

Eastpointe Housing Commission Section 8 Housing Choice Voucher



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PLAN REQUIREMENTS

Terminology - The term Admin Plan used throughout this document is used to abbreviate the term Section 8 Housing Choice Voucher Administrative Plan. The term HVC stands for Housing Choice Voucher, and the term EHC stands for Eastpointe Housing Commission.

This Admission and Continued Occupancy Admin Plan is intended to implement federal and state regulations, with some latitude for local policies and procedures. In addition, it must stay consistent with the latest addition of the Code of Federal Regulations governing the Department of Housing and Urban Development, and all related HUD Transmittals and Notices. In the event of inconsistencies, the provisions of that code shall prevail. This Admin Plan incorporates these requirements and is binding upon applicants, residents, and the EHC management and staff. Changes in applicable Federal Law or regulations shall supersede this Admin Plan at any point in which they are in conflict.

The EHC has a total Annual Contributions Contract (ACC) of 171 housing choice vouchers in its Housing Choice Voucher Program. This is overseen by the Department of Housing and Urban Development's Detroit Office which holds scheduled audits on fiscal matters, program performance and compliance.

A review of this Administrative Plan shall take place annually. The Executive Director or his/her designee shall recommend any changes or updates needed to bring this Admin Plan into full compliance and bring these before the Board for formal approval.

Housing Choice Voucher Mission Statement: Our goal is to provide decent, safe, and sanitary rental housing for eligible families and to provide opportunities and promote self-sufficiency and economic independence for Housing Choice Voucher participants.

In order to achieve this mission, we will:

- Recognize residents as our ultimate customer;
- Seek problem-solving partnerships with residents, landlords, community, and government leadership;
- Apply limited EHC resources to the effective and efficient management and operation of Housing Choice Voucher Program;
- Provide effective outreach to landlords and managing agents to secure the highest quality housing possible under the applicable Payment Standards;
- Aid in efforts to upgrade and stabilize the housing stock in the community by encouraging property landlords to reinvest Housing Assistance Payments into their properties;
- Provide the opportunity for economically disadvantaged residents to gain entry into the private housing market by giving them the opportunity to financially compete with moderate income families competing within the same housing market.
- Administer the program in a fair and impartial manner and on an equal opportunity basis.

Primary Responsibilities of the EHC:

- Informing eligible families of the availability of Housing Choice Voucher assistance
- Encouraging landlords to make their housing available for lease to Housing Choice Voucher participants
- Determining the maximum amount of Housing Assistance Payments that can be used for resident-paid utilities, and posting the utility allowances annually
- Receiving applications from families and determining their eligibility for assistance
- Inspecting Housing Choice Voucher housing to determine that they meet or exceed Housing Choice Voucher Housing Quality Standards
- Approving landlord leases
- Making Housing Assistance Payments to landlords
- Performing annual and periodic re-examinations of income, family composition and re-determination of rent.

FAIR HOUSING AND EQUAL OPPORTUNITY PLAN

The Fair Housing Admin Plan of the EHC complies fully with all Federal, State, and local nondiscrimination laws and in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment and with the Americans with Disabilities Act.

Specifically, the EHC shall not on the basis of race, color, religion, sex, handicap, familial status, or national origin, deny any resident the opportunity to apply for or receive assistance under HUD's Housing Choice Voucher Program, within the requirements and regulations of HUD and other regulatory authorities. To further its commitment to full compliance with applicable Civil Rights laws, the EHC will also provide Housing Choice Voucher participants access to information regarding "discrimination". This subject is also discussed during the briefing session and any complaints will be documented and made part of the applicant's/participant's file.

Assisting a Resident that Claims Housing Discrimination

The EHC will provide all applicants with the HUD brochures "Fair Housing It's Your Right" and form HUD 903.1 "Are You a Victim of Housing Discrimination" explaining rights under fair housing law. The brochures will be included in the information packet given to each applicant at the initial briefing before moving to a new unit. Applicants will be encouraged to call the Michigan Fair Housing Office at 1.800.743.5323 with any questions or complaints relating to housing discrimination.

If a resident believes he/she has been or is about to be discriminated against or otherwise harmed by illegal acts constituting discrimination, the resident should contact the EHC. The EHC must provide the following assistance:

- A. Assist the resident in completing the form - HUD-903.1.
- B. Forward the completed form to the Regional Fair Housing Officer.
- C. Advise the resident it will be contacted by HUD, and that it may seek legal remedies on its own.

The resident may choose to contact HUD directly with their claim of discrimination.

Equal Opportunity Housing Plan

The EHC is a resident-based housing program and is required to comply with equal opportunity requirements imposed by contract or federal law (Ref: 24 CFR 982.54). This includes applicable requirements under:

- A. The Fair Housing Act, 42 U.S.C. 3610-3619 (implementing regulations at 24 CFR parts 100, et seq.);
- B. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d (implementing regulations at 24 CFR part 1);
- C. The Age Discrimination Act of 1975, 42 U.S.C. 6101-6107 (implementing regulations at 24 CFR, part 146);
- D. Executive Order 11063, Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46 FR1253 (1980), as amended, Executive Order 12892, 59FR 2939 (1994) (implementing regulations at 24 CFR, part 107);
- E. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (implementing regulations at 24 CFR, part 8); and
- F. Title II of the Americans with Disabilities Act, 42 U.S.C 12101, et seq.

Equal Opportunity Posting Requirements

The EHC's shall have available upon request the following documents:

- The Section 8 Housing Choice Voucher Administrative Plan
- Income Limits for admission
- Utility allowances
- Informal Review/Hearing procedure
- Notice of Waiting List Status

Posted throughout the building bulletin boards will be the following:

- Fair Housing Posters
- Equal Opportunity in Employment Posters

Privacy Rights

Applicants will be required to sign the Federal Privacy Act Statement which states under what conditions HUD will release information concerning Housing Choice Voucher participants. Requests for information by third parties must be accompanied by a signed release request in order for the EHC to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law regulations (Reference HUD Form 9887 & HUD 9887-A "Notice and Consent for the Release of Information").

