

Throughout the “Great Recession” Howard County has consistently reported an unemployment rate below the State average and continues to increase its share of the growing business sector in Maryland. To view the March 2014 Economic Indicators publication visit <http://www.hceda.org/why-howard-county/doing-business-here/economic-indicators.aspx>.

Admittedly, transportation is an area in which Howard County can improve and steps have been taken to do so as indicated by the establishment of an Office of Transportation and the a Regional Transportation Partnership with Anne Arundel County (<http://www.howardcountymd.gov/News032714.htm>).

Howard County, aside from being centrally located between the Baltimore and Washington Regions with convenient access to multiple transportation outlets (I95 & 70, Routes 32, 100 & 29 and BWI), also offers numerous community amenities including a thriving Department of Recreation and Parks, multiple retail outlets, educational institutions, healthcare facilities, community support/non-profit organizations and faith based entities (<http://www.hceda.org/why-howard-county/living-here.aspx>).

6. Does the proposed Significant Decision or Plan increase, decrease or have no impact on the number and availability of assisted and/or affordable housing units for families with children

being provided (a) in areas of high minority racial concentration or (b) outside of such areas? Explain.

- a. The plans submitted preserve and improve existing affordable housing for families with children.
- b. The plans submitted preserve and improve existing affordable housing for families with children

Howard County will potentially increase the number of assisted and/or affordable units to families with children by project basing vouchers from our current ACC for Burgess Mills Station (Phase I) a previously completely unassisted project; partnering with MBQ to project base units at Burgess Mills Station (Phase I) for Thompson Settlement families and with acquisitions planned for projects such as Bridges Alliance. It should also be noted that the County has been focusing new local resources to address the housing needs of the chronically homeless population which includes families with children. Howard County Housing is considered a critical partner in the County's overall Continuum of Care and actively participates in the ongoing development and enhancement of the Coordinated System of Homeless Services (CSHS); assisting in the creation and management of a homeless subsidy program and setting aside a portion of Housing Choice Voucher funding, when available to house homeless families.

7. If the proposed Significant Decision or Plan does not increase the number and availability of assisted and/or affordable housing units for families with children outside the areas of high minority concentration, and/or areas of low-income concentration, please provide the reasons why the Decision or Plan should nonetheless be approved:

While the goal of Howard County Housing, by virtue of its mission and funding sources, works to provide and/or increase access to assisted and/or affordable housing opportunities and options to families with children, it is not obligated to only focus on this population. To do so risks excluding families that may not have children such as the adults that are homeless or in poverty (single or married), the disabled and the elderly.

8. Explain how the actions proposed in your Significant Decision or Plan remedy or ameliorate the impediments to housing choice in your jurisdiction. If you are relying on data or information to support your conclusion, please specify the data and information relied upon:

Decisions that work to remedy impediments to housing choice in Howard County include:

- project basing vouchers from the current ACC at the proposed Small Efficiency Apartment Project;
- offering vouchers, as needed and when deemed appropriate, to extremely low-income Beechcrest residents as a comparable housing option when determining relocation benefits;
- providing funding to implement a pilot for systemic fair housing testing;
- working with the Regional Fair Housing Group to negotiate potential changes to existing porting protocol in the region to ease both administrative and navigation burdens for both voucher holders and PHAs;

- expanding the Moderate Income Housing Unit Program to include a Low Income Housing Unit option;
- expanding the Moderate Income Housing Unit Program to zoning districts that include single-family units as well as multi-family in other areas throughout the County;
- ensuring that projects under consideration are evaluated in accordance with HUD's Site & Neighborhood Standards;
- offering a Single-family Housing Repair Loan Program to help preserve affordable housing units within the County
- offering a Lease Purchase program for credit-challenged families, providing a combination of credit counseling and related services that positions them for a homeownership opportunity while renting
- agreeing to perform the voucher conversion for expiring project based vouchers in a mobile home park on behalf of HUD, when approved;
- hosting bi-annual landlord education workshops in partnership with the Office of Human Rights, the Department of Licenses, Inspections & Permits and the Office of Consumer Affairs to afford landlords the opportunity to attend one workshop that answers all questions about renting units in Howard County;
- serving as a member of the committee that developed the Consider the Person campaign(<http://considertheperson.org/>);
- hosting an annual foreclosure prevention event (<http://mdhope.dhcd.maryland.gov/Pages/Home.aspx>);
- continued acquisition of affordable homeownership and rental units to increase HCH's portfolio and thereby Howard County's number of affordable housing units – The Verona at Oakland Mills (<http://www.theveronaatoaklandmills.com/>) ;
- providing education and outreach opportunities which includes presenting to local banks about the efficacy of participating as lenders in our affordable home ownership programs in order to increase the number of lender options to minority and moderate income families; and
- Working with the Regional Fair Housing Group to remove the *local approval/resolution requirement* for State funded projects (<http://openstates.org/md/bills/2014/HB453/>).

Activity to resolve impediments to fair housing in Howard County are driven by the 2012 local Analysis of Impediments.

9. If the proposed activity will involve new construction, acquisition or rehabilitation of affordable and/or assisted housing, does the proposed location of such affordable and/or assisted housing comply with applicable HUD Site and Neighborhood Standards? Explain:

Howard County Housing intends to comply with HUD Site & Neighborhood Standards, as applicable.

10. Describe any alternative activities or policies considered that are likely to result in different outcomes with respect to the amount of affordable and/or assisted housing being provided in areas of low minority concentration, and the reasons why such alternatives were rejected.

There are no applicable activities or policies to report.

11. To enable HUD to assess the cumulative impact of this Significant Plan or Decision, specify (by location and action) all significant housing-related actions taken by your organization within the last 5 years (e.g., 20 units of public housing at ABC Street demolished in 2010; 20 units of replacement housing provided at XYZ Street in 2010).

This information was recently submitted to HUD in the following documents:

- 2009-2013 Annual Plan
- 2009-2013 Action Plan
- 2009-2013 CAPER
- 2011 – 2015 Consolidated Plan
- Housing Choice Voucher and Public Housing Administrative Plan revisions.

12. Provide any additional information that you believe may be useful to HUD in determining whether the proposed activity presents a significant risk of having a discriminatory effect on the supply, location or availability of affordable and/or assisted housing for African-American or other minority families with children in the Baltimore Region:

There is no additional information to report.

Financial Resources

The Commission does not anticipate contributing any additional local resources during the upcoming fiscal year. The Commission budgeted the following financial resources for the period of July 1, 2014 through June 30, 2015:

Source	Amount
Capital Fund	\$ 68,936.00
Operating Fund	\$ 83,322.00
Rents	\$ 318,150.00
Other Income	\$ 00.00

Safety and Crime Prevention

The Howard County Housing Commission operates 50 units of Public Housing. Twenty-six (26) units are located at scattered sites throughout the county, and twenty-four (24) units are located in the Colt's Crossing development. None of the units are located in high crime areas. The Commission has partnered with the Howard County Police Department on a number of initiatives to reduce crime in subsidized properties in Howard County since the Commission was established. The Commission has offered space within a county subsidized property for the police department to establish a satellite office; hired an investigator to work cooperatively with local law enforcement and court officials; and worked closely with local law enforcement in instances where persons receiving local, state or federal subsidies have been charged with drug related or violent criminal offenses.

