

Housing Choice Voucher Program  
Administrative Plan  
For the  
Akron Metropolitan Housing Authority

This document is also available in accessible format from the Reasonable Accommodation (RA) Coordinator upon fourteen (14) days advance notice.

Effective January, 2020

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## GLOSSARY

### A. ACRONYMS USED IN SUBSIDIZED HOUSING

<b>AAF</b>	Annual Adjustment Factor. A factor published by HUD in the Federal Register which is used to compute annual rent adjustment.
<b>ACC</b>	Annual Contributions Contract
<b>BR</b>	Bedroom
<b>CDBG</b>	Community Development Block Grant
<b>CFR</b>	Code of Federal Regulations. 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.
<b>CPI</b>	Consumer Price Index. CPI is published monthly by the Department of Labor as an inflation indicator.
<b>ELI</b>	Extremely low income
<b>FDIC</b>	Federal Deposit Insurance Corporation
<b>FHA</b>	Federal Housing Administration
<b>FICA</b>	Federal Insurance Contributions Act - Social Security taxes
<b>FmHA</b>	Farmers Home Administration
<b>FMR</b>	Fair Market Rent
<b>FUP</b>	Family Unification Program
<b>FY</b>	Fiscal Year
<b>FYE</b>	Fiscal Year End
<b>GAO</b>	Government Accounting Office
<b>GFC</b>	Gross Family Contribution. Note: Has been replaced by the term Total Tenant Payment (TTP).
<b>GR</b>	Gross Rent
<b>HAP</b>	Housing Assistance Payment
<b>HAP Plan</b>	Housing Assistance Plan
<b>HCDA</b>	Housing and Community Development Act
<b>HCVP</b>	Housing Choice Voucher Program
<b>HUD</b>	The Department of Housing and Urban Development or its designee.
<b>HURRA</b>	Housing and Urban/Rural Recovery Act of 1983; resulted in most of the 1984 HUD regulation changes to definition of income, allowances, rent calculations
<b>IG</b>	Inspector General
<b>IGR</b>	Independent Group Residence
<b>IPA</b>	Independent Public Accountant
<b>IRA</b>	Individual Retirement Account

<b>MSA</b>	Metropolitan Statistical Area established by the U.S. Census Bureau
<b>PHA</b>	Public Housing Agency
<b>PMSA</b>	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
<b>PS</b>	Payment Standard
<b>QC</b>	Quality Control
<b>RFTA</b>	Request for Tenancy Approval
<b>RFP</b>	Request for Proposals
<b>RRP</b>	Rental Rehabilitation Program
<b>SCCS</b>	Summit County Children Services
<b>SRO</b>	Single Room Occupancy
<b>SSMA</b>	Standard Statistical Metropolitan Area. Has been replaced by MSA, Metropolitan Statistical Area.
<b>TR</b>	Tenant Rent
<b>TTP</b>	Total Tenant Payment
<b>UA</b>	Utility Allowance
<b>UPCS-V</b>	Uniform Physical Condition Standards for Vouchers
<b>URP</b>	Utility Reimbursement Payment

**B. GLOSSARY OF TERMS IN SUBSIDIZED HOUSING**

**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 HCVP 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.

**ABSORPTION.** The point at which a receiving PHA starts making assistance payments with funding under its consolidated ACC, rather than billing, the initial PHA.

**ACC RESERVE ACCOUNT (FORMERLY "PROJECT RESERVE").** 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.

**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.

**ADMINISTRATIVE FEE RESERVE (Formerly "Operating reserve").** 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. This is 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 (ACC).** 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.











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 UPCS-V. 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/HCVF, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a HCVF 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 citizens and eligible immigration status and without citizens and 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.

**MUTUAL HOUSING.** Included in the definition of COOPERATIVE.

**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 (including co-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.

**NEGATIVE RENT.** Now called Utility Reimbursement. A negative Tenant Rent results in a Utility Reimbursement Payment (URP).

**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.

**NET FAMILY CONTRIBUTION.** Former name for Tenant Rent.

**NON CITIZEN.** A person who is neither a citizen nor a national of the United States.

**OCCUPANCY STANDARDS.** [Now referred to as Subsidy Standards] Standards established by a PHA to determine the appropriate number of bedrooms for families of different sizes and compositions.

















































































































































































































































## Chapter 14

### CONTRACT TERMINATIONS

**[24 CFR 982.311, 982.314]**

#### **INTRODUCTION**

The Housing Assistance Payments (HAP) contract is the contract between the owner and the PHA which 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 HCVP 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 before October 2, 1995.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in 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 must provide proper notice as stated in the lease. During the term of the lease, the owner may not terminate the tenancy except for the grounds stated in the HUD regulations.

During the term of the lease the owner may only evict for:

- 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; or 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 or any drug-related criminal activity on or near the premises.
- Other good cause.

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).

### **Evidence of Criminal Activity**

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person if the owner determines they have engaged in the criminal activity:

- Regardless of arrest or conviction
- Without satisfying the standard of proof used for a criminal conviction

### **Termination of Tenancy Decisions**

If the law and regulation permit the owner to take an action but don't require action to be taken, the owner can decide whether to take the action. Relevant circumstances for consideration include:

- The seriousness of the offense
- The effect on the community
- The extent of participation by household members
- The effect on uninvolved household members
- The demand for assisted housing by families who will adhere to responsibilities
- The extent to which leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action
- The effect on the integrity of the program

### **Exclusion of culpable household member**

The owner may require a tenant to exclude a household member in order to continue to reside in the assisted unit.

### **Consideration of Rehabilitation**

When determining whether to terminate the tenancy for illegal drug use or alcohol abuse, the owner may consider whether the member:

- Is no longer participating
- Has successfully completed a supervised drug or alcohol rehab program
- Has otherwise been successfully rehabilitated

The owner may require the tenant to submit evidence of any of the three (above).

Actions of termination by the owner must be consistent with the fair housing and equal opportunities as stated in 24 CFR 5.105.

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 eviction notice means a copy of the eviction complaint filed in court.

The PHA 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 the PHA'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, the PHA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant. By endorsing the monthly check from the PHA, the owner certifies that the tenant is still in the unit, the rent is reasonable, and the owner is in compliance with the contract.

The PHA will continue housing assistance payments until the family moves or is evicted from the unit.

If the action is finalized in court, the owner must provide the PHA with the documentation, including notice of the lock-out date.

The PHA 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 the PHA, 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 the PHA has no other grounds for termination of assistance, the PHA may issue a new voucher so that the family can move with continued assistance, if the family has provided AMHA with a copy of the owner eviction notice within ten (10) days of issuance by the owner.

**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 the PHA terminates program assistance for the family, or when the owner has breached the HAP contract. (See "Owner Disapproval and Restriction" chapter)

**Termination Due to Insufficient Funding (24 CFR 982.454)**

AMHA shall review current and projected funding levels for the Housing Choice Voucher Program on an ongoing basis. If AMHA determines there is a projected or actual shortage of Housing Assistance Payment (HAP) funding to support HAP costs for current program participants, AMHA shall first determine if any other reasonable and feasible actions can be taken to reduce program costs. If, after undertaking any such actions to reduce program costs, AMHA determines that there is insufficient funding to support HAP costs for current participants, AMHA shall terminate the minimum number of HAP contracts necessary to reduce HAP costs to within the available budget. AMHA shall inform the local HUD office prior to terminating any HAP contracts for this purpose.

In identifying the HAP contracts to be terminated as a result of insufficient funding, AMHA shall use the following order for determining HAP contracts to be terminated:

1. Non-elderly, non-disabled families. AMHA shall utilize a last in, first out methodology whereby HAP contracts are terminated based on the date of the family's initial participation in the HCV program with the most recent participant(s) terminated first, then
2. Elderly and disabled families. AMHA shall utilize a last in, first out methodology whereby HAP contracts are terminated based on the date of the family's initial participation in the HCV program with the most recent participant(s) terminated first, then
3. Families comprising the required number of project-based and special purpose vouchers (e.g. NED, VASH, FUP) shall be the last to be terminated.

Upon AMHA's determination that sufficient funding is available to issue vouchers to some or all eligible families whose HAP contracts have previously been terminated due to insufficient funding, AMHA shall use the following criteria:

1. Families will be given the Insufficient Funding Preference and shall be issued vouchers in chronological order based on the family's initial date of participation in the HCV program (prior to termination of the HAP contract), starting with the oldest date of initial participation. No action will be required by the family for the initial preference designation, but the family will still be required to respond to requests for information
2. The voucher issuance is contingent upon the family's continued eligibility for and compliance with the HCVP program.

The PHA may also terminate the contract if:

- The PHA terminates assistance to the family.
- The family is required to move from a unit when the unit does not meet the UPCS-V space standards because of an increase in family size or a change in family composition.
- Funding is no longer available under the ACC.

The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner.

### **Notice of Termination**

When the PHA terminates the HAP contract under the violation of UPCS-V space standards or due to insufficient funding, the PHA will provide the owner and family written notice of termination of the contract. The HAP contract then terminates at the end of the calendar month that follows the calendar month in which the PHA gives such notice to the owner.

## Chapter 15

### **DENIAL OR TERMINATION OF ASSISTANCE** **[24 CFR 5.902, 5.903, 5.905, 982.4, 982.54, 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 PHA 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 PHA's informal 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. GROUNDS FOR DENIAL/TERMINATION [24 CFR 982.54, 982.552, 982.553, Notice: PIH 2006-42]**

If denial or termination is based upon behavior resulting from a disability, the PHA will delay the denial or termination in order to determine if there is an accommodation that 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 PHA waiting list
- Denying or withdrawing a voucher
- Refusing to enter into a HAP contract or approve a tenancy
- Refusing to process or provide assistance under portability procedures

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
- Refusing to process or provide assistance under portability procedures
- A student under the age of 24 who is not a veteran, unmarried, does not have a dependent child, if at reexamination is determined to be ineligible, will have his or her assistance terminated
- Student will be deemed eligible for assistance if disabled and was receiving assistance as of November 30, 2005

Termination of assistance for a participant or applicant may not include:

- Criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenants control, shall not be cause for termination of assistance, tenancy or occupancy rights, if the tenant or an affiliated individual of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, sexual assault or stalking.

- The PHA may terminate the assistance to remove an occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.
- The PHA may honor court orders regarding the rights of access or control of the property, including Temporary Protection Orders, Civil Protection Orders, and other orders issued to protect the victim and issued to address the distribution or possession of property among household members where the family “breaks up.”
- There is no limitation on the ability of the PHA to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence, sexual assault or stalking, other than the victim may not be subject to a “more demanding standard’ than non-victims.
- There is no prohibition on the PHA terminating assistance if it “can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the property if the tenant’s (victim’s) assistance is not terminated.”
- Any protections provided by law which give greater protection to the victim are not superseded by these provisions.
- Domestic violence incidents will be evaluated on a case by case basis. The PHA may require certification by the individual of their victim status. When appropriate, the PHA may accept medical and/or police records in lieu of certification. When required, certification shall be submitted on PHA and/or HUD approved forms. The individual shall provide such certification within 14 business days after the PHA requests such certification. If the certification is not received within the 14-day deadline, assistance may be terminated. The 14-day deadline may be extended at the discretion of the PHA.

**Mandatory Denial and Termination** [24 CFR 982.54 (d), 982.552(b), 982.553(a), 982.553(b)]

The PHA must terminate assistance for participants if 180 days have elapsed since the PHA’s last housing assistance payment was made except for a reasonable accommodation or if approved by the Deputy Director or their designee.

The PHA must permanently deny assistance to applicants, and terminate the assistance of persons convicted of manufacturing or producing methamphetamine on the premises of Federally assisted housing.

The PHA must deny admission to the program for applicants, and terminate assistance for program participants if the PHA determines that any household member is currently engaging in illegal use of a drug. See Section B of this chapter for the PHA’s established standards.

The PHA must deny admission to the program for applicants, and terminate assistance for program participants if the PHA determines that it has reasonable cause to believe that a household member’s illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. See Section B of this chapter for the PHA’s established standards.

The PHA must deny admission to an applicant or terminate the assistance to a participant if the PHA determines that any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. See Section B of this chapter for the PHA's established standards regarding criminal background investigation and determining whether a member of the household is subject to a lifetime registration requirement under a State sex offender registration program.

The PHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.

The PHA 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 PHA must deny admission or terminate assistance when required under the regulations to establish citizenship or eligible immigration status.