The EHC's continuing efforts to advertise and perform outreach activities to families and landlords will be governed by the following:

Since the current waiting list is primarily made up of very low and extremely income families, efforts will be implemented in accordance with the equal opportunity requirements imposed by federal law including applicable requirements under:

- The Fair Housing Act, 42 U.S.C. 3610-3619;
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d;
- The Age Discrimination Act of 1975, 42 U.S.C. 6101-6107;
- Executive Order 11063, Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46 FR 1253 (1980), as amended, Executive Order 12892, as amended, Executive Order 12892, 59 FR 2939 (1994);
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794; and
- Title II of the Americans with Disabilities Act, 42 U.S.C. 12101.

The EHC reserves the right to close (suspend) the waiting list when the number of applicants on the list exceeds what is anticipated to be a wait of two (2) years or more. Both suspensions (closing the list) and resumptions (opening the list) of application taking will be announced publicly through local news releases to the media and by other forms of advertisement in accordance with the requirements contained in 24 CFR 982.206.

At this time, a special outreach effort to landlords and property managers appears to be unnecessary. EHC's Housing Choice Voucher Program is well known in the real estate community, and the EHC enjoys excellent lines of communication and cooperation with principal landlords. Should this status change, efforts will be made to recruit new landlords utilizing local newspapers, board of realtors, public service announcements, community meetings, etc.

EHC's interface with the outside community represents its continuing efforts to provide compliance with Title VI and 504, as well as adhering to the general provisions for its Housing Choice Voucher Program.

APPLICATIONS AND WAIT LIST

Applicants wishing to apply for the housing choice voucher program must complete a Section 8 application for housing assistance. HUD permits the EHC to determine the format and content of its applications, as well as how applications will be made available to interested persons and how applications will be accepted by the EHC. The following conditions shall govern the taking and processing of applications:

The EHC **will not**, on account of race, age, color, creed, sex, religion, handicap, familial status, or national origin, deny or hinder any applicant the opportunity to make application.

The EHC does not discriminate in admission or access to its federally assisted housing programs. Any individual eligible to be served that has a visual or hearing impairment will be provided with the information necessary to understand and participate in EHC's programs.

The EHC reserves the right to establish times & dates for taking applications.

The EHC, reserves the right to suspend taking applications for placement on the waiting list when the current supply of waiting list applications exceeds the number of applicants which could be reasonably expected to be housed within twenty-four (24) months.

All applications must be made by a responsible adult or guardian of the adult, who will reside in the household.

A minor person who, by virtue of court order, has been determined to be an adult can also apply for admission. He/she must certify, subject to civil and criminal penalties, to the accuracy and truthfulness of all information filled out on the application.

The application must be filled out completely. EHC requires the signature of all adult members of the applicant household. No applications shall be accepted unsigned.

Discrepancies on the application determined to be untrue at the time of admission or in the future will be grounds for denial of housing or termination from the HVC program.

All applications will be accompanied by HUD form 92006, Supplement to Application for Federally Assisted Housing and is required to the part of an EHC's application (Notice PIH 2009-36).

The completed application will be date & time stamped upon its return to the Eastpointe Housing Commission.

No faxed applications will be accepted

The EHC will normally take applications from a central location, but reserves the right to establish satellite locations for taking applications.

Persons with disabilities who require a reasonable accommodation in completing an application may call the Eastpointe Housing Commission at 586-445-5099 to make special arrangements.

The Eastpointe Housing Commission staff speaks English. However, we will endeavor to have access to people who speak languages other than English in order to assist non-English speaking families.

It is the sole responsibility of the applicant to inform the EHC in writing of changes in address or other resident circumstances.

Application interviews shall be conducted in privacy of program administrator's offices.

The EHC will request, but not mandate, information regarding the race or ethnic designation of the head of household must be included in the application. The application shall be date stamped at the time of receipt by EHC staff.

Applications shall be updated as applicants report changes in income and resident circumstances. All modifications to applications shall be properly documented.

Due to the administrative expense of purging the wait list, the EHC HCV program shall purge the waiting list every 24 months in order to keep the applicant pool updated, and to remove those applicants who are no longer actively seeking housing. This shall be performed by removing applicants who fail to respond by the deadline stated in the "UPDATE" notice. The notice will be mailed to the last known address on the waiting list application. It is the sole responsibility of the applicant to keep the EHC informed of changes in the applicant's address. All changes must be submitted in writing.

Applicants who do not keep their address information updated in writing and do not receive the "UPDATE" notice, will be considered negligent in their duties and will have their names removed from the wait list if the update is not returned by the deadline stated in the notice.

The EHC shall maintain such records as are necessary to document the disposition of all applications and to meet U.S. Department of Housing and Urban Development audit requirements, which currently is for a period of three (3) years.

All applicants for Housing Choice Voucher assistance are placed on a single waiting list according to the date and time of application. Information on the program will be given to applicants.

The EHC shall offer to cross list any applicant on its Section 8 wait list that is eligible and has an interest in being subsidized on our elderly housing choice voucher program.

A preference will be given to those persons who live or work in the City of Eastpointe. EHC's applications will be placed on the wait list and selected by date of application in the following order;

- Persons who live or work in the City of Eastpointe – date of application
- Persons who do not live or work in the City of Eastpointe – date of application

APPLICATION SELECTION PROCESS

Housing Choice Voucher Selection and Participation Process

Equal Opportunity: The Fair Housing Act makes it illegal to discriminate on the basis of race, color, religion, sex, handicap, familial status or national origin. This EHC shall not deny any resident the opportunity to apply for a Housing Choice Voucher.