Civil Rights Information and Assessment

1. To the extent the information is available, describe the specific location of housing assisted or proposed to be assisted under HUD programs, and for each location, identify the proposed action for each such housing (e.g., new construction, acquisition, rehabilitation, demolition, disposition, replacement housing):

The following communities are assisted by HUD programs:

- a. Assisted Housing: Public Housing Units - 50

Location		
Area	Unit Address	Census Tract & Block Group
Ellicott City	3280, 3282, 3284, 3286, 3288, 3289, 3290, 3291, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3302, 3303, 3304, 3305, 3306, 3307, 3308 & 3309 Corporate Court	6022.01.1
Hanover	6072 Adcock Lane	6012.01.4
	6089 Adcock Lane	6012.01.4
Elkridge	7955 Millstream Court	6011.08.2
	6592 Ducketts Lane	6012.04.1
Columbia: Clarksville & Savage	5610 Freshaire Lane	6055.03.3
	6288 Dawn Day Drive	6066.03.4
	6561 Fruitgift Place	6067.04.1
	5925 Grand Banks Road	6055.03.3
	5957 Grand Banks Road	6055.03.3
	5488 Green Dory Lane	6055.03.3
	9431 Indian Camp Road	6066.03.2
	10572 Jason Lane	6054.02.1
	7055 Knighthood Lane	6067.04.2
	5460 Mystic Court	6055.03.2
	9534 Quarry Bridge Court	6067.07.2
	9360 Reader Lane	6066.03.2
	5705 Cedar Lane	6055.03.3
	7103 Talisman Lane	6067.04.2
	8714 Tamar Drive	6066.06.1
	9460 Timesweep Lane	6066.03.4
	5423 White Mane	6066.07.1
Laurel	9406 Woodsong Court	6069.04.1
	9410 Woodsong Court	6069.04.1
	9379 Kings Grant	6069.04.1
	9419 Squires Court	6069.04.1
Jessup	8129 Sheffield Court	6069.04.1

Proposed Action: Action: RAD Conversion, approval pending. Howard County Housing (hereinafter, “HCH”) is at the top of the RAD waiting list, and if approved, will convert these units to project based units.

b. Burgess Mill Station – Phase I

Location: Census Tract-Block Group: 3120 Burgess Mill Station / 6028-1 / 198 units located on the former Hilltop site in Ellicott City, MD.

Action: Demolition & New Construction

c. Monarch Mills

Location: Census Tract-Block Group: 7600 Monarch Mills Way / 6067.07-1 / 269 units located on the former Guilford Gardens site in Columbia, MD.

Action: Demolition & New Construction

d. Morningside Park

Location: Census Tract-Block Group: 9950 Guilford Road / 6069.01-3 / 60 units community located in Jessup, MD.

Action: Rehabilitation - The building offers on-site parking, a game room, a community/meeting room with a kitchen, a gazebo and a patio.

e. Port Capital

Location: Census Tract-Block Group: 7141 Beverly Drive / 6012.03-1 / 84 units located in Jessup, MD.

Action: New Construction

f. Patuxent Square

Location: Census Tract-Block Group: 9900 Washington Boulevard / 6069.07- 3 / 80 units in Laurel, MD.

Action: Past new construction

g. Columbia Housing Group Homes

Location		
Area	Unit Address	Census Tract & Block Group
Columbia: Clarksville & Savage	6587 Dovecote Drive	6056.02.4
	5701 Cedar Lane	6055.03.3
	5342 Flight Feather	6066.07.2

	9359 Torrent Row	6066.03.3
	9017 Moving Water Lane	6068.03.2

Five single family homes located in Columbia, MD.

Action: Acquisition & Rehabilitation

h. Wye Ave Properties

Location: Census Tract-Block Group: 8031 and 8035 Donald Avenue / 6069.01-1 / Two single family homes in Jessup, MD.

Action: Acquisition and New Construction

i. Cottages at Greenwood

Location: Census Tract-Block Group: 8770 Mary Lane / 6069.01-3 / 10 home single family homes in Jessup, MD.

Action: New Construction

j. HopeWorks Safehouse (Formerly DVC of Howard County)

Location: Census Tract-Block Group: Information not available

Action: Acquisition and Rehabilitation

k. Parkview at Emerson

Location: Census Tract-Block Group: 9895 Palace Hall Drive / 6068.06-1 / 80 units in Laurel, MD.

Action: Acquisition

l. Bright Plume

Location: Census Tract-Block Group: 6489 Bright Plume / 6056.02-2 / One single family home in Columbia, MD.

Action: Rehabilitation

m. Graeloch

Location: Census Tract-Block Group: 10518 Graeloch Road / 6068.06-2 / One single family home in Laurel, MD.

Action: Rehabilitation

The following projects are proposed to be assisted:

n. Bridges Alliance

Location: Census Tract-Block Group: County-wide. Exact locations pending.

Action: Acquisition of scattered site single-family units

o. Beechcrest Relocation

Location: Census Tract-Block Group: 40 Ruth Avenue / 6069.04-3 / A mobile home park located in Laurel, MD.

Action: Acquisition, Relocation and Demolition

p. Small Efficiency Apartment & Day Resource Center Project

Location: Census Tract: data pending / 30-35 single efficiency apartments and a non-residential Day Resource Center to be located on Guilford Road near the intersection of Route 1 and Route 32

Action: Acquisition and new construction

q. Cottages at Greenwood II

Location: Census Tract: precise location pending / 26-28 home single family homes community to be located in Jessup, MD.

Action: New construction pending

2. Specify (by location and identity of the proposed action) which of the above-listed actions will occur (a) in an area of high minority concentration and (b) outside of such an area; and provide the source and substance of the data relied upon to define the area of minority concentration:

a. The following have units located in high minority concentration areas.

Assisted Housing Name	Action	Location
Burgess Mill Station	Demolition & New Construction	6028-1
Morningside Park	Partial Renovation	6069.01
Columbia Housing	Past Acquisition & Rehabilitation	6066.03, 6055.03, 6068.03 & 6056.02
Bright Plume	Rehabilitation	6056.02
Public Housing	RAD Conversion, if approved	6012.01, 6066.03, 6055.03, 6067.04, 6054.02, 6067.04 & 6069.01

- b. The following projects are located outside of high minority concentration areas.