**Grounds for Denial or Termination of Assistance** [24 CFR 982.552(c)]

The PHA will deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

- If any family member violates any family obligation under the program as listed in 24 CFR 982.551.
- If any family member has violated the family obligation under 24 CFR 982.551 not to engage in any drug-related criminal activity.
- If any family member has violated the family obligation under 24 CFR 982.551 not to engage in any violent criminal activity.
- Any member of the family has been evicted from Federally assisted housing in the last three years.
- 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 has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- If the family fails to fulfill its obligation under the HCVP welfare-to-work voucher program.
- The family has engaged in or threatened abusive or violent behavior toward PHA employees or agents.
- Actual physical abuse or violence will always be cause for termination. If any member of the family engages in, or has engaged in drug or alcohol abuse that interferes with the health, safety or peaceful enjoyment of other residents. See section B of this chapter.
- If any family member is subject to lifetime sex offender registration.

If any member of the family commits drug-related criminal activity, or violent criminal activity. (See Section B of this chapter and 982.553 of the regulations)

Refer to Chapter 2, “Eligibility for Admission”, “Other Criteria for Admission” section for further information.

## **B. SCREENING AND TERMINATION 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 The Akron Metropolitan Housing Authority 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
- Assist families in their vocational/educational goals in the pursuit of self-sufficiency

### **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, sex, religion, national origin, age, familial status, disability, military status, ancestry, sexual orientation, marital status and gender identity or other legally protected groups under state or local law.

To the maximum extent possible, the PHA will involve other community and governmental entities in the promotion and enforcement of this policy.

This policy will be posted on the PHA’s bulletin board and copies made readily available to applicants and participants upon request.

### **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 24 CFR 982, Subpart L and CFR Part 5, Subpart J, the PHA will endeavor to screen 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 18 years of age or older.

### **HUD Definitions**

*Covered person*, for purposes of 24 CFR Part 982 and this chapter, means a tenant, any member of the tenant’s household, a guest or another person under the tenant’s control.

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

*Drug-related criminal activity* means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

*Guest*, for purposes of this chapter and 24 CFR part 5, subpart A and 24 CFR Part 982, 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.

*Household*, for the purposes of 24 CFR Part 982 and this chapter, means the family and PHA-approved live-in aide.

*Other person under the tenant's control*, for the purposes of the definition of *covered person* and for 24 CFR Parts 5 and 982 and for this chapter, means that the person, although not staying as a guest (as defined in this chapter) 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 express 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*.

*Violent criminal activity* means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

### **Standard for Violation**

The PHA will deny participation in the program to applicants and terminate assistance to participants in cases where the PHA determines there is reasonable cause to believe that a household member is illegally using a drug or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where the PHA determines that there is a pattern of illegal use of a drug or a pattern of alcohol abuse.

The PHA will consider the use of a controlled substance or alcohol to be a pattern if there is more than one incident during the previous 3 months.

'Engaged in or engaging in' violent criminal activity means any act within the past 3 years by an applicant or participant or household member which involved 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, bodily injury or property damage.

The activity is being engaged in by any family member.

In evaluating evidence of negative past behavior, the PHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

### **Drug Related and Violent Criminal Activity: Ineligibility for Admission**

Persons evicted from Federally assisted housing because of drug-related criminal activity or violent criminal behavior are ineligible for admission to the HCVP program for a three-year period beginning on the date of such eviction.

- If an applicant has been arrested, the applicant will be required to provide a disposition of record.
- If an applicant has been convicted, applicant will be ineligible for admission for 3 years after the most recent release date that can be determined from either 1) sentence or 2) probation or 3) parole.

However, the household may be admitted if, after considering the individual circumstances of the household, the PHA determines that:

- The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA.
- The circumstances leading to eviction no longer exist because:
  - The criminal household member has died.
  - The criminal household member is imprisoned.

### **Denial of Assistance for Sex Offenders**

The PHA will deny admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In screening applicants, the PHA will perform criminal history background checks and use the Dru Sjodin National Sex Offender Website to determine whether any household member is subject to a lifetime sex offender registration requirement.

### **Termination of Assistance for Participants**

#### **Termination of Assistance for Drug-related Criminal Activity or Violent Criminal Activity:**

Under the family obligations listed at 24 CFR 982.551, the members of the household must not engage in drug-related criminal activity, 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) requires the PHA to establish standards for termination of assistance when this family obligation is violated. The Akron Metropolitan Housing Authority 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 for participants who have been:

Determined to have engaged in prohibited criminal activity based on a preponderance of evidence during participation in the program, and within the last three years prior to the date of the notice to terminate assistance. Assistance will also be terminated for participants who have been evicted and/or have had their subsidy terminated from Public Housing, Indian Housing Section 23 or any other Section 8 program.

If any member of the household violated the family obligations by engaging in drug-related criminal activity, violent criminal activity, 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, or is subject to lifetime sex offender registration, the PHA will terminate assistance.

In appropriate cases, the PHA 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.

The PHA may consider individual circumstances with the advice of Juvenile Court officials, social service providers, or government agencies.

### **Terminating Assistance for Alcohol Abuse by Household Members**

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. Assistance will be terminated due to violation of a family obligation if the PHA 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.

### **Notice of Termination of Assistance**

In any case where the PHA decides to terminate assistance to the family, the PHA 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.
- The date by which a request for an informal hearing must be received by the PHA.

If the PHA proposes to terminate assistance for criminal activity as shown by a criminal record, the PHA will provide the subject of the record and the tenant with a copy of the criminal record.

The PHA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance.

### **Required Evidence**

*Preponderance of evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

*Credible evidence* may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.

The PHA will terminate assistance for criminal activity by a household member, as described in this chapter, if the PHA determines, based on a preponderance of the evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted for such activity.

The PHA will pursue fact-finding efforts as needed to obtain credible evidence.

### **Confidentiality of Criminal Records**

The PHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

All criminal reports, while needed, will be housed in a locked file with access limited to individuals responsible for screening and determining eligibility for initial and continued assistance and to upper level HCVP management.

### **Terminations due to domestic violence in accordance with VAWA**

Criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy or occupancy rights, if the tenant or an affiliated individual of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, sexual assault or stalking.

The PHA may terminate the assistance to remove a lawful occupancy or tenant who engages in criminal acts or threatened acts of violence of stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.

In certain circumstances, the PHA will allow a qualified VAWA victim to be absent from the subsidized unit greater than 30 days without prior notification to AMHA if they are leaving because a member of the family is the victim of a VAWA crime and the absence is needed to protect the health and safety of a family member, or a family member was a victim of sexual assault that occurred on the premises during the 90-calendar-day period before the family request to move. In such case, the VAWA covered family will have to notify AMHA as soon as possible after they leave the unit.

The PHA may honor court orders regarding the rights of access or control of the property, including Emergency Protection Orders (EPO), Domestic Violence Orders (DVO), and other orders issued to protect the victim and issued to address the distribution or possession of property among household members where the family "breaks up".

There is no limitation on the ability of the PHA to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence, sexual assault, or stalking, other than the victim may not be subject to a "more demanding standard" than non-victims.

There is no prohibition on PHA terminating assistance if it "can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's (victim's) assistance is not terminated".

Any protections provided by law which give greater protection to the victim are not superseded by these provisions.

Domestic violence incidents will be evaluated on a case by case basis. The PHA may require certification by the individual of their victim status. When appropriate, the PHA may accept medical and/or police records in lieu of certification. When required, certification shall be submitted on PHA and/or HUD approved forms. The individual shall provide such certification within 14 business days after the PHA requests such certification. If the certification is received within the 14-day deadline, assistance may be terminated. The 14-day deadline may be extended at the discretion of the PHA.

**C. FAMILY OBLIGATIONS [24 CFR 982.551]**

- The family must supply any information that the PHA 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 24 CFR Part 5). ‘Information’ includes any requested certification, release or other documentation.
- The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
- The family must disclose and verify Social Security Numbers (as provided by Part 5, subpart B of this Title) 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/UPCS-V breach caused by the family as described in 982.404(b).
  - a. Failure to pay for any utilities for which family is responsible per the lease signed by the owner and the family. Utility services must be maintained and billed in the name of an adult household member (age 18 or older).
  - b. Failure to maintain appliances for which the family is responsible per the lease signed by the owner and the family.
  - c. Failure to correct/have corrected/rectify tenant caused damages beyond “normal wear and tear.”
- The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.
- The family may not commit any serious or repeated violations of the lease. Under 24 CFR 5.2005(c), an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be construed as a serious or repeated lease violation by the victim, or threatened victim, of the domestic violence, dating violence, sexual assault, or stalking, or as good cause to terminate the tenancy, occupancy rights, or assistance of the victim.
- The family must notify the owner and, at the same time, notify the PHA before the family moves out of the unit or terminates the lease upon notice to the owner.
- The family must promptly give the PHA a copy of any owner eviction notice.

- The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
- The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request in writing PHA approval to add any other family member as an occupant of the unit.
- The family must promptly notify the PHA if any family member no longer resides in the unit.
- If the PHA has given approval, a foster child or a live-in aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residence by a foster child or live-in aid, and defining when PHA consent may be given or denied.
- 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 a residence by members of the family.
- The family must not sublease or let the unit.
- The family must not assign the lease or transfer the unit.
- The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose.
- The family must promptly notify the PHA in writing 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 any Federal housing program.
- The household members may 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.
- 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.
- An assisted family, or members of the family, may not receive HCVP tenant-based 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.

- Any adult not included on the 50058 who has been in the unit more than fifteen (15) consecutive days, or a total of sixty (60) days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.
- Program participants must report all changes in income to the PHA between annual re-exams. Household members reporting zero income who subsequently obtain income will be required to report the change in income within 10 calendar days and complete the interim certification process

**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 PHA has discretion to consider all of the circumstances in each case, including the seriousness of the case. The PHA 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 PHA 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 members who were not involved in the action or failure to act.

The PHA 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 PHA may permit the other members of a family to continue in the program.

**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.

UPCS-V Breach

The inspector will determine if an UPCS-V breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure UPCS-V breaches by the Inspection 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, or
- 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 PHA determines that the cause is a serious or repeated violation of the lease based on available evidence; or
- If there are police reports, neighborhood complaints or other third party information, that has been verified by the PHA.

Notification of Eviction

If the family requests assistance to move and they did not provide a copy to the PHA of an owner eviction notice within 10 days of receiving the Notice, the move will be denied.

### Proposed Additions to the Family

The PHA will deny a family's request to add additional family members who are:

- Persons who have been evicted from public housing within the last three years (consistent with Chapter 2),
- Persons who have previously violated a family obligation listed in 24 CFR 982.551 of the HUD regulations within the last three years (consistent with Chapter 2),
- Persons who have been part of a family whose assistance has been terminated under the Certificate or Voucher program within the last three years (consistent with Chapter 2),
- Persons who have been convicted of drug-related criminal activity or violent criminal activity are suitable for housing three (3) years after the most recent release date that can be determined from either 1) sentence or 2) probation or 3) parole.
- Persons who do not meet the PHA'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 PHA or to another PHA in connection with HCVP or public housing assistance under the 1937 Act,
- Persons who have engaged in or threatened abusive or violent behavior toward PHA employees or agents,
- Persons who are subject to lifetime sex offender registration, or
- Persons who meet any criteria under the Mandatory Denial and Termination section in this chapter.

### Family Member Moves Out

Families are required to timely notify the PHA if any family member leaves the assisted household. When the family notifies the PHA, they must furnish the following information:

- The date the family member moved out.
- The new address, if known, of the family member.

### 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 which is not available for sleeping, it will be considered a violation.

If the PHA 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.

If the PHA 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 (s)he is a member of the assisted family.

### Fraud

In each case, the PHA will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

**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. The PHA must offer the family an opportunity for a hearing. (See Chapter 2, “Eligibility for Admission”, section on Citizenship/Eligible Immigration Status.)

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

**False or Incomplete Information**

When the PHA 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 PHA 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 PHA will then verify eligible status, deny, terminate, or prorate as applicable.

The PHA 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 PHA either after the INS appeal or in lieu of the INS appeal.

After the PHA 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 On or After 10/2/95 [24 CFR 982.455 (a)]**

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 PHA 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 [24 CFR 982.551, 24 CFR 982.552(c)]**

If the family fails to timely, fully, and accurately provide any facts that caused the PHA to overpay assistance, the PHA may terminate assistance or may offer to continue assistance provided that the family:

- Executes a Restitution Agreement, makes payments in accordance with the Restitution Agreement, and is not already under a Restitution Agreement (unless approved by the Director of Operations or designee), or
- Reimburses the PHA in full within 30 days.