Organization of the Waiting List

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

1. Applicant name
2. Unit size
3. Date and time of application
4. Local preferences (lives or works in Eastpointe)

Order of Selection from the Waiting List:

When a Housing Choice Voucher is available, the EHC will select the resident at the top of the waiting list in accordance with the guidelines stated above (*Organization of the Waiting List*). The selection process is as follows;

- Resident is a resident of City of Eastpointe , date & time
- Resident works in City of Eastpointe, date & time
- Date & time of application

Maintaining the Waiting List:

The EHC will remove an applicant's name from the waiting list for the following reasons:

The EHC will remove name of an applicant who does not respond to correspondence from the EHC for an office appointment by the deadline given by the EHC; and/or

The EHC will remove the name of an applicant who does not respond to a request for applicant information by the deadline given by the EHC; and/or

The EHC will remove the name of an applicant who does not respond to a waiting list update by the given deadline; and/or

The EHC will remove the name of an applicant who refuses the EHC's offer of a housing choice voucher*****

********* *An applicant on the EHC's Housing Choice Voucher waiting list may refuse the EHC's initial offering of a housing choice voucher if the resident is able to document a critical life circumstance that renders them unable to look for housing at the time they are contacted. The resident does not lose its place on the waiting list because of its refusal. If the resident refuses the second form of assistance, the EHC will remove the resident from the waiting list (as outlined above).*

Procedure for Removing an Applicant's Name from the Waiting List:

The applicant will be notified by the EHC, in writing, that they have ten (10) calendar days from the date of the written correspondence to respond to the EHC's request. The correspondence will also indicate that their name will be removed from the waiting list if they fail to respond within the specified time frame.

The EHC's system of removing applicants' names from the waiting list will not violate the rights of a disabled person(s). If an applicant's failure to respond to a request from EHC for information or updates was caused by the applicant's disability, the EHC will provide reasonable accommodations and give the applicant an opportunity to respond. An example of a reasonable accommodation would be to allow an applicant to be reinstated on the waiting list based on the original date and time of their application, provided the applicant indicates that they did not respond due to a disability. If the disability is not apparent, the EHC may request that the applicant submit a written physician statement indicating that the applicant's response was affected by their disability.

Purging the Waiting List:

To the administrative burden of purging the wait list, but to ensure that the EHC's waiting list reflects the most current applicant information, the waiting list will be updated and purged at least every twenty-four (24) months.

Verification of Preference, if applicable:

Any resident that did not live in EHC jurisdiction at the time the resident applied for assistance must lease a unit in the jurisdiction of the EHC for at least twelve (12) months from the beginning of the initial lease term. The EHC will require families to furnish proof of residency (copies of lease or utility bills) to determine the accuracy of resident statements concerning residency.

Cross-Listing Programs:

The EHC will consider cross listing under the following circumstances:

- A resident 50 + yrs or older who approaches the top of the wait list and cannot find adequate housing with a Housing Choice Voucher (HCV) they MAY be offered a unit in our project-based subsidized elderly program if they qualify and a unit is available.
- If HCV funding is cut or reduced and an elderly or near-elderly resident is in danger of losing subsidized housing due to insufficient funding, EHC will offer them the next available one bedroom unit in our project-based subsidized elderly development.

ADMISSIONS & ELIGIBILITY REQUIREMENTS

All applicants or residents who are admitted to Housing Choice Voucher Housing Program administered by EHC must be individually determined eligible under the terms of this Administrative Plan. In order to be determined eligible, the following requirements must be met:

The applicant must qualify as very low-income or extremely low income in accordance with the income limits established by the U.S. Department of Housing and Urban Development for Macomb County, Michigan.

If the applicant is a prior recipient of any subsidized housing program and owes money to the EHC, the applicant will not be considered for re-admission until the account is paid in full.

The applicant must have properly completed all application requirements, including verifications. **Misrepresentation of income, family composition or any other information affecting eligibility, rent, unit size, etc., will result in the applicant being declared ineligible.**

In the event the misrepresentation is discovered after admission, the resident may be subsequently terminated from the program, even if the resident meets current eligibility criteria at that time.

The resident must not engage in drug-related criminal activity or violent criminal activity, including criminal activity by a resident family member, or any guest of the resident.

The EHC shall not deny admission to any applicant on the basis that the applicant is or has been a victim of domestic violence, or stalking if the applicant otherwise qualifies for admission.

If the applicant is a student and is enrolled at an institution of higher education and is under the age of 24, is not a veteran, is unmarried and does not have a dependent child, the student is individually ineligible for Housing Choice Voucher Program assistance. If the student's parents are, individually or jointly, ineligible for assistance, no Housing Choice Voucher Program assistance can be provided to the student. If the student is determined independent from his or her parents, the eligibility of a student seeking Housing Choice Voucher Program assistance will be based on both the student and the parents being determined income eligible for Housing Choice Voucher Program assistance.

Disabled persons receiving assistance before November 20, 2005, are excluded from this provision.

HUD regulations prohibit assistance to ineligible applicant members. A mixed applicant is a resident that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. EHC will prorate the assistance provided to a mixed resident. EHC will first determine assistance as if all resident members were eligible and then prorate the assistance based upon the percentage of resident members that actually are eligible.

EHC will grant a temporary deferral of termination of assistance if the resident provides documentation of eligible immigrant status and EHC is waiting for US Customs and Immigration Service verification, or if the resident is currently participating in the hearing process in reference to their ineligible noncitizen status.

The total deferral period should not exceed 18 months. The initial deferral is granted for a period of 6 months, and renewed for 6 month periods thereafter.