Assisted Housing Name	Action	Location
Public Housing	RAD Conversion, if approved	6022.01, 6012.04, 6066.06, 6066.07 & 6069.04
Monarch Mills	Demolition & New Construction	6067.07
Port Capital	New Construction	6012.03
Patuxent Square	New Construction	6069.07
Columbia Housing	Acquisition & Rehabilitation	6066.07
Wye Ave. Properties	Rehabilitation	6069.01
Cottages at Greenwood	New Construction	6069.01
Parkview at Emerson	Land Acquisition	6068.06
Graeloch	Rehabilitation	6068.06
Beechcrest	Acquisition, Relocation& Demolition	6069.04

The data source is the 2012 Howard County Analysis of Impediments

3. Specify (by location and identity of proposed action) which of the above-listed actions will occur (a) in an area of low-income concentration and (b) outside of such an area; and provide the source and substance of the data relied upon to define the areas of low-income concentration.

- a. The following have projects located in low to moderate income concentrated areas.

Assisted Housing Name	Action	Location
Public Housing	RAD Conversion, if approved	6066.03-4, 6055.03-2, 6055.03-3, 6067.04-2 & 6054.02-1
Columbia Housing	Acquisition & Rehabilitation	

- b. The following have projects located outside of low to moderate income concentrated areas:

Assisted Housing Name	Action	Location
Public Housing	RAD Conversion, if approved	6022.01-?, 6012.01-?, 6066.03-2, 6012.04-1, 6067.04-1, 6066.06-1, 6066.07-1, 6069.04-1 & 6069.01-4
Burgess Mill Station	Demolition & New Construction	6028.1
Monarch Mills	Demolition & New Construction	6067.07
Morningside Park	Rehabilitation	6069.01
Port Capital	New Construction	6012.03

Patuxent Square	New Construction	6069.07
Columbia Housing	Acquisition & Rehabilitation	6055.03-3, 6068.03-2, 6056.02-4 & 6066.07- 2
Wye Ave. Properties	Acquisition & New Construction	6069.01
Cottages at Greenwood	New Construction	6069.01
Parkview at Emerson	Land Acquisition	6068.06
Graeloch	Rehabilitation	6068.06
Bright Plume	Rehabilitation	6056.02
Beechcrest	Acquisition, Relocation & Demolition	6069.04

The data source is the 2012 Howard County Analysis of Impediments

4. Specify (by location and identity of proposed action) which of the above-listed actions will occur in areas served by schools that have: (a) academic performance measures above the State average and (b) percentages of students receiving free and reduced prices meals that are below the State average:

The Howard County Public School System is a consistent high performer. Therefore all of the above listed projects are located in areas where the schools are performing equivalent to or above State average. To view the MD State Report Card for Howard County Assessments visit <http://mdreportcard.org/Assessments.aspx?K=13AAAA>. A profile of Howard County Public School can be viewed by visiting <http://www.hcpss.org/aboutus/profile.pdf>.

5. Specify (by location and identity of proposed action) which of the above-listed actions will occur in areas of job growth, proximity or access to employment via public transit, or other positive community attributes. Describe the positive community attributes, and specify the source and substance of the data or other information relied on to reach this assessment:

Throughout the “Great Recession” Howard County has consistently reported an unemployment rate below the State average and continues to increase its share of the growing business sector in Maryland. To view the March 2014 Economic Indicators publication visit <http://www.hceda.org/why-howard-county/doing-business-here/economic-indicators.aspx>.

Admittedly, transportation is an area in which Howard County can improve and steps have been taken to do so as indicated by the establishment of an Office of Transportation and the a Regional Transportation Partnership with Anne Arundel County (<http://www.howardcountymd.gov/News032714.htm>).

Howard County, aside from being centrally located between the Baltimore and Washington Regions with convenient access to multiple transportation outlets (I95 & 70, Routes 32, 100 & 29 and BWI), also offers numerous community amenities including a thriving Department of Recreation and Parks, multiple retail outlets, educational institutions, healthcare facilities, community support/non-profit organizations and faith based entities (<http://www.hceda.org/why-howard-county/living-here.aspx>).

6. Does the proposed Significant Decision or Plan increase, decrease or have no impact on the number and availability of assisted and/or affordable housing units for families with children

being provided (a) in areas of high minority racial concentration or (b) outside of such areas? Explain.

- a. The plans submitted preserve and improve existing affordable housing for families with children.
- b. The plans submitted preserve and improve existing affordable housing for families with children

Howard County will potentially increase the number of assisted and/or affordable units to families with children by project basing vouchers from our current ACC for Burgess Mills Station (Phase I) a previously completely unassisted project; partnering with MBQ to project base units at Burgess Mills Station (Phase I) for Thompson Settlement families and with acquisitions planned for projects such as Bridges Alliance. It should also be noted that the County has been focusing new local resources to address the housing needs of the chronically homeless population which includes families with children. Howard County Housing is considered a critical partner in the County's overall Continuum of Care and actively participates in the ongoing development and enhancement of the Coordinated System of Homeless Services (CSHS); assisting in the creation and management of a homeless subsidy program and setting aside a portion of Housing Choice Voucher funding, when available to house homeless families.

7. If the proposed Significant Decision or Plan does not increase the number and availability of assisted and/or affordable housing units for families with children outside the areas of high minority concentration, and/or areas of low-income concentration, please provide the reasons why the Decision or Plan should nonetheless be approved:

While the goal of Howard County Housing, by virtue of its mission and funding sources, works to provide and/or increase access to assisted and/or affordable housing opportunities and options to families with children, it is not obligated to only focus on this population. To do so risks excluding families that may not have children such as the adults that are homeless or in poverty (single or married), the disabled and the elderly.

8. Explain how the actions proposed in your Significant Decision or Plan remedy or ameliorate the impediments to housing choice in your jurisdiction. If you are relying on data or information to support your conclusion, please specify the data and information relied upon:

Decisions that work to remedy impediments to housing choice in Howard County include:

- project basing vouchers from the current ACC at the proposed Small Efficiency Apartment Project;
- offering vouchers, as needed and when deemed appropriate, to extremely low-income Beechcrest residents as a comparable housing option when determining relocation benefits;
- providing funding to implement a pilot for systemic fair housing testing;
- working with the Regional Fair Housing Group to negotiate potential changes to existing porting protocol in the region to ease both administrative and navigation burdens for both voucher holders and PHAs;

- expanding the Moderate Income Housing Unit Program to include a Low Income Housing Unit option;
- expanding the Moderate Income Housing Unit Program to zoning districts that include single-family units as well as multi-family in other areas throughout the County;
- ensuring that projects under consideration are evaluated in accordance with HUD's Site & Neighborhood Standards;
- offering a Single-family Housing Repair Loan Program to help preserve affordable housing units within the County
- offering a Lease Purchase program for credit-challenged families, providing a combination of credit counseling and related services that positions them for a homeownership opportunity while renting
- agreeing to perform the voucher conversion for expiring project based vouchers in a mobile home park on behalf of HUD, when approved;
- hosting bi-annual landlord education workshops in partnership with the Office of Human Rights, the Department of Licenses, Inspections & Permits and the Office of Consumer Affairs to afford landlords the opportunity to attend one workshop that answers all questions about renting units in Howard County;
- serving as a member of the committee that developed the Consider the Person campaign(<http://considertheperson.org/>);
- hosting an annual foreclosure prevention event (<http://mdhope.dhcd.maryland.gov/Pages/Home.aspx>);
- continued acquisition of affordable homeownership and rental units to increase HCH's portfolio and thereby Howard County's number of affordable housing units – The Verona at Oakland Mills (<http://www.theveronaatoaklandmills.com/>) ;
- providing education and outreach opportunities which includes presenting to local banks about the efficacy of participating as lenders in our affordable home ownership programs in order to increase the number of lender options to minority and moderate income families; and
- Working with the Regional Fair Housing Group to remove the *local approval/resolution requirement* for State funded projects (<http://openstates.org/md/bills/2014/HB453/>).