If AMHA extends an offer to participant to sign a Restitution Agreement in lieu of termination of assistance and the participant fails to sign the Agreement, AMHA will proceed with termination of assistance.

**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 PHA will deny or terminate assistance.

In making this determination, the PHA 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 PHA to fulfill its responsibilities. The PHA schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow the PHA 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 PHA, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the PHA 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 time requirements will be imposed for the following events and circumstances:

- Eligibility for Admissions
- Verification Procedures
- Certificate/Voucher Issuance and Briefings
- Uniform Physical Condition Standards for Vouchers and Inspections
- Reexaminations
- Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are:

- Medical emergency
- Incarceration
- Family emergency

**Procedure when Appointments are Missed or Information not Provided**

For most purposes in this Plan, the family will be given 2 opportunities before being issued a notice of termination or denial for breach of a family obligation.

## **I. VASH GRADUATES**

As a condition of HCV rental assistance, a HUD-VASH eligible family must receive the case management services noted above from the VAMC. Therefore, a HUD-VASH participant family's HCV assistance must be terminated for failure to participate, without good cause, in case management as verified by the VAMC. However, a VAMC determination that the participant family no longer requires case management is not grounds for terminating assistance. In such case, AMHA will offer the family continued HCV assistance through one of the next available vouchers, to free up the HUD-VASH voucher for another eligible family referred by the VAMC.

## **J. MOVING ON STRATEGY**

Many participants, over time, may find that they no longer need the level of supportive services that are provided while in the Shelter Plus Care (SPC) program or Family Unification Program (FUP). When people have the opportunity to move from supportive housing into another stable housing opportunity, such turnover creates availability in existing supporting housing vouchers that can be used to serve other eligible households. In such cases where current SPC and FUP vouchers are fully utilized per the grant agreements, eligible SPC and FUP participants who wish to obtain a tenant based voucher may receive a Moving On preference, see Chapters 4 and 7. Once the participant has moved on to a tenant based voucher, this frees up the SPC or FUP voucher for another eligible family.

## Chapter 16

### OWNER DISAPPROVAL AND RESTRICTION

[24 CFR 982.54, 982.306, 982.453]

#### INTRODUCTION

It is the policy of the PHA to recruit owners to participate in the Voucher program. The PHA will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the PHA. The regulations define when the PHA must disallow an 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)]

The 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 PHA may disapprove the owner for the following reasons:

- HUD has informed the PHA that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.
- HUD has informed the PHA 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.
- HUD has informed the PHA that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other Federal equal opportunity requirements.
- Unless their lease was effective prior to June 17, 1998, the owner may not be a parent (including step-parent), child (including step-child), grandparent, grandchild, sister (including step-sister) or brother (including step-brother) of any family member. The PHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.
- In cases where the owner and tenant bear the same last name, the PHA may, at its discretion, require the family and or owner to certify whether they are related to each other in any way.
- The PHA may deny the owner if the owner has not paid state or local real estate taxes, fines or assessments.
- The owner has violated obligations under a housing assistance payments contract under HCVP of the 1937 Act (42 U.S.C. 1437f).
- The owner has committed fraud, bribery or any other corrupt act in connection with any Federal housing program.
- The owner has engaged in drug-related criminal activity or any violent criminal activity.
- The owner has a history or practice of non-compliance with the UPCS-V for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based HCVP assistance or leased under any other Federal housing program.

- The owner has a history or practice of renting units that fail to meet State or local housing codes.
- 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:
  - Threatens the right to peaceful enjoyment of the premises by other residents;
  - Threatens the health or safety of other residents, of employees of the PHA, or of other employees or other persons engaged of the management of the housing;
  - 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
  - Is involved in drug-related criminal activity or violent criminal activity.
- The owner/agent has a history or practice of acting or speaking in an abusive or threatening manner toward tenants or the Housing Authority's staff.

**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 PHA will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. The PHA may also terminate some or all contracts with the owner.

Before imposing any penalty against an owner the PHA 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/ASSIGNMENT OF THE HAP CONTRACT [HUD-52641]**

The HAP contract cannot be assigned to a new owner without the prior written consent of the PHA.

An owner under a HAP contract must notify the PHA in writing prior to a change in the legal ownership of the unit. The owner must supply all information as requested by the PHA.

Prior to approval of assignment to a new owner, the new owner must agree to be bound by and comply with the HAP contract under the Protecting Tenants at Foreclosure Act. The owner may terminate the tenancy effective on the date of the transfer to the owner only if the owner will occupy the unit and has provided the tenant with a notice to vacate at least 90 days before the effective date of such notice. The agreement between the new owner and the former owner must be in writing and in a form that the PHA finds acceptable. The new owner must provide the PHA with a copy of the executed agreement. If the tenant's lease ends in less than 90 days or the tenant is in a month-to-month tenancy, the new owner may evict, provided that he or she gives the tenant a minimum of 90 days written notice.

Assignment of the HAP contract will be approved only if the new owner does not meet the test for disapproval under Chapter 16 Section A.

The new owner must provide a written certification to the PHA that includes:

- A copy of the escrow statement or other document showing the transfer of title and recorded deed;

- A copy of the owner's IRS Form W-9, Request for Taxpayer Identification Number and Certification, or the social security number of the new owner;
- The effective date of the HAP contract assignment;
- A written agreement to comply with the terms of the HAP contract;
- Confirmation that the new owner is not a prohibited relative; and
- Direct Deposit Form.

If the new owner does not agree to an assignment of the HAP contract, or fails to provide the necessary documents, the PHA will terminate the HAP contract with the old owner. If the new owner wants to offer the family a new lease, and the family elects to stay with continued assistance, the PHA will process the leasing in accordance with the policies in Chapter 9.

## Chapter 17

### **OWNER OR FAMILY DEBTS TO THE PHA**

**[24 CFR 982.552]**

#### **INTRODUCTION**

This chapter describes the PHA's policies for the recovery of monies which 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.

When families or owners owe money to the PHA, the PHA will make every effort to collect it. The PHA will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil suits
- Payment agreements
- Abatements
- Reductions in HAP to owner
- Collection agencies
- Credit bureaus

#### **A. PAYMENT AGREEMENT FOR FAMILIES [24 CFR 982.552 (c)(v-vii)]**

A Payment Agreement as used in this Plan is a document entered into between the PHA and a person who owes a debt to the PHA. 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 PHA upon default of the agreement.

The PHA will prescribe the terms of the payment agreement, including determining whether to enter into a payment agreement with the family based on the circumstances surrounding the debt to the PHA.

There are some circumstances in which the PHA will not enter into a payment agreement. They are:

- If the family already has a Payment Agreement in place.
- If the PHA determines that the family committed program fraud that exceeds \$7,500 net impact.

#### **B. DEBTS OWED FOR CLAIMS [24 CFR 792.103, 982.552 (c)(v-vii)]**

If a family owes money to the PHA for claims paid to an owner:

- The PHA will enter into a Payment Agreement.

### **Late Payments**

A payment will be considered to be in arrears if:

The payment has not been received by the close of the business 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 payment agreement is in arrears, and the family has not made arrangements with the PHA, the PHA will:

- Require the family to pay the balance in full
- Pursue civil collection of the balance due
- Terminate the housing assistance

If the family requests a move to another unit and has a payment agreement in place for the payment of an owner claim, and the payment agreement is not in arrears:

The family will be permitted to move.

If the family requests a move to another unit and is in arrears on a payment agreement for the payment of an owner claim, and the family has not made arrangements with the PHA, the family will be required to pay the balance in full or be terminated from the program.

### **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 HCVP program funds in violation of HCVP program requirements.

Families who owe money to the PHA can not transfer the voucher to a family member.

#### **Family Error/Late Reporting**

Families who owe money to the PHA due to the family's failure to report increases in income will be required to repay in accordance with the payment procedures for program fraud, below.

#### **Program Fraud**

Families who owe money to the PHA due to program fraud will be required to pay in accordance with the payment procedures for program fraud, below.









The applicant will be given the option of presenting oral or written objections to the decision. Both the PHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

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 requests for a review, supporting documentation, and a copy of the final decision will be retained in the family's file.

**Mitigating Circumstances for Applicants with Disabilities [24 CFR 982.204, 24 CFR 982.522(c)]**

When applicants are denied placement on the waiting list, or the PHA is terminating assistance, the family will be informed that presence of a disability may be considered as an mitigating circumstance during the informal review process.

The grievance procedures for HCVP participants do not apply to PHA determinations that affect applicants

**D. INFORMAL HEARING PROCEDURES [24 CFR 982.555(a-f), 982.54(d)(13)]**

When the PHA makes a decision regarding the eligibility and/or the amount of assistance, the participant family must be notified in writing. The PHA will give the family prompt notice of such determinations which will include:

- The proposed action or decision of the PHA, including a brief statement of the reason for the decision,
- The date the proposed action or decision will take place,
- The family's right to an explanation of the basis for the PHA's decision,
- The family's right to request an informal hearing if they do not agree with AMHA's decision, and
- The deadline for the family to request an informal hearing..

**When Hearing is Required**

The PHA must provide participants with the opportunity for an informal hearing for decisions related to any of the following PHA determinations:

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment
- Appropriate utility allowance used from schedule
- Family unit size determination under PHA subsidy standards
- 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.

The PHA must always provide the opportunity for an informal hearing before termination of assistance. Informal hearings are not required for established policies and procedures and PHA determinations such as:

- PHA determination not to approve a unit or lease
- A PHA determination that an assisted unit is not in compliance with UPCS-V, PHA must provide a hearing for family breach of UPCS-V because that is a family obligation determination
- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- Establishment of the PHA schedule of utility allowances for families in the program
- A PHA determination not to approve an extension or suspension of a voucher term
- A PHA determination that the unit is not in accordance with UPCS-V because of the family size
- A PHA determination to exercise or not exercise any right or remedy against the owner under a HAP contract

### **Notification of Hearing**

It is the PHA'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 PHA will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When the PHA 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 PHA upon which the PHA 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 3 days before the hearing date.
- A notice to the family that the PHA will request a copy of any documents or evidence the family will use at the hearing. Requests for such documents or evidence must be received no later than 3 days before the hearing date.

### **The PHA's Hearing Procedures**

- After a hearing date is scheduled, the family may request a continuance only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the assisted family.
- If the family does not appear for the scheduled hearing, the hearing will proceed in the family's absence.

- If a family did not appear at the scheduled hearing, but experienced an unavoidable conflict which seriously affects the health, safety or welfare of the assisted family that prevented the family from appearing at the scheduled hearing; the family must contact AMHA's Legal Department within 24 hours, excluding weekends and holidays, and provide documentation of the unavoidable conflict. The PHA will reschedule the hearing only if the family can show good cause for the failure to appear. In these cases, the Hearing Officer will be directed not to issue a decision in the hearing held.
- In the case where a family is prevented from contacting AMHA within 24 hours of the missed hearing due to the unavoidable conflict, AMHA may disregard a Hearing Officer decision and reschedule the hearing at its discretion.

Families have the right to:

- Examine the documents in the file which are the basis for the PHA's action, and all documents submitted to the Hearing Officer;
- Copy any relevant documents at their expense;
- Present any information, evidence or witnesses pertinent to the issue of the hearing;
- Request that PHA 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.

In addition to other rights contained in this Chapter, the PHA 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.

The informal hearing shall be conducted by the Hearing Officer appointed by the PHA who is neither the person who made or approved the decision, nor a subordinate of that person. The hearing may be conducted by:

Any AMHA staff member, other than those excluded above, and/or any third-party appointed by AMHA.

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 timely 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.

The Hearing Officer will determine whether the action, inaction or decision of the PHA 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 PHA within 10 work days and shall include:

- A clear summary of the decision and reasons for the decision; and
- If the decision involves money owed, the amount owed and documentation of the calculation of monies owed.

AMHA will mail a copy of the hearing officer's decision to the family, along with a cover letter specifying the implications of the decision on the family's subsidy.

The PHA is not bound by hearing decisions:

- Which concern matters in which the PHA is not required to provide an opportunity for a hearing
- Which conflict with or contradict HUD regulations or requirements;
- Which conflict with or contradict Federal, State or local laws; or
- Which exceed the authority of the person conducting the hearing.

The PHA shall send a letter to the participant if it determines the PHA is not bound by the Hearing Officer's determination within 10 days. The letter shall include the PHA'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.

**E. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS" [24 CFR Part 5, Subpart E]**

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the PHA hearing is pending but assistance to an applicant may be delayed pending the PHA hearing.