DENIAL OF ADMISSION

Applicants are not automatically determined eligible to receive federal assistance. The EHC is required to perform background checks in order to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program (24 CFR 960.204(a)(4)) OR if any family member living in the household has a criminal history. Applicants will be denied admission for life to any household that includes an individual who is subject to a lifetime registration requirement under a state sex offender registration program or is listed on a sex offender registry.

In addition, applicants will be DENIED being issued a housing choice voucher under the following circumstances:

If the applicant's gross income exceeds the limits established by the U.S. Department of Housing and Urban Development.

If any adult applicant member refuses to sign or submit required consent forms (such as the authorization for release of information form or the declaration of citizenship and non-citizen status).

If the applicant does not meet the definition of a family, disabled, or elderly person(s).

If the applicant owes a prior debt to any PHA or owes money to any other subsidized local, state or federal government program, the applicant will be declared ineligible.

If the applicant is a former Housing Choice Voucher Program participant who vacated a unit in violation of their lease, the applicant will be declared ineligible.

If the applicant has committed fraud in connection with any Federal housing program, the applicant will be declared ineligible.

If the applicant as a former Housing Choice Voucher Program participant violated any resident obligation under 24 CFR 982.552, the applicant will be declared to be ineligible.

If the applicant or any member of the applicant's immediate family was evicted from local, state or federally subsidized program.

If the applicant threatened or actually demonstrated abusive or violent behavior toward EHC staff or others, the applicant will be declared ineligible.

Denied admission for life to any applicant who has been convicted of drug-related criminal activity for the production or manufacture of methamphetamine (speed) on the premises of any federally assisted housing. A premise is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

If the applicant or any member of the applicant's immediate family committed "illegal" drug-related or violent criminal activity without regard to whether the crime is technically classified as a felony, the applicant will be declared ineligible.

Denial of Admission for Criminal Activity

HUD allows the EHC to develop practices to deny admission based on certain types of past criminal histories according to the guidelines listed below. IF a criminal record is discovered, admittance consideration will take into account the following:

- General/accumulated pattern of disregard for rules/regulations,(e.g. repeated crimes of felonies or misdemeanors)
- Violent Criminal Activity (greater denial weight will be given to crimes involving violence)
- Drug related activity
- Alcohol abuse (repeated DUIs, etc.)
- Outstanding warrants
- Nature & seriousness of past criminal activity
Time frame (NO criminal incidents within the most recent 10 year time span or 10 years out of prison. "Incidents" include misdemeanors, felonies, etc.)

The amount of time passed will be weighed against level of seriousness of crime, any repeated patterns of behavior, the nature of the crime and any documented rehabilitation will be considered in final admittance determinations.

The applicant will be provided with a copy of the criminal history record and be given the opportunity to dispute the accuracy or relevancy of the information provided on the criminal history record. If the results of the criminal background check indicate there may have been past criminal activity, but the results are inconclusive, the EHC will put the burden of proof on the applicant to clear up any discrepancies in the past that could prohibit receiving subsidized housing.

In cases where assistance is either denied or terminated the informal review or hearing requirements as outlined in Section 24 CFR 982.554 and 982.555 shall apply.

Notification of Denial due to Criminal Activity:

If, based on a criminal record or sex offender registration information, an applicant is denied acceptance into the program, the EHC will notify the applicant in writing of the proposed denial and provide a copy of the record to the applicant. The applicant will be given 10 business days to dispute the accuracy and relevance of the information. If the applicant does not contact the EHC to dispute the information within that period of time, the EHC will proceed with issuing the notice of denial of admission. If an applicant does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter, they will not be given the opportunity to take part in an informal hearing process.

Criminal Records Management:

Any applicant/resident (18 years & older) of low rent public housing program shall complete an "Authorization for Release of Information" form when they are interviewed for an apartment and at their annual recertification appointment. Through a cooperative agreement with the Michigan State Police Dept., the Eastpointe Housing Commission will use the internet criminal history access tool (ICHAT) and the Offender Tracking and Information System (OTIS) to perform a state-wide criminal history checks. The EHC may pay fees charged by law enforcement agencies for this information

All criminal history and sex offender status records will be kept confidential. These records will be used only to screen applicants for housing, continued occupancy or to pursue evictions. The records will not be disclosed to any person or entity except for official use in the application process or in court proceedings. No copies will be made except as required for official or court proceedings.

Once action is taken based on the criminal history record and the action is finalized, the actual history document will be destroyed. A copy of the Authorization shall be maintained in the file. Should the history ever need to be retrieved, this procedure will need to be repeated.

VERIFICATION OF INCOME AND FAMILY COMPOSITION

Eligibility and income verification for housing assistance is not based on a “declaration system” but upon third party verification of actual income and resident circumstances.

The EHC is not limited to verification of data supplied by applicants or participants and will only use notarized applicant/participant supplied data as a last resort.

No applicant shall be admitted to the Housing Choice Voucher Program without a thorough review of their income (income verification must be current within sixty [60] days before issuance of the housing choice voucher.