Activity to resolve impediments to fair housing in Howard County are driven by the 2012 local Analysis of Impediments.

9. If the proposed activity will involve new construction, acquisition or rehabilitation of affordable and/or assisted housing, does the proposed location of such affordable and/or assisted housing comply with applicable HUD Site and Neighborhood Standards? Explain:

Howard County Housing intends to comply with HUD Site & Neighborhood Standards, as applicable.

10. Describe any alternative activities or policies considered that are likely to result in different outcomes with respect to the amount of affordable and/or assisted housing being provided in areas of low minority concentration, and the reasons why such alternatives were rejected.

There are no applicable activities or policies to report.

11. To enable HUD to assess the cumulative impact of this Significant Plan or Decision, specify (by location and action) all significant housing-related actions taken by your organization within the last 5 years (e.g., 20 units of public housing at ABC Street demolished in 2010; 20 units of replacement housing provided at XYZ Street in 2010).

This information was recently submitted to HUD in the following documents:

- 2009-2013 Annual Plan
- 2009-2013 Action Plan
- 2009-2013 CAPER
- 2011 – 2015 Consolidated Plan
- Housing Choice Voucher and Public Housing Administrative Plan revisions.

12. Provide any additional information that you believe may be useful to HUD in determining whether the proposed activity presents a significant risk of having a discriminatory effect on the supply, location or availability of affordable and/or assisted housing for African-American or other minority families with children in the Baltimore Region:

There is no additional information to report.

CHAPTER 25 - HUD SPECIAL POLICY AREAS

A. VAWA – Violence Against Women Act

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.”

B. DEFINITIONS

- The term **domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
- The term **dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors:

The length of the relationship;
The type of relationship; and

The frequency of interaction between the persons involved in the relationship.

- The term ***stalking*** means:

To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or

To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

- The term ***immediate family member*** means, with respect to a person:

A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or

Any other person living in the household of that person and related to that person by blood and marriage.

C. **VICTIM DOCUMENTATION**

Howard County Housing Commission Policy

When a participant family is facing termination of assistance or when an applicant family is facing denial of admission 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 HCHC will require the individual to submit documentation affirming that claim.

The documentation must include two elements:

A signed statement by the victim that provides the name of the perpetrator and certifies that the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, or stalking, and one of the following:

- A police or court record documenting the actual or threatened abuse, or
- A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the

actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

The required certification and supporting documentation must be submitted to the HCHC within 14 business days after the HCHC issues a written request by way of the termination letter. The HCHC will enclose a special VAWA hand-out, along with the HUD approved VAWA form, in the notice of termination. If the individual does not provide the required certification and supporting documentation within 14 business days, or the approved extension period, the HCHC may proceed with assistance termination.

If the HCHC can demonstrate an actual and imminent threat to other participants or those employed at or providing service to the property if the participant's tenancy is not terminated, the HCHC will bypass the standard process and proceed with the immediate termination of the family's assistance.

D. 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 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.

Howard County Housing Commission Policy

When the actions of a participant, applicant, or other family member result in a decision by the HCHC to deny or terminate the family's assistance and another family member claims that the actions involve criminal acts of physical violence against family members or others, the HCHC will request that the victim submit the above required certification and supporting documentation in accordance with the stated time frame. If the certification and supporting documentation are submitted within the required time frame, or any approved extension period, the HCHC will terminate the perpetrator's assistance. If the victim does not provide the certification and supporting documentation, as required, the HCHC will proceed with termination of the family's assistance.

If the HCHC can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the participant's tenancy

is not terminated, the HCHC will bypass the standard process and proceed with the immediate termination of the family's assistance.

E. PHA Confidentiality Requirements

All information provided to the HCHC 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.

§ 983.6Site and neighborhood standards.

Burgess Mill is new construction so 983.6(a) is NOT APPLICABLE.

(a) *Rehabilitation site and neighborhood standards.* In addition to meeting the standards required in § 982.401(l) of this chapter, the proposed sites for rehabilitation units must meet the following site and neighborhood standards:

- (1) Be adequate in size, exposure and contour to accommodate the number and type of units proposed; adequate utilities and streets must be available to service the site. (The existence of a private disposal system and private sanitary water supply for the site, approved in accordance with law, may be considered adequate utilities.)
- (2) Be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, E.O. 11063, and HUD regulations issued pursuant thereto.
- (3) Promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- (4) Be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.
- (5) Be so located that travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers is not excessive. (While it is important that housing for the elderly not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.)

(b) *New construction site and neighborhood standards.* The proposed sites for new construction units must be approved by the HUD field office as meeting the following site and neighborhood standards:

- (1) The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas, and electricity) and streets must be available to service the site.

Site is adequate to accommodate the number and type of units proposed as it is a redevelopment and multifamily units originally were on the site and the market analysis supports the number of units proposed. City utilities already run to the site and public streets access the site and will continue to do so.

- (2) The site and neighborhood must be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of title VI of the Civil Rights Act of 1964, the Fair Housing Act, Executive Order 11063, and implementing HUD regulations.

The project is replacing fully low – income housing units with a larger mixed income community with 1:1 replacement which does comply with the Civil Rights Act, Fair Housing Act, and Executive Order.

(3)(i) The site must not be located in an area of minority concentration, except as permitted under paragraph (b)(3)(ii) of this section, and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.

(ii) A project may be located in an area of minority concentration only if: (A) Sufficient, comparable opportunities exist for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration (see paragraph (b)(3)(iii) of this section for further guidance on this criterion); or (B) The project is necessary to meet overriding housing needs that cannot be met in that housing market area (see paragraph (b)(3)(iv) of this section for further guidance on this criterion).

(iii)(A) “Sufficient” does not require that in every locality there be an equal number of assisted units within and outside of areas of minority concentration. Rather, application of this standard should produce a reasonable distribution of assisted units each year, that, over a period of several years, will approach an appropriate balance of housing choices within and outside areas of minority concentration. An appropriate balance in any jurisdiction must be determined in light of local conditions affecting the range of housing choices available for low-income minority families and in relation to the racial mix of the locality's population.