**INS Determination of Ineligibility**

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

If the family appeals to the INS, they must give the PHA a copy of the appeal and proof of mailing or the PHA may proceed to deny or terminate. The time period to request an appeal may be extended by the PHA for good cause.

The request for a PHA hearing must be made within fourteen days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen days of receipt of that notice.

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

- Deny the applicant family,
- Defer termination if the family is a participant and qualifies for deferral, or
- Terminate the participant if the family does not qualify for deferral.

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

All other complaints related to eligible citizen/immigrant status:

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

## Chapter 19

### **SPECIAL HOUSING TYPES**

**[24 CFR 982.601]**

#### **INTRODUCTION**

The PHA will not set aside any program funding for special housing types, or for a special housing type. A family may choose whether to rent housing that qualifies as a special housing type or to rent other eligible housing in accordance with requirements of the program.

#### **A. CONGREGATE HOUSING [24 CFR 982.606]**

An elderly person or a person with disabilities may reside in a congregate housing unit.

The PHA may approve a family member or live-in aide to reside with the elderly person or person with disabilities.

The PHA will approve a live-in aide 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 aide, the payment standard for a family that resides in a congregate housing unit is the zero-bedroom payment standard on the PHA 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 aide, the live-in aide will be counted in determining the family unit size.

#### **Uniform Physical Condition Standards for Vouchers**

The PHA will ensure that all congregate housing units approved for the program are in compliance with all of the Uniform Physical Condition Standards for Vouchers for congregate housing as regulated in 24 CFR 982.609.

#### **B. GROUP HOMES [24 CFR 982.610, 982.612]**

A group home must be licensed, certified, or otherwise approved in writing by the State, or the State's licensing department.

An elderly person or a person with disabilities may reside in a State-approved group home. If approved by the PHA, a live-in aide may reside with a person with disabilities.

The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. Except for a live-in aide, all residents of a group home must be elderly persons or persons with disabilities.

The PHA will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continual medical or nursing care.

No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

**Group Home Lease and HAP Contract** [24 CFR 982.611]

There will be a separate HAP contract and lease for each assisted person living in a group home. For a group home the term "pro-rata portion" means that which is derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any PHA-approved live-in Aide.

**Group Home Rent and HAP Contract** [24 CFR 982.613]

The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.

The reasonable rent for a group home is determined in accordance with 982.503. In determining reasonable rent the PHA will consider whether sanitary facilities, and facilities for food preparation and service, are common facilities or private.

**Maximum Subsidy**

Unless there is a live-in aide, the family unit size is one bedroom. If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

The payment standard for a person who resides in a group home is the lower of the payment standard for the family unit size; or the pro-rata portion of the payment standard amount on the PHA payment standard schedule for the group home size.

**Utility Allowance**

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

**Uniform Physical Condition Standards for Vouchers**

The PHA will ensure that all group home units approved for the program are in compliance with all of the Uniform Physical Condition Standards for Vouchers for group homes as regulated in 24 CFR 982.614.

**C. SHARED HOUSING [24 CFR 982.615]**

**Occupancy**

An assisted family may reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment.

The PHA may approve a live-in aide to reside with a family in order to care for a person with a disability.

The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Other persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit. The owner of a shared housing unit may reside in the unit.

A resident owner may enter into a HAP contract with the PHA. However, housing assistance may not be paid on behalf of an owner. The PHA will not approve assistance for a person or family that is related by blood or marriage to a resident owner.

There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

### **Rent and HAP Contract**

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five bedroom unit, the ratio would be 3/5.

The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set in the "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

### **Maximum Subsidy**

For a family that resides in a shared housing unit the payment standard is the lower of the payment standard amount on the PHA payment standard schedule for the family unit size or the pro-rata portion of the payment standard amount on the PHA payment standard for the shared housing unit size.

If the PHA approves a live-in aide, the live-in aide will be counted in determining the family unit size.

### **Utility Allowance**

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

### **Uniform Physical Conditions Standards for Vouchers**

The PHA will ensure that all shared housing units approved for the program are in compliance with all of the Uniform Physical Conditions Standards for Vouchers for shared housing as regulated in 24 CFR 982.618.

### **D. COOPERATIVE HOUSING [24 CFR 982.619]**

The PHA 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 PHA will not approve assistance for a family in cooperative housing until the PHA 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 "Owner Rents, Rent Reasonableness, and Payment Standards" chapter. 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 "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

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 "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

The PHA may approve a live-in aide to reside with the family to care for a person with disabilities. The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. If the PHA approves a live-in aide, the live-in aide will be counted when determining the family unit size.

Cooperative housing and elevator building – PHAs are allowed to enter into HAP contracts for units in cooperative housing and high-rise elevator buildings without HUD review and approval.

#### **Uniform Physical Conditions Standards for Vouchers**

The PHA will ensure that all cooperative housing units approved for the program are in compliance with all of the Uniform Physical Conditions Standards for Vouchers outlined in the " Uniform Physical Conditions Standards for Vouchers and Inspections" chapter, and regulated by 24 CFR 982.401.

#### **E. MANUFACTURED HOMES [24 CFR 982.620, 982.601 (b)(2)]**

The PHA will permit a family to lease a manufactured home and space with assistance under the program.

The PHA will not provide assistance for a family that owns the manufactured home and leases only the space unless approved through a reasonable accommodation.

The PHA may approve a live-in aide to reside with a family to care for a person with disabilities. The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is accessible to and usable by persons with disabilities. If the PHA approves a live-in aide, the live-in aide must be counted when determining the family unit size.

#### **Uniform Physical Conditions Standards for Vouchers [24 CFR 982.621]**

A manufactured home must meet all the UPCS-V requirements outlined in the Uniform Physical Conditions for Vouchers and Inspections” chapter and regulated by 24 CFR 982.401. In addition the manufactured home also must 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.

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 PHA.

The PHA will not approve a lease for a manufactured home space until the PHA has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the PHA will re-determine that the rent is reasonable.

The PHA 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 PHA 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 PHA, 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 PHA, the owner must provide the PHA information on rents for other manufactured home space.

**Housing Assistance Payments for Manufactured Home Space [24 CFR 982.623]**

**HAP for the Regular Tenancy Program**

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:

- The Total Tenant Payment; OR
- The rent to owner for the manufactured home space.

“Manufactured home space rent” means the sum of: monthly payments made by the family to amortize the cost of purchasing the manufactured home (including any required insurance and property taxes included in the monthly loan payment), the utility allowance, the rent to owner for the manufactured home space, and the owner maintenance and management charges for the 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 and any required insurance and property taxes that are part of the family's monthly loan payment to the lender. The family must promptly report to the PHA any change in the monthly loan payment or if the family stops making the monthly loan payment. Failure to do so may result in termination of assistance.

Any increase in debt service due to refinancing after purchase of the manufactured home must not be included in the amortization cost of the monthly loan payment.

The PHA will not approve as part of the monthly amortization payment, set-charges to be included in the debt service incurred by a family that relocates its home.

The PHA will not include as part of the monthly amortization payment, set-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**

In accordance with PIH Notice 2017-18, the payment standard used by the PHA to calculate the HAP for a manufactured home owner family is the same payment standard that would be used for an ordinary rental unit of the same bedroom size under the HCV program, based on the HUD published FMR for the area. The payment standard is the lower of the payment standard amount for the family unit size or the payment standard amount for the actual size of the family's manufactured home.

#### **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.

The space rent is the sum of the following as determined by the PHA:

- Rent to owner for the manufactured home space;
- Owner maintenance and management charges for the space;
- The utility allowance for tenant paid utilities.
- Monthly payments made by the family to amortize the cost of purchasing the manufactured home, including any required insurance and property taxes included in the monthly loan payment.

#### **Utility Allowance Schedule for Manufactured Home Space Rental [24 CFR 982.624]**

The PHA will establish utility allowances for manufactured home space rental. For the first twelve 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.

## **F. HOMEOWNERSHIP [24 CFR 982.625]**

### **GENERAL**

The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family.

The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

The PHA may make homeownership available to all who qualify, or restrict homeownership to families or purposes defined by the PHA. The PHA may also limit the number of families assisted with homeownership.

The PHA suspended the homeownership voucher option effective January 1, 2016. The homeownership assistance payments will continue to be provided to qualified families with executed homeownership vouchers according to policies contained in this chapter and in accordance with 24 CFR 982.643.

### **Monthly Homeownership Assistance Payments**

The PHA will limit monthly homeownership assistance to a maximum of 50 families at any given time.

### **Monthly Homeownership Assistance: Eligibility Requirements [24 CFR 982.627]**

The family must meet all of the requirements listed below before the commencement of homeownership assistance.

- The family must be eligible for the Housing Choice Voucher program.
- The family must qualify as a first-time homeowner, or may be a co-operative member.
- The family must meet the Federal minimum income requirement. The family must have a gross annual income equal to the Federal minimum wage multiplied by 2000, based on the income of adult family members who will own the home.
- For disabled families, the minimum income requirement is equal to the current SSI monthly payment for an individual living alone, multiplied by 12.
- For elderly or disabled families, welfare assistance payments for adult family members who will own the home will be included in determining whether the family meets the minimum income requirement. The PHA may establish a higher income standard for disabled families and/or for non-disabled families. However, a family that meets the federal minimum income requirements (but not the PHA's requirement) will be considered to meet the minimum income requirement if it can demonstrate that it has been pre-qualified or pre-approved for financing that is sufficient to purchase an eligible unit.

Current HCVP program participants must be in full compliance with their lease and must be eligible to terminate the lease in accordance with HCVP rules. Participants must be deemed "mortgage ready" before a homeownership voucher will be issued.

Each HCVP family must meet the following requirements (see exceptions below):

- A family must meet the general requirements for ongoing participation in the HCVP tenant-based Housing Choice Voucher per 24 CFR 982.627. Mortgage payments (principal, interest, taxes, and insurance) must be  $\leq 35\%$  of the family's adjusted monthly income.
- Each HCVP family, except families with an elderly or disabled member, must meet the following requirements:

The family must demonstrate that one or more adult members of the family who will own the home at commencement of homeownership assistance is currently employed on a full-time basis (HUD regulations define "full-time employment" as not less than an average of 30 hours per week) for 12 months, and has been continuously so employed during the year prior to the commencement of homeownership assistance for the family (this specification is not applicable for elderly and disabled families). If a family, other than an elderly or disabled family, includes a person with disabilities, the PHA shall grant an exception from the employment requirement if the PHA determines that it is needed as a reasonable accommodation. The PHA shall have discretion to determine whether and to what extent interruptions are considered to break continuity of employment during the year, and are permissible. The PHA may count successive employment during the year and count self-employment in a business.
- Each HCVP family, except families with an elderly or disabled member, must meet the following requirements:

The minimum income required by the Department of HUD is Federal minimum wage multiplied by 2,000 hours. For disabled families, the minimum income requirement is equal to the current SSI monthly payment for an individual living alone, multiplied by 12. In order to reflect local homeownership costs, the PHA has established a minimum income standard of \$18,000. The PHA's minimum income requirement of \$18,000 applies to non-elderly/non-disabled, disabled, and elderly families, due to limitations and lack of secondary financing available. However, a family that meets the federal minimum income requirements (but not the PHA's requirement) will be considered to meet the minimum income requirement if it can demonstrate that it has been pre-qualified or pre-approved for financing that is sufficient to purchase an eligible unit. Welfare assistance may only be included for disabled or elderly families.
- No family household member may have a present ownership interest in real property in the past three years. The family must be a first-time homebuyer as defined by 12 USC 12713. The family satisfies any first time buyer requirement where a family member must not have owned title to a principal residence in the last three years. (This also includes single parents or displaced homemaker, who while married, owned a home with a spouse or resided in the home owned by the spouse.)
- The eligible family must enroll, attend and satisfactorily complete a HUD-approved pre-purchase homeownership counseling and education program per 24 CFR 982.630.

- The eligible family must enroll, attend and satisfactorily complete a post purchase counseling and education program per 24 CFR 982.637. The family or any family member must not have previously received assistance under a HCVP Homeownership Program and defaulted on a mortgage.
- House must be used as the principal residence of family. Public assistance income may not be used for meeting the family income requirement, except for households in which the head or spouse is elderly or disabled and households that include a disabled person other than the head or spouse. (Public Assistance includes federal housing assistance or the housing component of a welfare grant; TANF assistance; SSI that is subject to an income eligibility test; food stamps; general assistance or other assistance provided under a Federal, State or Local program that provides assistance available to meet family living or housing expenses.)
- Preference for Participation in the Family Self Sufficiency (“FSS”) Program: To be eligible for the Housing Choice Voucher Homeownership Program, a family must be current FSS program participants or have graduated from the FSS Program within the last 6 months. Housing Choice Voucher participants who have completed a HUD-certified counseling education course and have been deemed mortgage ready, will be given a preference for the FSS Wait List.