Complete and accurate verification documentation will be maintained for each applicant and resident. Items to be verified include but are not limited to the following:

- All income not specifically excluded by the regulations
- Zero-income status of household
- Full-time student status including High School students who are 18 or over
- Current assets including assets disposed of for less than fair market value in the preceding two years
- Childcare expenses when it allows an adult resident member to be employed, to actively seek employment or to further his/her education
- Medical expenses of all resident members in households whose head or spouse is elderly or disabled
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the resident, which allow an **adult** resident member to be employed
- Disability for determination of preferences, allowances or deductions
- U.S. citizenship/eligible immigrant status
- **Social Security Numbers for all resident members 6 years of age or older who have been issued a social security number.**
- Marital status when needed for head or spouse definition
- Verification of Reduction in Benefits for Noncompliance

- Before granting a resident's request for rent reduction because of a decrease in benefits, EHC will obtain written verification from the Welfare agency stating that the resident's benefits were not reduced because of fraud or non-compliance with an economic self-sufficiency requirement.
- Letters or other statements from employers and other pertinent sources giving authoritative information concerning all items and amounts of income and deductions, together with other eligibility and priority determinations;
- Verification forms supplied by EHC and properly completed by employers, public welfare agencies, etc.
- Originals, photocopies, or carbon copies of documents in the applicant's possession which substantiate his/her statements, or a brief summary of the pertinent contents of such documents signed and dated by the staff member who views them
- Statements from self-employed persons, and from persons whose earnings are irregular, such as a salesman, etc., sworn before a Notary, setting forth gross receipts, itemized expenses and net income
- Memoranda of verification data obtained by personal interviews, home visits, telephone or other means, with source, date received, name and title of person receiving the information clearly indicated, and a summary of the information received
- Copies of income tax returns filed with Federal and State governments
- Certified birth certificates, or other substantial proof of age, to support claims to the various entitlements in the Administrative Plan for each member of the household
- Verification of evidence of citizenship and/or eligible immigration status or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam
- Proof of disability, or of physical impairment, if necessary to determine the applicant's eligibility as a resident or entitlement for consideration under the criteria established in this Administrative Plan, provided in written from a qualified person or agency
- Social security card from a legal entity for each household member

RELEASE OF INFORMATION FORM (24 CFR 960.259, 24 CFR 5.230).

All participants/applicants will be required to sign a RELEASE OF INFORMATION form per (24 CFR 960.259, 24 CFR 5.230). The participant/applicant must supply any information that the EHC or HUD determines is necessary for the processing and administration of the program, and must allow EHC to verify that information. (24 CFR 960.259(a) (1)). All members of the household who are 18 years of age & older, must sign the form HUD 9886 - A Release of Information/Privacy Act form. Each member requested to consent to the release of specific information will be provided with a copy of the appropriate forms for their review and signature. **FAILURE to sign the Release of Information form and** any other PHA or HUD required consent forms, will result in denial of admission to the applicant and termination of the lease of a participant. **(24 CFR 5.232).**

Failure of an applicant to cooperate with the EHC in obtaining verifications will result in the application being declared incomplete. In accordance with 24 CFR 960.259(a) and 24 CFR 982.551(b), a participant who fails to cooperate with the verification process or to release information will have their participation terminated.

ANY change in rent amount, will not be made processed until all required verifications are received. In consideration of the privacy rights of participants and applicants, the EHC will restrict its requests to those matters of income, family composition and other circumstances which it deems are related to eligibility, rent, and unit size.

If the verified data as listed in this Administrative Plan are less than sixty (60) days old at the time an applicant is selected for participation the data will be considered.

If the data is more than one hundred and twenty (120) days old, all factors are to be re-verified and income re-calculated.

TYPES OF INCOME VERIFICATION

EHC utilizes HUD's Enterprise Income Verification (EIV) system to validate income information reported by participants. The EIV system electronically utilizes independent sources, such as those maintained by the Social Security Administration, State Wage Information Collection Agencies, and private vendors, to confirm income figures provided at application and re-certification. A resident who fails to cooperate by refusing to fill out forms or to release information will be evicted. An applicant who fails to cooperate by refusing to fill out forms or to release information will be denied housing. Knowingly underreporting income may result in the assessment of back charges (Repayment agreement), termination of assistance, and/or prosecution through the District Attorney's office.

No applicant shall be admitted to public housing without thorough verification of income, resident composition and all other factors pertaining to the applicant's eligibility, rent, unit size and type, priority rating, etc. Complete and accurate verification documentation shall be maintained for each applicant and resident. Such documentation may include, but is not limited to, the following:

1. Participant supplied documents such as but not limited to; originals, photocopies, or carbon copies of documents in the participant's possession which substantiates his/her statements, or a brief summary of pertinent contents of such documents signed and dated by the staff member who viewed them.
2. Verification forms supplied by the Authority and returned properly completed by employers, public welfare agencies, etc.
3. Letters or other statements from employers and other pertinent sources giving authoritative information concerning all items and amounts of income and deduction, together with other eligibility and preference determinations.
4. Statements from self-employed persons, and from persons whose earnings are irregular, such as salesmen, etc., sworn to before a Notary, setting forth gross receipts, itemized expenses and net income (expenses incurred for business expansion or amortization of capital indebtedness are to be included in net income).
5. Memoranda of verification data obtained by personal interview, home visit, telephone, or other means, with source, date received, name and title of person receiving the information clearly indicated, and a summary of information received.
6. Certified birth certificates, valid driver's license, or other substantial proof of age, to support claims to the various entitlements in these policies for each member of the household.
7. Verification of evidence of citizenship and/or eligible immigration status or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam.

8. Social Security Card or legal documents verifying the Social Security number for the applicant and each member of the applicant's household who is at least six (6) years old. (If the applicant cannot provide the proper documentation requirements he/she must submit to the Authority the individual's SSN(s) and a certification executed by the individual that the SSN(s) submitted has been assigned to the individual, but that acceptable documentation to verify the SSN(s) cannot be provided).
9. Proof of disability, or of physical impairment, if necessary to determine the applicant's eligibility as a resident or entitlement consideration under the criteria established in these policies, provided in written form by the appropriate government agency.
10. Statements from landlords, resident social workers, parole officers, court records, drug treatment centers, clinics, physicians, or police departments, where warranted in individual cases.
11. Receipts for utility services.
12. The EHC shall require the resident head, head of household, members 18 years or older, or legally appointed designee to execute a HUD-approved release and consent authorizing any depository or private source of income, or any Federal, State, or local agency to furnish or release to the EHC and to HUD such information as the EHC or HUD determines to be necessary.