(B) Units may be considered “comparable opportunities” if they have the same household type (elderly, disabled, family, large family) and tenure type (owner/renter); require approximately the same tenant contribution towards rent; serve the same income group; are located in the same housing market; and are in standard condition.

(C) Application of this sufficient, comparable opportunities standard involves assessing the overall impact of HUD-assisted housing on the availability of housing choices for low-income minority families in and outside areas of minority concentration, and must take into account the extent to which the following factors are present, along with other factors relevant to housing choice:

(1) A significant number of assisted housing units are available outside areas of minority concentration.

(2) There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.

(3) There are racially integrated neighborhoods in the locality.

(4) Programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration.

(5) Minority families have benefited from local activities (*e.g.*, acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.

(6) A significant proportion of minority households has been successful in finding units in non-minority areas under the Section 8 certificate and voucher programs.

(7) Comparable housing opportunities have been made available outside areas of minority concentration through other programs.

(iv) Application of the “overriding housing needs” criterion, for example, permits approval of sites that are an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood and of sites in a neighborhood experiencing significant private investment that is demonstrably changing the economic character of the area (a “revitalizing area”). An “overriding housing need,” however, may not serve as the basis for determining that a site is acceptable if the only reason the need cannot otherwise be feasibly met is that discrimination on the basis of race, color, religion, sex, national origin, age, familial status or disability renders sites outside areas of minority concentration unavailable or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.

Project is located in an area of minority concentration but the project is appropriate because housing in racially integrated neighborhoods is available throughout Howard County, Howard County employs a mixed income housing strategy so this project will reduce low income concentration in the neighborhood, there is a significant number of assisted projects over the past 10 years, and Howard County operates a mandatory moderate income housing program for new market rate developments.

Census tract is 59% White, 10% Black, 26% Asian, 3% Hispanic.

County is 62% White, 17.5% Black, 14.4% Asian, 6% Hispanic.

(4) The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.

Project is replacing solely low income housing with mixed income housing which is promoting greater choice of housing opportunities and reducing concentration of low income persons.

(5) The neighborhood must not be one which is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.

Project is new construction being built to appropriate federal, state, and county property standards.

(6) The housing must be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.

The site is adjacent to a community center with excellent access to commercial/public service amenities, within 1 mile of a grocery store, pharmacy, and police.

(7) Except for new construction housing designed for elderly persons, travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for lower-income workers, must not be excessive.

Transit stop on the campus of the project.

Statement of Significant Amendment

Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"

A "significant amendment" and "substantial deviation/modification to the Annual Plan is defined as: "A change in policy, not mandated by federal regulations, that substantially alters the nature of the Housing Choice Voucher Program, or represents a major shift in policy areas. This would include actions such as a conversion to a "Moving to Work" agency, major waiting list restructuring, the elimination of major programs, procurement actions involving the expenditure of 25% or more of program administrative funds, or capital fund changes resulting in more than a 25% difference in a spending category unless mandated by a current maintenance deficiency.

2015 Capital Fund

Capital Fund Program (CFP) Amendment To The Consolidated Annual Contributions Contract (form HUD-53012)

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Whereas, (Public Housing Authority) Howard County Housing Commission MD023 (herein called the "PHA")
and the United States of America, Secretary of Housing and Urban Development (herein called "HUD") entered into Consolidated Annual Contributions
Contract(s) ACC(s) Number(s) P-3505 dated 1/18/1996

Whereas, HUD has agreed to provide CFP assistance, upon execution of this Amendment, to the PHA in the amount to be specified below for the
purpose of assisting the PHA in carrying out development, capital and management activities at existing public housing projects in order to ensure that
such projects continue to be available to serve low-income families. HUD reserves the right to provide additional CFP assistance in this FY to the
PHA. HUD will provide a revised ACC Amendment authorizing such additional amounts.

\$ \$73,671.00 for Fiscal Year 2015 to be referred to under Capital Fund Grant Number MD06P02350115
PHA Tax Identification Number (TIN): On File DUNS Number: On File

Whereas, HUD and the PHA are entering into the CFP Amendment Number _____

Now Therefore, the ACC(s) is (are) amended as follows:

1. The ACC(s) is (are) amended to provide CFP assistance in the amount specified above for development, capital and management activities of PHA projects. This CFP Amendment is a part of the ACC(s).
2. The PHA must carry out all development, capital and management activities in accordance with the United States Housing Act of 1937 (the Act), 24 CFR Part 905 (the Capital Fund Final rule) published at 78 Fed. Reg. 63748 (October 24, 2013), as well as other applicable HUD requirements, except that the limitation in section 9(g)(1) of the Act is increased such that of the amount of CFP assistance provided for under this CFP amendment only, the PHA may use no more than 25 percent for activities that are eligible under section 9(e) of the Act only if the PHA's HUD-approved Five Year Action Plan provides for such use; however, if the PHA owns or operates less than 250 public housing dwelling units, such PHA may continue to use the full flexibility in section 9(g)(2) of the Act.
3. The PHA has a HUD-approved Capital Fund Five Year Action Plan and has complied with the requirements for reporting on open grants through the Performance and Evaluation Report. The PHA must comply with 24 CFR 905.300 of the Capital Fund Final rule regarding amendment of the Five Year Action Plan where the PHA proposes a Significant Amendment to the Capital Fund Five Year Action Plan.
4. For cases where HUD has approved a Capital Fund Financing Amendment to the ACC, HUD will deduct the payment for amortization scheduled payments from the grant immediately on the effective date of this CFP Amendment. The payment of CFP funds due per the amortization scheduled will be made directly to a designated trustee within 3 days of the due date.
5. Unless otherwise provided, the 24 month time period in which the PHA must obligate this CFP assistance pursuant to section 9(j)(1) of the Act and 48 month time period in which the PHA must expend this CFP assistance pursuant to section 9(j)(5) of the Act starts with the effective date of this CFP amendment (the date on which CFP assistance becomes available to the PHA for obligation). Any additional CFP assistance this FY will start with the same effective date.
6. Subject to the provisions of the ACC(s) and paragraph 3, and to assist in development, capital and management activities, HUD agrees to disburse to the PHA or the designated trustee from time to time as needed up to the amount of the funding assistance specified herein.
7. The PHA shall continue to operate each public housing project as low-income housing in compliance with the ACC(s), as amended, the Act and all HUD regulations for a period of twenty years after the last disbursement of CFP assistance for modernization activities for each public housing project or portion thereof and for a period of forty years after the last distribution of CFP

assistance for development activities for each public housing project and for a period of ten years following the last payment of assistance from the Operating Fund to each public housing project. However, the provisions of Section 7 of the ACC shall remain in effect for so long as HUD determines there is any outstanding indebtedness of the PHA to HUD which arose in connection with any public housing project(s) under the ACC(s) and which is not eligible for forgiveness, and provided further that, no disposition of any project covered by this amendment shall occur unless approved by HUD.