Any family member who was an adult member of a family that previously defaulted on a mortgage obtained through the homeownership option is barred from receiving future homeownership assistance.

The PHA will impose the following additional initial requirements:

- The family has had no family-caused violations of HUD’s Uniform Physical Conditions Standards for Vouchers within the last year.
- The family is not within the initial 1-year period of a HAP Contract.
- The family does not owe money to the PHA.
- The family has not committed any serious or repeated violations of a PHA-assisted lease within the last year.

**Homeownership Counseling Requirements** [24 CFR 982.630]

When the family has been determined eligible, they must attend and complete homeownership counseling sessions. These counseling sessions will be conducted by Mustard Seed Development Center, Akron NID Housing Counseling, EANDC or other HUD approved housing counseling agencies as determined by AMHA. Such counseling shall be consistent with HUD-approved housing counseling.

The best way to avoid future problems and promote homeownership is through Homeownership education. It is the instrument that will help first-time homebuyers become successful homeowners. The combination of pre and post purchase homeownership education and counseling is required of all eligible homeownership program participants. A certificate of completion will be verified before commencement of homeownership assistance.

The following topics will be included in the homeownership counseling sessions:

- Preparation for Homeownership – Recognize homeownership as a viable housing option – Being a homeowner is not ideal for everyone. There are people who choose not to assume the responsibility, because they do not want to change their spending habits in order to make monthly mortgage payments. Some people prefer not to bother themselves with home repairs and maintenance. However, there are people who, if given the opportunity, are willing to take the important step towards realizing the dream of many Americans...owning a home of their own! There are advantages and disadvantages of home ownership.
- Budgeting and money management – The process of budgeting and managing money requires planning and goal setting. The organization or lack of organization of one’s personal savings, bill paying and spending habits will either create an opportunity for wealth building, or prompt financial disaster and reduce wealth building dreams to rubble. Once a homeowner, new spending and saving habits are paramount. Mortgages – How to determine what requirements are necessary to qualify for a mortgage. How income, expenses, and credit apply to the process and increasing “buying power.”
- Understand the fundamentals of home maintenance – The home is probably one of the largest investments most will ever make. Knowledge of home maintenance and related expenses will insure continued home ownership enjoyment for many years.
- Credit – Understanding credit reporting is essential. Good credit means that the potential homebuyer makes timely loan payments and debt repayments are made as promised. Good credit is important because it makes extending credit for major purchases more likely. Credit bureaus are organizations that collect and transmit four basic types of information. It is important to know how to correct any discrepancies, errors, omissions or actual factual derogatory information that needs to be addressed.
  - A. Identification and employment data – Name, birth date, Social Security number and employer
  - B. Payment history – Payment record showing how much credit has been extended and repayment history
  - C. Inquiries – Credit bureaus are required to maintain a record of all creditors who have requested credit history
  - D. Public record information – Events that are a matter of public record related to credit-worthiness: bankruptcies, foreclosures, or tax liens.
- How to Find a Home and How to Negotiate the Purchase Price – This component covers instruction with reference to the advantages of purchasing a home in areas that do not have a high concentration of low-income families. In addition, instruction will address identification of school systems, employment opportunities, and other community amenities that fit the needs of the participant family, how to evaluate a home’s market value and equity potential. Families will be instructed on how to find a home utilizing the following resources:
  - A. For Sale By Owner – Homeowners who sell their homes without the assistance of a real estate professional. Families will be advised to consult an attorney to protect personal interests and the investment in any home purchase.

- B. Real Estate Agent – A real estate professional can find and show available homes, present the prospective homebuyer’s offer to the seller and help keep track of steps involved in the transaction.
- C. Neighborhood Organization – Non-profit neighborhood and community development organizations rehabilitate homes and build new home for sale to homebuyers.
- D. Repossessed or Foreclosed Home – Buying a repossessed or foreclosed home is a different process than other methods of home buying and hold more risk for the buyer. This home cannot be purchased in the program.
- E. Financing – How to obtain homeownership financing.
- F. Location, location, location – Advantages of purchasing and how to locate a home in an area that does not have a high concentration of low-income families.
- Homeowners’ Insurance and Home Warranties – A general overview of homeowner insurance is required to protect the home once it has been purchased. Insurance companies have a portfolio of products and services. This educational component will address:
  - A. How much insurance is needed to protect the home and personal property? What coverage options are available? What are replacement costs? What are the expected costs of a comprehensive and optional insurance policy?
  - B. What is a home warranty? How will that reduce maintenance, labor and replacement costs?
- The Fair Housing Law – Federal Fair Housing Law: Part 100, Subpart A, 100.5 states “It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. No person shall be subjected to discrimination because of race, color, religion, sex, handicap, familial status, or national origin in the sale, rental or advertising of dwellings, in the provision of brokerage services in connection therewith, and the availability of residential real estate related transactions.”
- Federal RESPA Law – AMHA requires a thorough review of the Real Estate Settlement Procedures Act for its Homeownership Program participants. One of the Act’s purposes is to help consumers become better shoppers for settlement services. Another purpose is to eliminate kickbacks and referral fees that increase unnecessarily the costs of certain settlement services. RESPA covers loans secured with a mortgage placed on a one-to-four family residential property. These include most purchase loans, assumptions refinances, property improvement loans, and equity lines of credit.

**Eligible Units** [24 CFR 982.628]

The unit must meet all of the following requirements:

The unit must meet HUD’s “Eligible Housing” requirements. The unit may not be any of the following:

- A unit receiving HCVP project-based assistance;
- A nursing home, board and care home, or facility providing continual psychiatric, medical or nursing services;
- A college or other school dormitory;
- On the grounds of penal, reformatory, medical, mental, or similar public or private institutions.

Eligible units include an existing unit or a unit not yet under construction in which the family has entered into a contract of sale. However, the PHA shall not commence homeownership assistance for the family for a unit under construction until:

- The responsible entity has completed the environmental review procedures required by 24 CFR part 58 and HUD has approved the environmental certification and request for the release of funds prior to commencement of construction; or
- HUD performed an environmental review under 24 CFR part 50 and notified the PHA in writing of environmental approval of the site prior to commencement of construction;
- Construction of the unit has been completed; and the unit has passed the required Uniform Physical Condition Standards for Vouchers inspection and independent inspection.

If the unit is not yet under construction, the contract of sale must indicate:

- The purchaser is not obligated to purchase the unit unless an environmental review has been performed and the site has received environmental approval prior to commencement of construction in accordance with 24 CFR 982.628.
- Construction will not commence until the required environmental review has been completed and the seller has received written notice from the PHA that the environmental approval has been obtained.
- The unit is a one-unit property or a single dwelling unit in a cooperative or condominium.
- The unit has been inspected by the PHA and by an independent inspector designated by the family.
- The unit meets HUD Uniform Physical Condition Standards for Vouchers.
- The unit may be a home where the family will not own fee title to the real property (such as a manufactured home), if the home has a permanent foundation and the family has the right to occupy the site for at least 40 years.

The PHA must not approve the seller of the unit if the PHA has been informed that the seller is debarred, suspended, or subject to a limited denial of participation. The PHA may disapprove the seller for any reason provided for disapproval of an owner in the voucher program.

**PHA Search and Purchase Requirements** [24 CFR 982.629]

The PHA has established the maximum time that will be allowed for a family to locate and purchase a home. The family will be provided 120 calendar days from the date of homeownership voucher issuance to locate, and purchase, a home.

The PHA will require periodic reports on the family's progress in finding and purchasing a home.

If the family is unable to purchase a home within the maximum time limit, the PHA will allow continued assistance in current unit or issue a rental voucher.

**Inspection and Contract** [24 CFR 982.631]

The unit must meet Housing Quality Standards/Uniform Physical Condition Standards for Vouchers and must also be inspected by an independent professional inspector selected and paid by the family.

The independent inspection must cover major building systems and components. The inspector must be qualified to identify physical defects and report on property conditions, including major building systems and components. These systems and components include, but are not limited to:

- Foundation and structure;
- Housing interior and exterior;
- Roofing;
- Plumbing, electrical and heating systems

The independent inspector must not be a PHA employee or contractor. The PHA will not require the family to use an independent inspector selected by the PHA, but the PHA has established the following standards for qualification of inspectors selected by the family:

- Company/inspector must have been in business full-time for at least two years
- Company/inspector must be able to provide the buyer with proof of liability insurance
- Company/inspector must be able to provide buyer with a written copy of the inspection report in a timely fashion
- The company/inspector must be a member of the ASHI(American Society of Home Inspectors), NACHI (National Association of Certified Home Inspectors), NAHI (National Association of Home Inspectors), NARI (National Association of the Remodeling Industry) or NAHB (National Association of Home Builders)

Copies of the independent inspection report will be provided to the family and the PHA. Based on the information in this report, the family and the PHA will determine whether any pre-purchase repairs are necessary.

The PHA may disapprove the unit for homeownership assistance because of information in the report.

The family must enter into a contract of sale with the seller of the unit. A copy of the contract must be given to the PHA. The contract of sale must specify the price and terms of sale, and provide that the purchaser will arrange for a pre-purchase independent inspection of the home. The contract must also:

- Provide that the purchaser is not obligated to buy the unit unless the inspection is satisfactory;
- Provide that the purchaser is not obligated to pay for necessary repairs; and
- Contain the seller's certification that he or she has not been debarred, suspended or subject to limited denial of participation

**Financing** [24 CFR 982.632]

The family is responsible for securing financing. The PHA has established financing requirements, listed below, and may disapprove proposed financing if the PHA determines that the debt is unaffordable.

The family is responsible for securing financing from a lending institution that meets the following guidelines and qualifications:

- Has an office or a State of Ohio authorized affiliate located in Summit County
- Completed the closing in Summit County or a title company located in Summit County
- Be able to provide written pre-approval after the buyer submits loan application
- Must agree to grant AMHA an opportunity to review their Good Faith Estimate of closing costs
- Must agree to make the buyer's HUD 1 Settlement Statement available for AMHA review before closing
- Must provide a fixed rate loan for up to thirty (30) years
- Must offer a product with no pre-payment penalty
- Escrowing of taxes and insurance is preferred
- Must consent to the increase or decrease of AMHA's monthly Housing Assistance Payment (HAP) and the other HUD regulations on an annual basis, when considering buyer's income, family composition to finance credit insurance of any sort directly or indirectly (i.e. credit life, credit disability, credit unemployment, or any other life or health insurance products). Mortgage insurance premium (MIP) for FHA loans is permitted
  - Must agree that the fees paid either directly or indirectly, either to a mortgage lender or to a mortgage broker for services rendered, as a part of the transaction, will not appear to be excessive according to normal costs within industry standard. These fees include:
    - Origination fees
    - Loan discount points
    - Commitment fees
    - Underwriting fees
    - Processing fees
    - Mortgage broker fees
    - Yield-spread premiums
    - Servicing retainer fee or other compensation
- Must accept three percent (3%) of the purchase price, with one percent (1%) coming from the participant family's personal resources. The remaining two percent (2%) of the purchase price can be a gift or can be granted to the family by a down payment assistance program.
- Must agree to seller's contribution to closing costs per the lender requirement pertaining to the mortgage product.
- Must agree that financing will be provided, insured, or guaranteed by state or Federal government, complies with secondary mortgage market underwriting requirements, or complies with generally accepted private sector underwriting standards.
- Homeowners will provide the PHA with all financing (including seller financing and refinancing) for review before the family enters into any type of agreement (including refinancing agreement), or secures additional financing on the home.

## **Predatory Lending Safeguards**

AMHA is unambiguous in its purpose to guard its Homeownership Program participants from predatory lenders. Predatory lending is making unaffordable loans based on the assets of the borrower rather than on the borrower's ability to repay an obligation.

Whether undertaken by creditors, brokers or home improvement contractors, the practice involves engaging in deception or fraud manipulating the borrower through aggressive sales tactics, or taking unfair advantage of a borrower's lack of understanding about loan terms. These practices are often combined with loan terms that, alone or in combination, are abusive or make the borrower more vulnerable to abusive practices.