In addition to such other verification the EHC will conduct an (EIV) Existing Tenant Search to verify if applicant is an existing tenant at another housing facility.

Because eligibility for Federal housing assistance is not based on a "declaration system" but upon verification of actual income and resident circumstances, the EHC is not limited to verification of data supplied by applicants or participants.

Failure of an applicant/participant to cooperate with the EHC in obtaining verifications will result in the application being declared incomplete and inactive.

A resident who fails to cooperate or to release information may be evicted.

In addition, interim rent reductions will not be made for residents until after receipt of all required verifications.

In consideration of the privacy rights of residents and applicants, the EHC shall restrict its requests to those matters of income, resident composition and other resident circumstances which are related to eligibility, rent, unit size and type, admission priority rating, or other lawful determinations made by the EHC.

The verified data must be within sixty (60) days old at the time an applicant is selected for admission for it to be considered valid.

METHODS OF INCOME VERIFICATION

Eligibility for Federal housing assistance is not based on a “declaration system” but upon verification of actual income and resident circumstances. Income sources vary with each individual participant. Depending on the circumstances and the source of income, the EHC will determine the best method to use to accurately verify income. EHC will document the file as to how the information was verified including an explanation for the method utilized if other than a written third party verification.

For applicants, verifications must be received prior to signing the lease. For participants, verifications will be valid for 60 consecutive days from date of receipt.

Participant files will be documented using one of the following five (5) methods of verification:

1. Participant supplied documentation is based on past actual income received or earned within the last 12 months
2. (EIV) Enterprise Income Verification (also considered third party verification)
3. Third-Party Written Verification sent by PHA to independent sources
4. Third-Party Oral Verification verified by EHC staff
5. Notarized participant self-certification

PARTICIPANT SUPPLIED DOCUMENTATION:

Per PIH Notice 2013-03 and the Paperwork reduction Act of 1995 (44 U. S .C. 3501-3520) the EHC adopted a provision to allow participant’s actual past income in verifying income. Participant supplied documentation will be based on past actual income received or earned within the last 12 months and future income will be projected on the past year’s actual income. EHC will accept the following participant supplied documents provided that the document is an original and does not appear to be tampered or altered. Sources will be photocopied and retained in the applicant file. Examples of such sources are but not limited to;

- Check stubs or earnings statements based on actual income received or earned within the past 12 months, which indicate the employee’s gross pay, frequency of pay or year to date earnings
- Employment verification form completed by employer
- W-2 forms plus income tax return forms
- Income tax returns signed by the resident may be used for verifying self-employment income, or income from tips and other gratuities.
- Computer print-outs from the employer
- Letters signed by the employer or other appropriate party (provided that the information is confirmed by phone)

- EHC will accept faxed and photocopied documents when received directly from the generating source.
- Other documents noted in this section as acceptable verification

If the participant disputes the income generated from the supplied documentation, the documentation will be compared to EIV for additional accuracy. If there is still a discrepancy, EHC will verify information directly from the income source.

In cases where the documents viewed cannot be photocopied, EHC staff will view the document(s) and will document the file accordingly with the facts provided and an explanation.

Participant supplied documents must not be more than 60 days old.

ENTERPRISE INCOME VERIFICATION (EIV):

EHC will utilize Enterprise Income Verification methods, when applicable. EIV is considered third-party verification, but can be used to complement secondary written third-party verification.

EIV may be used in lieu of 3rd party verifications when there is not a substantial difference between EIV and tenant-reported income. HUD defines substantial difference as \$200 or more per month.

If the income reflected on the EIV verification is less than that reflected on the participant provided documentation, EHC will use participant provided documents to calculate anticipated annual income as long as the difference is within the \$200 threshold.

If the income reflected on the EIV verification is greater than current participant provided documentation, EHC will use EIV income data to calculate anticipated annual income as long as the difference is within the above mentioned \$200 threshold; unless the tenant provides documentation of a change in circumstances (i.e. change in employment, reduction in hours, etc.) The participant supplied documents must not be more than 60 days old.

In cases where EIV data is substantially different than participant reported income, EHC will follow the following guidelines:

- EHC will utilize written third party verification to verify the information
- When EHC cannot readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud, EHC will review historical income data for patterns of employment, paid benefits, and/or receipt of other income to anticipate income.
- EHC will analyze all data (EIV data, third party verification and other documents; information provided by the resident) and attempt to resolve the income discrepancy.
- EHC will use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.

If EHC is unable to anticipate annual income using current information due to historical fluctuations in income, EHC may average amounts received/earned to anticipate annual income.

If the tenant disputes EIV SS/SSI benefit data, EHC will request the tenant to provide a current original SSA notice or benefit letter within 10 business days of being notified of the dispute.

The income reflected on the EIV verification must not be more than 60 days old.

THIRD - PARTY WRITTEN VERIFICATION:

Third-party verification is used to verify information directly from the income source. Third-party written verification forms will be sent and returned via first class mail. The resident will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the income source are considered third party written verifications. Verifications hand carried by residents will not be considered third party verifications unless the verification is from a government agency.

EHC will accept verifications in the form of computerized printouts delivered by the resident from the following agencies:

Third party employment Income verification forms to be requested from employer by PHA should contain:

- Dates of employment
- Amount and frequency of pay
- Date of last paycheck
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months

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

Acceptable methods of verification in addition to EIV include:

- Benefit verification form completed by agency providing the benefits.
- Award or benefit notification letters prepared and signed by the providing agency.
- Computer report electronically obtained or in hard copy.