8. The PHA will accept all CFP assistance provided for this FY. If the PHA does not comply with any of its obligations under this CFP Amendment and does not have its Annual PHA Plan approved within the period specified by HUD, HUD shall impose such penalties or take such remedial action as provided by law. HUD may direct the PHA to terminate all work described in the Capital Fund Annual Statement of the Annual PHA Plan. In such case, the PHA shall only incur additional costs with HUD approval.

9. Implementation or use of funding assistance provided under this CFP Amendment is subject to the attached corrective action order(s).
(mark one): ☐ Yes ☐ No

10. The PHA is required to report in the format and frequency established by HUD on all open Capital Fund grants awarded, including information on the installation of energy conservation measures.

11. If CFP assistance is provided for activities authorized pursuant to agreements between HUD and the PHA under the Rental Assistance Demonstration Program, the PHA shall follow such applicable statutory authorities and all applicable HUD regulations and requirements. For total conversion of public housing projects, the provisions of Section 7 of the ACC shall remain in effect for so long as HUD determines there is any outstanding indebtedness of the PHA to HUD which arose in connection with any public housing project(s) under the ACC(s) and which is not eligible for forgiveness, and provided further that, no disposition or conversion of any public housing project covered by these terms and conditions shall occur unless approved by HUD. For partial conversion, the PHA shall continue to operate each non-converted public housing project as low-income housing in accordance with paragraph 7.

12. CFP assistance provided as an Emergency grant or a Safety and Security grant shall be subject to a 12 month obligation and 24 month expenditure time period. CFP assistance provided as a Natural Disaster grant shall be subject to a 24 month obligation and 48 month expenditure time period. The start date shall be the date on which such funding becomes available to the PHA for obligation. The PHA must record the Declaration(s) of Trust within 60 days of the effective date or HUD will recapture the funds.

The parties have executed this CFP Amendment, and it will be effective on 4/13/2015. This is the date on which CFP assistance becomes available to the PHA for obligation.

U.S. Department of Housing and Urban Development By _____ Date: _____	PHA (Executive Director or authorized agent) By  Date: 03/11/2015
Title _____	Title Executive Director

2015 Capital Fund

Capital Fund Program (CFP) Amendment To The Consolidated Annual Contributions Contract (form HUD-53012)

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Whereas, (Public Housing Authority) Howard County Housing Commission MD023 (herein called the "PHA")
and the United States of America, Secretary of Housing and Urban Development (herein called "HUD") entered into Consolidated Annual Contributions
Contract(s) ACC(s) Numbers(s) P-3505 dated 1/18/1996

Whereas, HUD has agreed to provide CFP assistance, upon execution of this Amendment, to the PHA in the amount to be specified below for the purpose of assisting the PHA in carrying out development, capital and management activities at existing public housing projects in order to ensure that such projects continue to be available to serve low-income families. HUD reserves the right to provide additional CFP assistance in this FY to the PHA. HUD will provide a revised ACC Amendment authorizing such additional amounts.

\$ \$73,671.00 for Fiscal Year 2015 to be referred to under Capital Fund Grant Number MD06P02350115
PHA Tax Identification Number (TIN): On File DUNS Number: On File

Whereas, HUD and the PHA are entering into the CFP Amendment Number _____

Now Therefore, the ACC(s) is (are) amended as follows:

1. The ACC(s) is (are) amended to provide CFP assistance in the amount specified above for development, capital and management activities of PHA projects. This CFP Amendment is a part of the ACC(s).
2. The PHA must carry out all development, capital and management activities in accordance with the United States Housing Act of 1937 (the Act), 24 CFR Part 905 (the Capital Fund Final rule) published at 78 Fed. Reg. 63748 (October 24, 2013), as well as other applicable HUD requirements, except that the limitation in section 9(g)(1) of the Act is increased such that of the amount of CFP assistance provided for under this CFP amendment only, the PHA may use no more than 25 percent for activities that are eligible under section 9(e) of the Act only if the PHA's HUD-approved Five Year Action Plan provides for such use; however, if the PHA owns or operates less than 250 public housing dwelling units, such PHA may continue to use the full flexibility in section 9(g)(2) of the Act.
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4. For cases where HUD has approved a Capital Fund Financing Amendment to the ACC, HUD will deduct the payment for amortization scheduled payments from the grant immediately on the effective date of this CFP Amendment. The payment of CFP funds due per the amortization scheduled will be made directly to a designated trustee within 3 days of the due date.
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6. Subject to the provisions of the ACC(s) and paragraph 3, and to assist in development, capital and management activities, HUD agrees to disburse to the PHA or the designated trustee from time to time as needed up to the amount of the funding assistance specified herein.
7. The PHA shall continue to operate each public housing project as low-income housing in compliance with the ACC(s), as amended, the Act and all HUD regulations for a period of twenty years after the last disbursement of CFP assistance for modernization activities for each public housing project or portion thereof and for a period of forty years after the last distribution of CFP

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9. Implementation or use of funding assistance provided under this CFP Amendment is subject to the attached corrective action order(s).
(mark one): ☐ Yes ☐ No

10. The PHA is required to report in the format and frequency established by HUD on all open Capital Fund grants awarded, including information on the installation of energy conservation measures.

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U.S. Department of Housing and Urban Development
By _____ Date: _____

PHA (Executive Director or authorized agent)
By  Date: _____

03/11/2015

Title _____

Title **Executive Director**

2015 Capital Fund

**Capital Fund Program
(CFP) Amendment
To The Consolidated Annual Contributions
Contract (form HUD-53012)**

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

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U.S. Department of Housing and Urban Development

By

Date:

PHA (Executive Director or authorized agent)

By

Date:

03/11/2015

Title

Title

Executive Director

Certification of Payments to Influence Federal Transactions

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0157 (Exp. 01/31/2017)

Applicant Name

Howard County Housing Commission

Program/Activity Receiving Federal Grant Funding

Public Housing Capital Fund Grant

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.
Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Thomas P. Carbo

Title

Executive Director

Signature



Date (mm/dd/yyyy)

03/11/2015

Statement of Significant Amendment

Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"

A "significant amendment" and "substantial deviation/modification to the Annual Plan is defined as: "A change in policy, not mandated by federal regulations, that substantially alters the nature of the Housing Choice Voucher Program, or represents a major shift in policy areas. This would include actions such as a conversion to a "Moving to Work" agency, major waiting list restructuring, the elimination of major programs, procurement actions involving the expenditure of 25% or more of program administrative funds, or capital fund changes resulting in more than a 25% difference in a spending category unless mandated by a current maintenance deficiency.

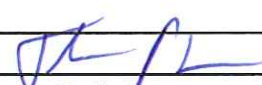
DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure.)