Low and moderate income borrowers with no or non-traditional credit histories and atypical employment histories or income patterns tend to fall victim to subprime lender practices, therefore, leading to delinquency, default and subsequent foreclosure. AMHA will examine the lending products offered to its homeownership program participants, to prevent predatory lending practices.

Homeownership not only supplies families with shelter, it also provides a way to build wealth and economic security. A post ownership educational component that delineates predatory lending characteristics and practices, as well as how to avoid jeopardizing family assets has been made mandatory for continued homeownership assistance.

## **Continued Assistance** [24 CFR 982.633]

Homeownership assistance may only be paid while the family is residing in the home. The family or lender is not required to refund homeownership assistance for the month when the family moves out. The family must comply with the following obligations:

- The family must comply with the terms of the mortgage securing debt incurred to purchase the home, or any refinancing of such debt
- The family may not convey or transfer ownership of the home, except for purposes of financing, refinancing, or pending settlement of the estate of a deceased family member. Use and occupancy of the home are subject to CFR 982.551 (h) and (i)
- The family must supply information to the PHA or HUD as specified in CFR 982.551 (b). The family must further supply any information required by the PHA or HUD concerning mortgage financing, refinancing, sale or transfer of any interest in the home, or homeownership expenses
- The family must notify the PHA before moving out of the home
- The family must notify the PHA if the family defaults on the mortgage used to purchase the home
- No family member may have any ownership interest in any other residential property
- The family must enroll, attend and satisfactorily complete a post purchase counseling and education program per CFR 982.637 (see Family Eligibility page 19-8)
- The home must pass a HUD Housing Quality Standards/Uniform Physical Condition Standards for Vouches inspection at least biennially

Before commencement of homeownership assistance, the family must execute a statement in which the family agrees to comply with all family obligations under the homeownership option.

**Maximum Term of Homeownership Assistance** [24 CFR 982.634] Except in the case of elderly or disabled families, the maximum term of homeownership assistance is:

- 15 years, if the initial mortgage term is 20 years or longer, or

- 10 years in all other cases. The elderly exception only applies if the family qualified as elderly at the start of homeownership assistance. The disabled exception applies if, at any time during receipt of homeownership assistance, the family qualifies as disabled.

If the family ceases to qualify as elderly or disabled during the course of homeownership assistance, the maximum term becomes applicable from the date assistance commenced. However, such a family must be afforded at least 6 months of homeownership assistance after the maximum term becomes applicable.

If the family receives homeownership assistance for different homes, or from different PHA's, the total is subject to the maximum term limitations.

### **Homeownership Assistance Payments and Homeownership Expenses** [24 CFR 982.635]

The monthly homeownership assistance payment is the lower of: the voucher payment standard minus the total tenant payment, or the monthly homeownership expenses minus the total tenant payment.

In determining the amount of the homeownership assistance payment, the PHA will use the same payment standard schedule, payment standard amounts, and subsidy standards as those described in this plan for the Housing Choice voucher program.

The PHA will pay the homeownership assistance payment to the family or to the lender at the discretion of the PHA. If the assistance payment exceeds the amount due to the lender, the PHA must pay the excess directly to the family.

In order to determine the initial homeownership assistance payment, the PHA will conduct a reexamination to bring a homeownership family's income current. For the initial homeownership assistance payment, the timely report for increase in income procedure does not include the homeownership family, as the HCVP and lender income calculated for the family must be considered.

Some homeownership expenses are allowances or standards determined by the PHA in accordance with HUD regulations. These allowances are used in determining expenses for all homeownership families and are not based on the condition of the home.

Homeownership expenses include:

- Principal and interest on mortgage debt
- Mortgage insurance premium
- Taxes and insurance
- The PHA utility allowance used for the voucher program
- The PHA allowance for routine maintenance costs and major repair replacement as follows: routine maintenance allowance and major repair replacement allowance will be included in the homeownership calculation
- Principal and interest on debt for improvements

If the home is a cooperative or condominium, expenses also include operating expenses or maintenance fees assessed by the homeowner association.

**Portability** [24 CFR 982.636, 982.353(b) and (c), 982.552, 982.553]

Subject to the restrictions on portability included in HUD regulations and in Chapter 13 of this plan, the family may exercise portability if the receiving PHA is administering a voucher homeownership program and accepting new homeownership families.

The receiving PHA may absorb the family into its voucher program, or bill the initial PHA. The receiving PHA arranges for housing counseling and the receiving PHA's homeownership policies apply.

**Moving With Continued Assistance** [24 CFR 982.637]

A family receiving homeownership assistance may move with continued tenant-based assistance. The family may move with voucher rental assistance or with voucher homeownership assistance. The PHA may not commence continued tenant-based assistance for occupancy of the new unit so long as any family member owns any title or other interest in the prior home. A family that has received homeownership assistance may move to a new unit with continued homeownership assistance, provided they meet the PHA's initial eligibility requirements (with the exception of the first-time homeowner requirement).

The PHA prohibits more than one move by the family during any one year period.

The PHA will deny permission to move with continued rental or homeownership assistance if the PHA determines that it does not have sufficient funding to provide continued assistance.

The PHA may require the family to complete additional homeownership counseling prior to moving to a new unit with continued assistance under the homeownership option.

**Denial or Termination of Assistance** [24 CFR 982.638]

Termination of homeownership assistance is governed by the policies for the Housing Choice Voucher program contained in chapter 15 of the Administrative Plan. However, the provisions of CFR 982.551 (c) through (j) are not applicable to homeownership.

The PHA will terminate homeownership assistance if the family is dispossessed from the home due to a judgment or order of foreclosure.

AMHA may deny or terminate homeownership assistance for the following reasons:

- Family Obligations Violation – A family's home ownership assistance may be terminated if the family fails to comply with its obligations under the HCVP Homeownership policies, or
- Mortgage Default – If the family defaults on the mortgage – if required, the family must attend and complete ongoing home ownership and housing classes.
- Homeownership assistance for a family terminates automatically 180 calendar days after the last housing assistance payment

**Chapter 20**  
**PROJECT-BASED VOUCHER (PBV) PROGRAM**  
**[24 CFR 983]**

On October 13, 2005, HUD published final regulations for the Project-Based Voucher (PBV) program; superseding regulations at 24 CFR part 983 (see 70 FR 59892). Project-based vouchers are a component of the Akron Metropolitan Housing Authority's (AMHA) Housing Choice Voucher Program. Under the PBV program AMHA may attach up to 20% of its voucher assistance to specific housing units for which a housing assistance payment contract has been executed. This Addendum provides AMHA's policies and procedures for its PBV program in accord with the new regulations.

AMHA's PBV program is subject to the regulations at 24 CFR part 983, which includes regulations governing policies and procedures that are not specified in this Administrative Plan. At the end of each section below, a reference to the relevant portion of Part 983 is given. This citation has been included for the convenience of readers and is not intended as an authoritative or comprehensive citation.

In addition to the policies and procedures stated below, and other PBV regulations stated at 24 CFR part 983, AMHA's PBV program is subject to most of the requirements of the Housing Choice Voucher Program, as specified in this Administrative Plan, in 24 CFR 983, and in other HUD regulations.

**A. JURISDICTION**

The jurisdiction for AMHA's PBV program is as set out in Chapter 1 of this Administrative Plan.

**B. AMHA'S PBV COMMITMENTS AND PRIORITIES**

AMHA'S PBV program is designed to ensure that PBV assistance is used to support goals that could not be equally achieved through the use of tenant-based voucher assistance. AMHA's PBV program has committed to the following priorities:

1. Expand the supply of affordable housing and increase the affordable housing choices of residents within the jurisdiction.
2. Support projects which further revitalize neighborhoods, promote the de-concentration of poverty and generally provide increased housing and economic opportunities.
3. Work with the community to identify and serve populations with particular housing needs, including but limited to the provision of supportive services to promote self-sufficiency, supportive housing for families with disabilities and supportive services that are geared towards aiding the homeless or those at risk of being homeless.

**C. PROPOSAL SUBMISSION AND SELECTION**

**Request for Proposals Process**

AMHA will select PBV proposals through a public Request for Proposals (RFP) process.

AMHA's PBV RFP will be advertised in a manner to provide broad public notice of the opportunity to offer PBV proposals for consideration by AMHA. The public notice procedures will include publication of the general notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice.

The public notice of the PBV RFP will specify the submission deadline. The public notice will inform owners or developers seeking project-based assistance of the availability of the full RFP document at AMHA's main offices at 100 West Cedar Street, Akron, Ohio.

The full RFP document will provide detailed information about proposal submission and selection procedures and will be available upon request of interested parties at AMHA's main offices.

Property owners may submit PBV proposals in accord with the proposal submission guidelines stated in the full RFP document. Proposals will be selected according to explicit criteria specified in the full RFP document, following the selection criteria stated below. Under no circumstances will AMHA's RFP selection criteria limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites.

### **Alternative Competitive Processes**

In lieu of the above RFP process, HUD regulations permit AMHA to select a PBV 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, 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.

Proposals for PBV assistance which have been independently selected for housing assistance as described above may be submitted to AMHA on a rolling basis. AMHA's selection of proposals under the alternative competitive processes may be contingent upon the owner providing additional information required according to AMHA's selection requirements and HUD and AMHA requirements for PBV assistance. AMHA will inform owners of any additional requirements at the time their proposals are submitted.

### **Selection Criteria**

Proposals will be selected according to the following selection criteria:

- The housing must promote one of AMHA's priorities for its PBV program;
- The proposal must comply with all HUD program regulations and requirements;
- The property must be eligible housing as determined under 24 CFR 983.52 – 983.54;
- The proposal must comply with the applicable HUD limitations on the number of PBV units per building;
- The housing site must meet the site selection standards detailed at 24 CFR 983.57;
- Proposals for new construction or rehabilitation projects must demonstrate capacity, experience, and successful outcomes in prior projects that indicate their ability to complete the construction work effectively and within the proposed schedule;
- Proposals for all housing must demonstrate capacity, experience, and successful outcomes in property management, particularly management of housing targeted to low income persons and families;
- Proposals for supportive housing must demonstrate the capacity, experience, and successful outcomes of the supportive services provider that indicate its ability to effectively provide sufficient supportive services. More detailed information about minimum supportive services guidelines is provided later in this addendum.
- Proposals must provide evidence of sufficient financing commitments (for construction, operations, and supportive services if applicable) to demonstrate the project's long-term viability.

### **Public Notice and Review of AMHA Proposal Selection**

AMHA will provide public notice of PBV proposal selections, including publication of public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice.

AMHA will make documentation available for public inspection regarding the basis for AMHA's selection of a PBV proposal.

*Relevant Regulation:* 24 CFR 983.51

### **D. SITE SELECTION STANDARDS**

AMHA will only select proposals which demonstrate consideration of and compliance with the below site selection standards, which ensure that selected proposals will meet the above program goals of de-concentrating poverty, expanding housing and economic opportunities, and otherwise providing needed housing support:

#### **General Site Selection Standards**

- De-concentrating poverty and expanding housing and economic opportunities;
- Civil rights laws and regulations;
- Providing equal housing opportunity and minimizing minority concentration;
- The site and housing units comply with Section 504 of the Rehabilitation Act and other fair housing and civil rights laws and requirements for effectively serving persons with disabilities.
- The site meets the UPCS-V standards at 24 CFR 982.401(l).
- The site is 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 site promotes greater choice of housing opportunities and avoids undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- The site is 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 located so 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 elderly housing.

In addition, the following site requirements are applicable to all new construction projects:

- 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 undesired conditions.
- The site must not be located in an area of minority concentration.

### **Deconcentrating Poverty and Expanding Opportunities**

Beyond the basic site selection standards above, AMHA will assess each proposal for its likelihood to deconcentrate poverty and expand housing and economic opportunities based on the following HUD-mandated factors:

- HUD Designated Zone—whether the census tract in which the proposed development will be located is in a HUD-designated Enterprise Zone, Economic Community or Renewal Community
- Public Housing Demolition—whether the proposed development will be located in a census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition
- Revitalization—whether the proposed development will be located in a census tract undergoing significant revitalization
- Public Investment—whether state, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement
- Market Rate Development—whether new market rate units are being developed in the same census tract where the proposed development will be located and the likelihood that such market rate units will positively impact the poverty rate in the area
- Poverty Rate—if the poverty rate in the area where the proposed development will be located is greater than 20%, then AMHA will consider whether there has been a decline in the overall poverty rate in the past 5 years
- Educational and Economic Opportunities—whether there are meaningful opportunities for educational and economic advancement in the census tract where the proposed development will be located

#### **Site Standards Related to Minority Concentration**

Proposed sites for project-based assistance must not be located in an area of minority concentration or 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 unless:

- Sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside of areas of minority concentration; or
- The project is necessary to meet overriding housing needs that cannot be met in that housing market.