Unemployment Compensation

Acceptable methods of verification in addition to EIV include:

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

- Payment stubs
- Social Security Administration
- Veterans Administration
- Department of Human Services (DHS) automated verification system or
- MIBRIDGES automated verification system
- Unemployment Compensation Board
- City or County Courts

Department of Human Services (DHS)

Acceptable methods of verification in addition to EIV include:

- MIBRIDGES automated income verification system
- Written statement from DHS/TANF worker on agency letterhead providing participant's cash or food stamp amount, dates received and participant name & address
- Agency computer generated form with participant's cash or food stamp amount, dates received and participant name & address

Loss of Income from Welfare Work-Related Sanctions:

If state or local public assistance benefits are decreased because of any failure of any member of the resident to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program or imposing a work activities requirement, the resulting loss of income shall not be entitled to a rent reduction.

Earned Income Disregard (EID):

Any resident **with disabilities** (24 CFR 5.617) whose income increases as a result of employment or increased earnings, their income will be disregarded for 12 months from the date of the income increase. The rent increase will then be phased in over a two-year period after the initial 12 months disregard and no more than a 50% increase can be applied to the rent calculation in either year. The disallowance of increased income for an individual resident member is limited to a life-time 48 month period.

EHC will allow up to two (2) weeks for return of third-party verifications and up to one (1) additional week to obtain other types of verifications before going to the next method. EHC will document the file as to how the information was verified including an explanation for the method utilized if other than a written third party verification.

THIRD – PARTY VERBAL VERIFICATION:

Verbal third-party verification will be used when written third-party verification is delayed or not possible. When third-party verbal verification is used, staff will be required to document with whom they spoke, the date of the conversation, and the facts provided. If verbal verification is utilized EHC must originate the call.

In the event that third-party written or verbal verification is unavailable, or the information has not been verified by the third party within two (2) weeks, EHC will document the file accordingly and utilize documents provided by the participant as the primary source if the documents provide complete information.

EHC will allow up to two (2) weeks for return of third-party verifications and up to one (1) additional week to obtain other types of verifications before going to the next method. EHC will document the file as to how the information was verified including an explanation for the method utilized if other than a written third party verification.

NOTARIZED SELF CERTIFICATION:

When verification cannot be made by participant supplied documentation, EIV, third-party verification or oral verification witnessed by EHC staff, participants will be required to submit a notarized self-certification. Self-certification requires a notarized and witnessed statement/affidavit/certification statement under penalty of perjury.

Recurring Gifts

The resident must furnish a self-certification, which contains the following information:

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

Verification of Zero Income Status

Residents claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, DHS, TANF, SSI, SS etc. are not being received by the household. Residents claiming to have no income will have to certify to this status at least quarterly when notified by EHC.

ASSETS

Per PIH Notice 2013-03 and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the EHC had adopted the provision to allow households to self-certify to having assets of less than \$5,000.00. EHC will accept a participant's declaration of the amount of assets of less than \$5,000 and the amount of income expected to be received from those assets. The EHC's application and reexamination documentation, signed by all adult family members, will serve as the declaration.

When the participant family has net family assets equal to or less than \$5,000, the EHC will not request supporting documentation.

When the participant family has net family assets in excess of \$5,000, the EHC will obtain supporting documentation using the methods listed below

Income from Assets - Savings Account Interest Income and Dividends

Acceptable methods of verification include:

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

Income from Assets - Interest Income from Mortgages or Similar Arrangements

Acceptable methods of verification include:

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

Income from Assets - Net Rental Income from Property Owned by Resident

Acceptable methods of verification include:

- IRS Form 1040 with Schedule E (Rental Income).
- Copies of latest rent receipts, leases, or other documentation of rent amounts.

- Documentation of allowable operating expenses of the property: tax statements, insurance invoices, and bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
- Lessee's written statement verifying rent payments to the resident and resident's self-certification as to net income realized.

VERIFICATION OF ASSETS:

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

Acceptable verification may include any of the following:

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

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

For all Certifications and Re-certifications, EHC will obtain the Resident's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or re-certification.

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

Foreclosures will be treated the same way as an asset disposed of for less than fair market value.

VERIFICATION OF EXPENSES

Medical Expenses:

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

- Written verification by a doctor, hospital or clinic personnel, dentist, Pharmacist, of (a) the anticipated medical costs to be incurred by the resident and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
- Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
- Pharmacy generated print out with applicable dates and applicant's name & address
- Current bank statements that reflect automatic medical premiums deducted directly from the account
- Written confirmation by the insurance company or employer of health insurance premiums to be paid by the resident.
- Written confirmation from the Social Security Administration of Medicare premiums to be paid by the resident over the next 12 months. A computer printout will be accepted.

Attendant care:

- EHC will require certification from a qualified professional having knowledge of the person's need for an attendant and who can verify the attendant is necessary as a medical expense.
- Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the resident or agency (or copies of canceled checks the resident used to make those payments) or stubs from the agency providing the services.
- Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
- Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
- Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. EHC may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.

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

Assistance to Persons with Disabilities

In all Cases:

Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another resident member to be employed.

Resident's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant care:

- *Attendant's written certification of amount received from the resident, frequency of receipt, and hours of care provided.*
- *Certification of resident and attendant and/or copies of canceled checks resident used to make payments.*
- **Auxiliary Apparatus:**
- *Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.*
- *In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.*

VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identity and Familial Relationships

EHC will require applicants to furnish verification of legal identity for all resident members. The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a resident is illegible or otherwise questionable, more than one of these documents may be required.

- Certificate of Birth, naturalization papers
- Church issued baptismal certificate
- Current, valid Driver's license
- U.S. military discharge (DD 214)
- U.S. passport
- Voter's registration
- Company/agency Identification Card
- Government issued Identification Card
- Verification of guardianship is:
 - Court-ordered assignment
 - Affidavit of parent
 - Verification from social services agency

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

- Certificate of Birth
- Adoption papers.
- Custody agreement.
- Health and Human Services ID.
- School records.