Approved by OMB

0348-0046

1. Type of Federal Action: ☒ a. contract ☐ b. grant ☐ c. cooperative agreement ☐ d. loan ☐ e. loan guarantee ☐ f. loan insurance		2. Status of Federal Action: ☐ a. bid/offer/application ☐ b. initial award ☐ c. post-award		3. Report Type: ☐ a. initial filing ☐ b. material change For Material Change Only: year _____ quarter _____ date of last report _____	
4. Name and Address of Reporting Entity: ☒ Prime ☐ Subawardee Tier _____, if known: _____ Congressional District, if known: 4c			5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known: _____		
6. Federal Department/Agency: U.S. Dept. of Housing & Urban Development			7. Federal Program Name/Description: Capital Fund Program CFDA Number, if applicable: _____		
8. Federal Action Number, if known:			9. Award Amount, if known: \$ 73,671.00		
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI): N/A			b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI): N/A		
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.			Signature:  Print Name: Thomas P. Carbo Title: Executive Director Telephone No.: (410)313-6348 Date: 03/11/2015		
Federal Use Only:					Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 06/30/2017

Part I: Summary

PHA Name: Howard County Housing Commission	Grant Type and Number Capital Fund Program Grant No: MD06P02350115 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant: 2015 FFY of Grant Approval:

Type of Grant ☒ Original Annual Statement ☐ Performance and Evaluation Report for Period Ending:		☐ Reserve for Disasters/Emergencies ☐ Revised Annual Statement (revision no:) ☐ Final Performance and Evaluation Report		Total Actual Cost ¹	
Line	Summary by Development Account	Original	Total Estimated Cost Revised ²	Obligated	Expended
1	Total non-CFF Funds				
2	1406 Operations (may not exceed 20% of line 21) ³				
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 21)	\$7,367			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	\$66,304			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFF Grants for operations.
⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 06/30/2017

Part I: Summary		PHA Name: Howard County Housing Commission		Grant Type and Number Capital Fund Program Grant No: MD06P02350115 Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant: 2015 FFY of Grant Approval:	
Type of Grant		☒ Original Annual Statement ☐ Reserve for Disasters/Emergencies ☐ Performance and Evaluation Report for Period Ending:		☐ Revised Annual Statement (revision no:) ☐ Final Performance and Evaluation Report			
Line	Summary by Development Account	Original	Total Estimated Cost	Revised ²	Obligated	Total Actual Cost ¹	Expended
18a	1501 Collateralization or Debt Service paid by the PHA						
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment						
19	1502 Contingency (may not exceed 8% of line 20)						
20	Amount of Annual Grant: (sum of lines 2 - 19)		\$73,671				
21	Amount of line 20 Related to LBP Activities						
22	Amount of line 20 Related to Section 504 Activities						
23	Amount of line 20 Related to Security - Soft Costs						
24	Amount of line 20 Related to Security - Hard Costs						
25	Amount of line 20 Related to Energy Conservation Measures						
Signature of Executive Director		Date 03/11/2015		Signature of Public Housing Director		Date	

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFF Grants for operations.

⁴ RHF funds shall be included here.

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 06/30/2017

Federal FY of Grant: 2015

¹ To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 06/30/2017

[illegible]

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 06/30/2017

PHA Name:

Federal FY of Grant:

[illegible]

¹ Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 06/30/2017

PHA Name:

Federal FHY of Grant:

[illegible]

¹ Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Capital Fund Program—Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 08/30/2011

Part I: Summary

PHA Name/Number Howard County Housing Cor locality (City/County & State)		Howard County, Maryland		Original 5-Year Plan X		Revision No:
A.	Development Number and Name	Work Statement for Year 1 FFY 2015	Work Statement for Year 2 FFY 2016	Work Statement for Year 3 FFY 2017	Work Statement for Year 4 FFY 2018	Work Statement for Year 5 FFY 2019
B.	Physical Improvements Subtotal	Annual Statement \$66,304	\$66,304	\$66,304	\$66,304	\$66,304
C.	Management Improvements					
D.	PHA-Wide Non-dwelling Structures and Equipment					
E.	Administration	\$7,367	\$7,367	\$7,367	\$7,367	\$7,367
F.	Other					
G.	Operations					
H.	Demolition					
I.	Development					
J.	Capital Fund Financing – Debt Service					
K.	Total CFP Funds					
L.	Total Non-CFP Funds					
M.	Grand Total	\$73,671	\$73,671	\$73,671	\$73,671	\$73,671

U.S. Department of Housing and Urban Development

Office of Public and Indian Housing

OMB No. 2577-0226

Expires 4/30/2011

[illegible]

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB No. 2577-0226
Expires 4/30/2001

Work Statement for Year **2016**

Work Statement for Year
FFY

2016

Work Statement for Year: 2010
FFV

2017

[illegible]

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB No. 2577-0226
Expires 4/30/2001

Work Statement for Year 2018

2018

Work Statement for Year: 2019

2019

[illegible]