Each exception is detailed more fully below.

- Sufficient, Comparable Opportunities (24 CFR 983.57(e)(3)(iii)-(v)).

The requirement of “sufficient” comparable opportunities 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 “sufficient” 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 of 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.

Units may be considered “comparable opportunities” if they have the same household type (elderly, disabled, family, large family) and tenure type (owner/renter); require roughly the same tenant contribution toward rent; serve the same income group; are located in the same housing market; and are in standard condition.

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:

- A significant number of assisted housing units are available outside areas of minority concentration.
- 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.
- There are racially integrated neighborhoods in the locality.
- Programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration, and comparable housing opportunities have been made available outside areas of minority concentration through other programs.
- Minority families have benefited from local activities (e.g., acquisition and write downs 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.
- A significant proportion of minority households has been successful in finding units in non-minority areas under the tenant-based assistance programs.

#### Overriding Housing Needs.

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 improving the economic character of the area (a “revitalizing area”).

However, an “overriding housing need” may not serve as the basis for determining that a site is acceptable if the only reason that the housing need cannot otherwise be feasibly met, in other areas, is that discrimination on the basis of protected categories, including race, 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.

*Relevant Regulation:* 24 CFR 983.57

#### **E. SUPPORTIVE SERVICES GUIDELINES AND REQUIREMENTS**

- Educational Services or Counseling
- Employment or vocational training, counseling or referrals
- Life skills training or counseling
- Credit counseling
- Personal Finance training and counseling
- Healthcare prevention and/or Community Outreach
- Supportive housing for persons with developmental disabilities or mental illness
- Supportive housing for persons with legal custody of grandchildren
- Referrals to or provision of day care, after school programs or other youth services

Pursuant to HUD regulations, project-based assistance will ordinarily be limited to 25% of the units contained within the proposed project. However, for projects providing supportive services, each

unit that is occupied by families receiving qualified supportive services shall be an “excepted unit” and shall not apply towards the 25% cap.

### **Qualifying Supportive Services**

Qualifying Supportive Services include:

- Job training
- Counseling
- Case management services with extended day hours availability and on-call availability
- Coordination with vocational services, including coordination with job training and employment services

It is not necessary that the above services be provided by or at the project. However, to qualify for as an “excepted unit” a family must have at least one member receiving at least one qualifying supportive service. Proposals that include supportive services should identify the particular services that will be provided and the service provider(s). AMHA will evaluate proposals including supportive housing units on the basis of the specific services provided, the intensity of the services and the target population to be served. AMHA will also evaluate supportive housing proposals based on the history and track record of the proposed service providers and the need for the supportive housing at the proposed site.

### **Family Responsibility**

At the time of the initial lease execution between the family and the owner, the family and AMHA must sign a Statement of Family Responsibility. The Statement of Family Responsibility must contain all family obligations including the family’s participation in a service program as contemplated within this Administrative Plan. A form Statement of Family Responsibility is attached to this chapter.

At the family’s annual income reexamination, AMHA will require written documentation from the service provider indicating the family’s continued compliance with the terms of the supportive services plans. Project owners will also be expected to provide some level of monitoring of the services provided. This monitoring should be detailed in the proposal, and will be evaluated as part of the section process. At AMHA’s discretion, AMHA may request additional documentation of compliance with supportive service obligations.

The unit is eligible for status as an “excepted unit” so long as at the time of the occupying family’s initial tenancy at least one member of the family is receiving a qualifying supportive service. If the family completes an FSS contract of participation or the supportive services requirement, the unit will continue to count as an “excepted unit” for as long as the family resides in that unit.

### **Family Failure to Comply with Supportive Service Requirements**

Failure without good cause by a family to complete or comply with its supportive service participation requirements will result in termination of the project based assistance for that unit and may result in the termination of the lease by the project owner.

*Relevant Regulation:* 24 CFR 983.56

### **F. WAITING LISTS**

The PBV program waiting list will be maintained separately from the tenant-based waiting list. AMHA may establish individual site-based waiting lists for each PBV project selected

AMHA will offer to place applicants who are listed on the waiting list for tenant-based assistance on the waiting list(s) for PBV assistance.

AMHA will open and close the site-based waiting lists pursuant to the procedures outlined in the Administrative Plan.

*Relevant Regulation:* 24 CFR 983.251(c)

### **G. PREFERENCES**

AMHA may establish separate preferences for each PBV project. These preferences may include those for elderly or disabled families, or preferences related to supportive housing programs. Preferences may include those outlined in the Administrative Plan.

Any preferences that would be necessary to the operation of the project, or required by a funding source must be disclosed in the proposal.

### **Local Preference System**

Subject to the Supportive Services Preference below, the following preference system will apply to any PHA-wide PBV waiting list and, unless otherwise specified in the proposal or other project documents, shall apply to site-based waiting lists.

- Date and time of receipt of a completed application.
- Residency preference for families who live, work, or have been hired to work or who are attending school full time in the jurisdiction.
- Veteran preference: to families of veterans and persons serving in the active military or naval service of the United States, including families of deceased veterans or deceased persons who were so serving at the time of death.
- As used in this section:
  - “Veteran” means either of the following:
    - A person who has served in the active military or naval service of the United States, and who has discharged or released there from under conditions other than dishonorable.
    - A person who served as a member of the United States Merchant Marine and to whom either of the following applies:
      - The person has an honorable report of separation from active duty military service, form DD214 or DD215.
      - The person served in the United States Merchant Marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.

- “United States Merchant Marine” includes the United States army transport service and the United States naval transport service.
- Summit County Children Services (SCCS) Certified Emancipated Youth and Family Unification Program (FUP) Youth and Families: for youth eighteen years of age to twenty-four years of age, who are working with SCCS to overcome or prevent homelessness or families working with SCCS for whom the lack of adequate housing is a primary factor in the imminent placement of the family’s children in out-of-home care or the delay in the discharge of the children from out-of-home care. To be eligible, youth applicant must have had an episode of custody with SCCS and family applicants must have had a case with SCCS. All applicants must request SCCS certification of eligibility. (This will be capped at 50 participants across all programs unless FUP vouchers are available).
- Elderly families as defined in 5 CFR 24 5.403b. This preference is only applicable for any developments that are designated elderly.
- Applicants involuntarily displaced by government action and are not living in standard, permanent replacement housing, or will be involuntarily displaced within no more than 6 months from the date of verification by the PHA. Families are considered to be involuntarily displaced if they are required to vacate housing as a result of the following situations: Federal, State or local government action related to code enforcement, public improvement, development, PHA relocation due to demolition, capital improvements, modernization, or rehabilitation, or deemed uninhabitable. If the owner of the property is an immediate family relative and there is no previous rental agreement and the applicant has been part of the owner’s family immediately prior to application, the applicant will not be considered involuntarily displaced.
- Rent Burden, Homeless/Substandard Preference:
  - A. Rent Burden: for families paying more than 30% of their income for rent and utilities, commencing before they were selected from the waiting list and continuing through the verification of preference, see page 7-16 (Reference Admissions and Continued Occupancy Policy).
    - a. For purposes of this preference, “Family Income” is Gross Monthly Income as defined in the regulations.
    - b. “Rent” is defined as the actual amount due under a lease or occupancy agreement calculated on a monthly basis without regard to the amount actually paid, plus the monthly amount of tenant supplied utilities which can be either:
      - i. The PHA’s reasonable estimate of the cost of such utilities, using the Housing Choice Voucher Program Utility Allowance Schedule; or
      - ii. The average monthly payments the family actually made for these utilities in the most recent 12-month period, or if information is not obtainable for the entire period, the average of at least the past three months.
    - c. An applicant family may choose which method to use to calculate utility expenses. Any amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the total rent burden if included in Family Income.
      - i. To qualify for the Rent Burden preference, the applicant must pay rent directly to the landlord or agent.
      - ii. If the applicant pays their share of rent to a cohabitant and is not named on the lease, the PHA will require both verification from the landlord that the applicant resides in the unit, and verification from the cohabitant of the amount of rent paid by the applicant.

- iii. If the applicant is subletting, the lessor must have the legal right to sublet.
  - d. Members of a cooperative are “renters” for the purposes of qualifying for the preference. In this case, “rent” would mean the charges under the occupancy agreement.
- B. Homeless: An applicant will be considered homeless if the household meets the criteria listed below:
  - a. An individual or family who lacks a fixed, regular and adequate nighttime residence, meaning:
    - i. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; or
    - ii. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
    - iii. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
  - b. An individual or family who:
    - i. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual’s or family’s primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; and
    - ii. Has no other residence; and
    - iii. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.
- C. Substandard: An applicant will be considered living in substandard housing if the household meets the criteria listed below:
  - a. Resides with friends or relatives on a temporary basis, or
  - b. Will lose their primary night-time residence within 60 days of verification of preference, or
  - c. Contains a Head or Co-Head, ages 18 to 25 years, who is aging out of the Foster Care system.
  - d. Have received notice from the PHA that they must relocate due to demolition, capital improvements, modernization, or rehabilitation of a PHA owned property.
  - Insufficient Funding Preference: for families that were leased in a unit under a HAP contract with AMHA and the HAP contract was terminated by AMHA due to insufficient funding for the HCVP Program. If this preference is utilized, no other preferences will be given.
  - Canceled Voucher Preference: for families that were issued a voucher by AMHA, but the voucher was recalled due to insufficient funding for the HCVP Program. If this preference is utilized, no other preferences will be given.

**Supportive Housing Related Preferences**

If PBV units include special accessibility features for persons with disabilities, AMHA will first refer families who require such accessibility features to the owner. For other units that are

designated to receive supportive services, AMHA may give preference to disabled families who need services offered at a particular project. Project owners may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible persons with disabilities who may benefit from services provided in the project.

Only families that meet the following limits will be eligible for any supportive housing preference:

- Families (including individuals) with disabilities that significantly interfere with their ability to obtain and maintain themselves in housing
- Families that without appropriate supportive services will not be able to obtain or maintain themselves in housing
- Families for whom such services cannot be provided in a nonsegregated setting.
- Families with referrals by Community Support Services (CSS), specifically for vacancies at Madaline Park and Stoney Pointe Commons.
- Families who are currently residing in a federally-assisted housing program unit who have a family member who has experienced a substantial and permanent change to physical condition which renders the current residence unsuitable for continued occupancy.

This preference is only available to those families who can certify medical necessity to move from the current unit to a type of unit that is not available with their current/landlord/owner.

The family must provide certification from the current landlord/owner that they do not own a unit that would meet the family's need.

The family member who has experienced the substantial and permanent change in physical condition must have been an existing, approved household member prior to the change in physical condition. Families who add a member to the household who has a pre-existing physical condition that does not permit them to fully enjoy the current unit may not be eligible for this preference.

This preference is not available to participants in the Housing Choice Voucher Program (HCVP) as the nature of that program enables voucher holders to select and move among housing appropriate for the needs of their approved household.

Disabled residents shall not be required to accept the particular services offered at the project.

AMHA is prohibited from granting preferences to persons with specific disabilities (see 24 CFR 982.207(b)(3)), but may grant preferences in accordance with the criteria set forth above.

*Relevant Regulation:* 24 CFR 983.251(d)

#### **H. APPLYING FOR ADMISSION**

The process for applying for admission to the PBV program is not different than the process for applying for admission to the tenant-based program, which is provided in AMHA's Administrative Plan.

At the time of the application, AMHA will provide applicants with the opportunity to be placed on the tenant-based waiting list if open, or any open site-based or other PBV waiting lists.

*Relevant Regulation:* 24 CFR 983.251

## I. TENANT SELECTION

When notified of a vacancy in a PBV unit, AMHA will refer tenants according to the following procedures:

First-come, first-served among applicants on the specific PBV waiting list.

For PBV waiting lists that include preferences, AMHA will select applicants from the waiting list on a first-come, first-based basis who:

- Qualified for preference at the time of application; and
- Continue to qualify for preference at the time of admission.

For PBV waiting list that include the local preferences outlined in Section G, local preferences will be aggregated using the below system. Each preference will receive an allocation of points based on the below table. The more preference points an applicant has, the higher the applicant's place on the waiting list.