U.S. Department of Housing and Urban Development

Expires 4/30/2001

3.120 3.121 3.122 3.123 3.124 3.125 3.126 3.127 3.128 3.129 3.130 3.131 3.132 3.133 3.134 3.135 3.136 3.137 3.138 3.139 3.140 3.141 3.142 3.143 3.144 3.145 3.146 3.147 3.148 3.149 3.150 3.151 3.152 3.153 3.154 3.155 3.156 3.157 3.158 3.159 3.160 3.161 3.162 3.163 3.164 3.165 3.166 3.167 3.168 3.169 3.170 3.171 3.172 3.173 3.174 3.175 3.176 3.177 3.178 3.179 3.180 3.181 3.182 3.183 3.184 3.185 3.186 3.187 3.188 3.189 3.190 3.191 3.192 3.193 3.194 3.195 3.196 3.197 3.198 3.199 3.200 3.201 3.202 3.203 3.204 3.205 3.206 3.207 3.208 3.209 3.210 3.211 3.212 3.213 3.214 3.215 3.216 3.217 3.218 3.219 3.220 3.221 3.222 3.223 3.224 3.225 3.226 3.227 3.228 3.229 3.230 3.231 3.232 3.233 3.234 3.235 3.236 3.237 3.238 3.239 3.240 3.241 3.242 3.243 3.244 3.245 3.246 3.247 3.248 3.249 3.250 3.251 3.252 3.253 3.254 3.255 3.256 3.257 3.258 3.259 3.260 3.261 3.262 3.263 3.264 3.265 3.266 3.267 3.268 3.269 3.270 3.271 3.272 3.273 3.274 3.275 3.276 3.277 3.278 3.279 3.280 3.281 3.282 3.283 3.284 3.285 3.286 3.287 3.288 3.289 3.290 3.291 3.292 3.293 3.294 3.295 3.296 3.297 3.298 3.299 3.300 3.301 3.302 3.303 3.304 3.305 3.306 3.307 3.308 3.309 3.310 3.311 3.312 3.313 3.314 3.315 3.316 3.317 3.318 3.319 3.320 3.321 3.322 3.323 3.324 3.325 3.326 3.327 3.328 3.329 3.330 3.331 3.332 3.333 3.334 3.335 3.336 3.337 3.338 3.339 3.340 3.341 3.342 3.343 3.344 3.345 3.346 3.347 3.348 3.349 3.350 3.351 3.352 3.353 3.354 3.355 3.356 3.357 3.358 3.359 3.360 3.361 3.362 3.363 3.364 3.365 3.366 3.367 3.368 3.369 3.370 3.371 3.372 3.373 3.374 3.375 3.376 3.377 3.378 3.379 3.380 3.381 3.382 3.383 3.384 3.385 3.386 3.387 3.388 3.389 3.390 3.391 3.392 3.393 3.394 3.395 3.396 3.397 3.398 3.399 3.400 3.401 3.402 3.403 3.404 3.405 3.406 3.407 3.408 3.409 3.410 3.411 3.412 3.413 3.414 3.415 3.416 3.417 3.418 3.419 3.420 3.421 3.422 3.423 3.424 3.425 3.426 3.427 3.428 3.429 3.430 3.431 3.432 3.433 3.434 3.435 3.436 3.437 3.438 3.439 3.440 3.441 3.442 3.443 3.444 3.445 3.446 3.447 3.448 3.449 3.450 3.451 3.452 3.453 3.454 3.455 3.456 3.457 3.458 3.459 3.460 3.461 3.462 3.463 3.464 3.465 3.466 3.467 3.468 3.469 3.470 3.471 3.472 3.473 3.474 3.475 3.476 3.477 3.478 3.479 3.480 3.481 3.482 3.483 3.484 3.485 3.486 3.487 3.488 3.489 3.490 3.491 3.492 3.493 3.494 3.495 3.496 3.497 3.498 3.499 3.500 3.501 3.502 3.503 3.504 3.505 3.506 3.507 3.508 3.509 3.510 3.511 3.512 3.513 3.514 3.515 3.516 3.517 3.518 3.519 3.520 3.521 3.522 3.523 3.524 3.525 3.526 3.527 3.528 3.529 3.530 3.531 3.532 3.533 3.534 3.535 3.536 3.537 3.538 3.539 3.540 3.541 3.542 3.543 3.544 3.545 3.546 3.547 3.548 3.549 3.550 3.551 3.552 3.553 3.554 3.555 3.556 3.557 3.558 3.559 3.560 3.561 3.562 3.563 3.564 3.565 3.566 3.567 3.568 3.569 3.570 3.571 3.572 3.573 3.574 3.575 3.576 3.577 3.578 3.579 3.580 3.581 3.582 3.583 3.584 3.585 3.586 3.587 3.588 3.589 3.590 3.591 3.592 3.593 3.594 3.595 3.596 3.597 3.598 3.599 3.600 3.601 3.602 3.603 3.604 3.605 3.606 3.607 3.608 3.609 3.610 3.611 3.612 3.613 3.614 3.615 3.616 3.617 3.618 3.619 3.620 3.621 3.622 3.623 3.624 3.625 3.626 3.627 3.628 3.629 3.630 3.631 3.632 3.633 3.634 3.635 3.636 3.637 3.638 3.639 3.640 3.641 3.642 3.643 3.644 3.645 3.646 3.647 3.648 3.649 3.650 3.651 3.652 3.653 3.654 3.655 3.656 3.657 3.658 3.659 3.660 3.661 3.662 3.663 3.664 3.665 3.666 3.667 3.668 3.669 3.670 3.671 3.672 3.673 3.674 3.675 3.676 3.677 3.678 3.679 3.680 3.681 3.682 3.683 3.684 3.685 3.686 3.687 3.688 3.689 3.690 3.691 3.692 3.693 3.694 3.695 3.696 3.697 3.698 3.699 3.700 3.701 3.702 3.703 3.704 3.705 3.706 3.707 3.708 3.709 3.710 3.711 3.712 3.713 3.714 3.715 3.716 3.717 3.718 3.719 3.720 3.721 3.722 3.723 3.724 3.725 3.726 3.727 3.728 3.729 3.730 3.731 3.732 3.733 3.734 3.735 3.736 3.737 3.738 3.739 3.740 3.741 3.742 3.743 3.744 3.745 3.746 3.747 3.748 3.749 3.750 3.751 3.752 3.753 3.754 3.755 3.756 3.757 3.758 3.759 3.760 3.761 3.762 3.763 3.764 3.765 3.766 3.767 3.768 3.769 3.770 3.771 3.772 3.773 3.774 3.775 3.776 3.777 3.778 3.779 3.780 3.781 3.782 3.783 3.784 3.785 3.786 3.787 3.788 3.789 3.790 3.791 3.792 3.793 3.794 3.795 3.796 3.797 3.798 3.799 3.800 3.801 3.

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Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 8/31/2011

Part I: Summary				FFY of Grant: 2014 FFY of Grant Approval:	
PHA Name: Howard County Housing Commission		Grant Type and Number Capital Fund Program Grant No: MD6P023 Replacement Housing Factor Grant No: Date of CFFP:			
Type of Grant ☐ Original Annual Statement ☐ Reserve for Disasters/Emergencies ☒ Performance and Evaluation Report for Period Ending: 12/31/2014 ☐ Revised Annual Statement (revision no:) ☒ Final Performance and Evaluation Report					
Line	Summary by Development Account	Original	Total Estimated Cost	Obligated	Total Actual Cost ¹
			Revised ²		Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³				
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 21)	\$ 6,893		\$6,893	\$6,893
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures				
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 08/31/2011

Part I: Summary		FFY of Grant: 2014	
PHA Name: Howard County Housing Commission		Grant Type and Number Capital Fund Program Grant No: MD06F023 Replacement Housing Factor Grant No: Date of CFFP:	
☒ Original Annual Statement ☐ Reserve for Disasters/Emergencies ☐ Performance and Evaluation Report for Period Ending:		☐ Revised Annual Statement (revision no:) ☐ Final Performance and Evaluation Report	
Line	Summary by Development Account	Total Estimated Cost	
		Original	Revised ²
18a	1501 Collateralization or Debt Service paid by the PHA	\$62,043	\$62,043
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment		\$62,043
19	1502 Contingency (may not exceed 8% of line 20)		
20	Amount of Annual Grant: (sum of lines 2 - 19)	\$68,936	\$68,936
21	Amount of line 20 Related to LBP Activities		
22	Amount of line 20 Related to Section 504 Activities		
23	Amount of line 20 Related to Security - Soft Costs		
24	Amount of line 20 Related to Security - Hard Costs		
25	Amount of line 20 Related to Energy Conservation Measures		
Signature of Executive Director		Date 03/12/2015	Signature of Public Housing Director
			Date

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⁴ RHF funds shall be included here.

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 08/31/2011

Federal FFY of Grant: 2014

¹ To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
² To be completed for the Performance and Evaluation Report.

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 08/31/2011

[illegible]

¹ To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 08/31/2011

PHA Name:	Federal FFY of Grant:

[illegible]

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U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 08/31/2011

PHA Name:

Federal FFY of Grant:

Expended
(ending Date)

Reasons for Revised Target Dates

[illegible]

¹ Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.