<u>Preferences</u>	<u>Point Value</u>
Residency Preference	1 point
Veteran Preference	2 points
Emancipated Youth/FUP Youth & Families	2 points
Transitional/Homeless Non-Elderly Disabled Preference	2 points
Involuntary Displacement by Government Action Preference	3 points
Rent Burden or Homeless/Substandard Preference	7 points
Insufficient Funding Preference	30 points
Canceled Voucher Preference	20 points
Elderly Preference	0 points – The elderly preference will not receive a point allocation but elderly eligible families will be designated on the waitlist. Referrals to elderly designated developments will be based on the family's waitlist rank and the elderly designation
<b>CSS referral</b>	<b>15 points (Permanent Supportive Housing Project Based Vouchers Only)</b>

*Relevant Regulation: 24 CFR 983.251*

## J. TENANT SCREENING

AMHA's procedures for tenant screening for the PBV program are not different than procedures for screening tenant-based applicants, which are provided in AMHA's Administrative

Plan, with the exception of the supportive housing projects known as Arlington Veterans Housing, Madaline Park, and Stoney Pointe Commons. The owners of these projects will be responsible for their own tenant screening and will notify applicants of approval or denial. The PHA will continue to prohibit admission in accordance with the mandatory denials and terminations as listed in the “Denial or Termination of Assistance” chapter.

AMHA’s policy for providing information to owners about families referred to PBV units is not different than AMHA’s policies for tenant-based applicants, which are provided in AMHA’s Administrative Plan.

*Relevant Regulation:* 24 CFR 983.255

**K. PROCEDURES FOR FAMILIES OCCUPYING A UNIT OF THE WRONG SIZE OR AN ACCESSIBLE UNIT WHOSE ACCESSIBILITY FEATURES ARE NOT REQUIRED BY THE FAMILY**

If a family is determined by AMHA to occupy a wrong-sized unit, or a unit with accessibility features that the family does not require (and such unit is needed by a family that requires the accessibility features) then AMHA must promptly notify the family and the project owner of this determination and must offer continued assistance in another appropriately sized or accessible unit.

Continued assistance after unit, which may include, but is not limited to the following options:

- PBV assistance in an appropriate-sized unit (in the same building or in another building);
- Other project-based housing assistance (including occupancy of a public housing unit)

For families who have been notified that they occupy a wrong-size unit, and offered continued assistance:

- If the PHA offers the family the opportunity to receive tenant-based rental assistance under the voucher program, the PHA must terminate the HAP payments for a wrong-sized unit at expiration of the term of the family’s voucher (including any extensions granted by the PHA).
- If the PHA offers the family the opportunity for another form of continued housing assistance (as provided above), and the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by the PHA, or both, the PHA must terminate the HAP payments for the wrong-sized unit, at the expiration of a reasonable period as determined by the PHA.

*Relevant Regulation:* 24 CFR 983.259

**L. FAMILY’S RIGHT TO MOVE**

A family residing in a PBV unit may terminate the assisted lease any time after the first year of occupancy and request comparable tenant-based assistance from AMHA. Any family interested in transferring to the tenant-based program may submit a written request to the Contracting and Leasing Supervisor after the initial lease term has expired.

Should a family terminate its PBV lease and request alternate assistance, AMHA shall offer the family the opportunity for continued tenant-based rental assistance, or if such assistance is not immediately available upon termination of the lease, AMHA will give the family priority to receive the next available opportunity for continued rental assistance.

If the family terminates the assisted lease before the end of one year of occupancy, the family will not be entitled to continued tenant-based assistance or priority for such assistance under this section. However, the family may reapply for tenant-based assistance or other project based assistance pursuant to the policies outlined in Section H above and in AMHA's Administrative Plan.

Families will not be required to notify AMHA before they leave a PBV unit if they are leaving because a member of the family is the victim of a VAWA crime and the move is needed to protect the health and safety of a family member, or a family member was a victim of sexual assault that occurred on the premises during the 90-calendar-day period before the family requests to move. In such a case, the VAWA covered family will have to notify AMHA as soon as possible after they leave the unit, and AMHA will offer the family assistance to a different unit.

*Relevant Regulation: 24 CFR 983.260*

#### **M. HOUSING AUTHORITY DISCRETION**

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the PHA has discretion to consider all of the circumstances in each case, including the seriousness of the case. The PHA 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 PHA 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 members who were not involved in the action or failure to act.

AMHA will take into consideration, the plan for case management for each individual residing at Madaline Park or Stoney Pointe Commons, who is proposed for termination and work with the Community Support Service provider in determining the outcome of the violation.

*Relevant Regulation: 24 CFR 982.552(c)*

## Chapter 21

### PHA Code of Conduct

#### [982.161]

The Akron Metropolitan Housing Authority (AMHA) has established a policy outlining the Core Values and Ethical Standards for Conducting Business. The PHA has established this Code of Conduct in order to emphasize to employees that the PHA, its employees or related parties are not to benefit from any relationship related to contracts, subcontracts or agents of the PHA. As such, the following is the code of conduct of AMHA and any employee violating the code may be terminated immediately.

- 1) The PHA shall not, nor shall any of its contractors or subcontractors, enter in to any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:
  - Any present or former member or officer of the PHA (except a participant commissioner);
  - Any employee of the PHA or any contractor, subcontractor or agent of the PHA, who formulates policy or who influences decisions with respect to programs;
  - Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; or
  - Any member of the Congress of the United States.
- 2) Any member of the classes described in paragraph (1) of this section must disclose their interest or prospective interest or prospective interest to the PHA and HUD.
- 3) The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.
- 4) Any member of the following classes must not accept any gift or gratuity. This class includes any officer, employee of the PHA, or any contractor, subcontractor or agent of the PHA. The Executive Office releases clarification on the issue at certain points during the normal business cycle.

Questions concerning the Code of Conduct should be directed to the Director's Office.

## Chapter 22

### **AMHA Resident Services, Family Self Sufficiency, and Targeted Funding Programs**

Akron Metropolitan Housing Authority's (AMHA) Resident Services Department (RS) administers programs that promote self sufficiency as well as programs that work with residents at risk of losing housing. RS staff assists by helping families secure the help they need to overcome obstacles.

AMHA also administers Targeted Funding programs. When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. The waiting list is searched for the first available family meeting the targeted funding criteria. The AMHA receives funding or has applied for the following Targeted Funding programs: Shelter Plus Care, Family Unification Program, Welfare to Work, Money Follows The Person, and Veterans Affairs Supportive Housing.

AMHA will ensure that all Targeted Funding participants are appropriately placed on the AMHA waiting list and ensure that the youth, in the instance of the Family Unification Program participation, maintain their original position on the waiting list after certification. See "specific steps" below indicating that applicants will be informed of how to file a fair housing complaint and appropriate toll free numbers. Participants in certain Targeted Funding Programs may be required to sign annual consent(s) for data tracking mandatory for program reporting.

Housing Choice Voucher Program (HCVP) residents have the opportunity to participate in the Family Self Sufficiency (FSS) Program. Residents who participate in FSS enter into a five year contract with AMHA. Service Coordinators and participants work together to achieve the goals that they decided upon. As a participant's earned income increases, deposits are made by AMHA into an escrow (savings) account based on this increase.

When FSS contract obligations have been met the escrow (savings) account is awarded to the participant. This escrow account can be used for things such as purchasing a vehicle, paying school tuition/loans, or home purchase.

To learn more about the programs above or other available RS programs and services, please visit [www.akronhousing.org](http://www.akronhousing.org) or call 330-376-9699.

**How does AMHA promote Furthering Fair Housing in our housing and Resident Services programs?** Under the Section 808(e)(5) of the Fair Housing Act, HUD is obligated to affirmatively further fair housing. Akron Metropolitan Housing Authority (AMHA) will continue to affirm our fair housing practices and oblige any new requirements by HUD to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. AMHA will keep records of those program participants that we assist with Fair Housing issues. Our records will include race, color, national origin, religion, sex, disability, familial status, and ancestry.

#### **Listed below are some of the specific steps to promote Affirmatively Furthering Fair Housing:**

1. AMHA will advertise widely in the community for Family Self Sufficiency staff if/when positions become available.
2. AMHA will continue to market the Family Self Sufficiency (FSS) program to all eligible persons, including persons with disabilities and persons with limited English proficiency by

posting FSS flyers in the HCVP department and at voucher briefings. The FSS program is promoted through information phone lines available to callers. Applications are mailed to interested HCVP participants.

AMHA utilizes organizations which provide assistance for hearing- and sight-impaired persons when needed. The AMHA will refer families who have persons with disabilities upon their request to agencies in the community that offer services to persons with disabilities.

See HCVP Administrative Plan:

Chapter 1, H. Reasonable Accommodations Policy (24 CFR 100.202);

Chapter 1, I. Translation of Documents;

Chapter 1, M. Family Outreach

3. AMHA adheres to making our buildings and communications accessible to persons with disabilities. Posters and housing information are displayed in locations throughout the AMHA office in such a manner as to be easily readable from a wheelchair.
4. Fair Housing policies and informing participants of how to file a Fair Housing complaint is provided at voucher briefings. Fair Housing policy is addressed in the HCVP Administrative Plan: See Chapter 1, G. Fair Housing Policy (24 CFR 982.54(d)(6)). FSS staff ensures that each participant receives training and information on rights and remedies available under the federal, state and local fair housing and civil rights laws and how to complete a housing discrimination complaint form.
5. The FSS staff ensures that each FSS participant is informed how to file a fair housing complaint and given the toll-free number for the Housing Discrimination Hotline; 1-800-669-9777, contact local Fair Housing Assistance Agencies or the Federal Relay Service; 1-800-877-8339. Participants may call the Fair Housing Discrimination Hot Line or contact the agencies below:

Fair Housing Contact Service 330-376-6191 [www.fairhousingakron.org](http://www.fairhousingakron.org)

Fair Housing Advocates Association 330-253-2450 [www.fairhousingadvocates.com](http://www.fairhousingadvocates.com)

FSS staff encourages participants to become knowledgeable of their rights and how to confidently address issues whether it is accessing services, achieving employment, or addressing fair housing issues. The FSS staff meets regularly to discuss the program and client service coordination. The FSS staff ensures that the services included in the participants' contracts of participation are provided on a regular, ongoing and satisfactory basis; that participants are fulfilling their responsibilities under the contracts; and that FSS escrow accounts are established and properly maintained for eligible families. All of these tasks should be accomplished through service coordination. FSS coordinators may also perform job development functions for the FSS program, and monitor the progress of participants and evaluate the overall success of the program. When the FSS staff is made aware of potential fair housing discrimination against FSS participants, the FSS staff will

encourage the participant in the reporting of the same, providing support and direction throughout the process, as needed.

6. The FSS program promotes self sufficiency and housing mobility by establishing goals to overcome the obstacles participants encounter. If the family is currently living in a high poverty census tract in the Akron Metropolitan Housing Authority's jurisdiction, FSS staff ensures that the family is provided with an explanation of the advantages of moving to an area that does not have a high concentration of low and very low income people. Information about housing areas with greater opportunities for employment, job training, highly ranked schools and varied cultural amenities, and how to access such opportunities through support organizations in the area is made available to all participants. Fair housing training that will assist the coordinator fulfill fair housing responsibilities is sought out. Fair housing training may be available through the local Fair Housing Initiatives Program (FHIP) agency or the Fair Housing Assistance Program (FHAP) agency. A listing of FHIPs and FHAPs can be found at [www.hud.gov/offices/fheo/partners/FHIP/fhip.cfm](http://www.hud.gov/offices/fheo/partners/FHIP/fhip.cfm) (FHIP) and for FHAP, [www.hud.gov/offices/fheo/partners/FHAP/agencies.cfm](http://www.hud.gov/offices/fheo/partners/FHAP/agencies.cfm).

The FSS program supports the goal of expanding homeownership opportunities for income eligible participants, increasing minority homeownership, and helping HUD assisted renters become homeowners. FSS staff provide support and resources to all inquiries for participants interested in homeownership. The FSS staff works with local lenders in assisting residents to become homeowners.

The FSS program works with the Program Coordinating Committee (PCC) and with local service providers to ensure that FSS program participants are linked to the supportive services they need to achieve self-sufficiency including services for participants with limited English proficiency.

In addition, record keeping reflecting the data for the FSS participants including, but not limited to, the race, ethnicity, familial status, and disability status of program participants will be maintained.

The Akron Metropolitan Housing Authority will adhere to our mission of developing people, property, and community by providing quality housing options and investing in partnerships to enhance opportunities for eligible individuals and families and will affirm our fair housing practices and actively address fair housing issues.