If none of these documents can be provided, a third party who knows the person may, at EHC's discretion, provide certification to be used as verification.

Verification of Marital Status:

- Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.
- Verification of a separation may be a copy of court-ordered maintenance or a notarized self-certification that the couple is not living together.
- Verification of marital status is a marriage certificate. If the resident plans to get marry while being subsidized on the program, the future spouse MUST meet eligibility requirements (see page 17 Denial of Admissions) before the marriage takes place.
- If the future spouse does not pass meet eligibility requirements and the resident has already married or married regardless of the results, the resident will be subject to a thirty (30) day notice of termination.

Verification of Permanent Absence of Resident Member

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

- Divorce Decree
- Legal separation agreement.
- Order of protection/restraining order obtained by one resident member against another.
- Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.
- Statements from other agencies such as social services or a written statement from the landlord or manager that the adult resident member is no longer living at that location.
- If the adult resident member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated.
- If no other proof can be provided, EHC will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.

Verification of Change in Resident Composition

EHC may verify changes in resident composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.

VERIFICATION OF NON- INCOME FORMS

Certified proof of identity such as; birth certificates, valid driver's license, or other substantial proof of age, to support claims to the various entitlements in these policies for each member of the household.

Social Security Card or legal documents verifying the Social Security number for the applicant and each member of the applicant's household who is at least six (6) years old. (If the applicant cannot provide the proper documentation requirements he/she must submit to the Authority the individual's SSN(s) and a certification executed by the individual that the SSN(s) submitted has been assigned to the individual, but that acceptable documentation to verify the SSN(s) cannot be provided).

The EHC shall require the resident head of household, members 18 years or older, or legally appointed designee to execute a HUD-approved release and consent authorizing any depository or private source of income, or any Federal, State, or local agency to furnish or release to the EHC and to HUD such information as the EHC or HUD determines to be necessary.

Proof of disability, or of physical impairment, if necessary to determine the applicant's eligibility as a resident or entitlement consideration under the criteria established in these policies, provided in written form by the appropriate government agency.

Statements from landlords, resident social workers, parole officers, court records, drug treatment centers, clinics, physicians, or police departments, where warranted in individual cases.

Receipts for utility services.

Verification of evidence of citizenship and/or eligible immigration status or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam.

VERIFICATION OF SOCIAL SECURITY NUMBERS

Social security numbers must be provided as a condition of eligibility for all resident members age six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. If a resident member cannot produce a Social Security Card, only the documents listed below showing his or her Social Security Number may be used for verification.

The resident is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

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

If no Social Security number has ever been assigned to a particular resident member, the applicant must sign a certification stating that no SSN has been assigned. If a SSN has been assigned to an individual and this individual is not able to produce documentation, the applicant must provide SSN documentation to the owner within 60 days (120 days for those 62 years old or older) from the date on which the applicant certified that the documentation was not available.

VERIFICATION OF CITIZENSHIP/ELIGIBLE IMMIGRANT STATUS

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to declare their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each resident member must declare their status.

Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while EHC informal review is pending.

Citizens or Nationals of the United States

All applicants and participants are required to sign a declaration under penalty of perjury. EHC will require citizens to provide documentation of citizenship. Acceptable documentation will include at least one of the following original documents:

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

Eligible Immigrants who were Participants and 62 or over on June 19, 1995

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

Non-citizens with eligible immigration status

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the resident. EHC verifies the status through the INS SAVE system. If this primary verification fails to verify status, EHC must request within ten days that the INS conduct a manual search.

Ineligible resident members

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

Non-citizen students on student visas

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

Failure to Provide requested forms:

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

Timeframe of Verification:

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination at the time of initial application. EHC will not provide assistance to any resident prior to the affirmative establishment and verification of the eligibility of the individual or at least one member of the resident. EHC will verify the U.S. citizenship/eligible immigration status of all participants no later than the date of the resident's first annual reexamination following the enactment of the Quality Housing and Work Responsibility Act of 1998.

For resident members added after other members have been verified, the verification occurs at the first re-certification after the new member moves in. Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial EHC does not supply the documents, EHC must conduct the determination.

Extensions of Time to Provide Documents

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

Acceptable Documents of Eligible Immigration:

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

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

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

DENIAL OR TERMINATION OF HOUSING VOUCHER ASSISTANCE FOR APPLICANT OR RESIDENT

Section 24 CFR 982.551 and 982.553 outline the grounds for denial of an applicant or termination of assistance for a participant. The EHC may deny or terminate housing assistance for the following reasons:

- Applicants who owe rent or other amounts to this or another EHC in connection with Housing Choice Voucher Program or other Housing choice voucher assistance under the United States Housing Act of 1937;
- Applicants (as a previous resident in a Housing Choice Voucher Program) or residents that have not reimbursed this or another EHC for any amounts paid to a landlord under a Contract for rent or other amounts owed by the resident under the lease or for a vacated unit;
- Residents who are guilty of program abuse or fraud in any Federal housing assistance program;
- Residents who owe EHC money or breached a Repayment Agreement will not be issued another Housing Choice Voucher to move to another unit;
- Residents who are in default of an executed Repayment Agreement must pay their remaining outstanding balance prior to issuance of a Housing Choice Voucher to move. Residents will be able to remain in their current unit.
- Residents whose Total Resident Payment is sufficient to pay the full gross rent and 180 days has elapsed since the EHC's last Housing Assistance Payment was made.
- Residents whose appropriate members do not provide their Social Security numbers and documentation within the time required and specified by EHC.
- Residents who have violated one of their resident obligations as listed in 24 CFR 982.551 through 982.553.
- If a current participant, under lease in the Housing Choice Voucher Program, owes the EHC any outstanding debt, a payment agreement may be executed. Time frame on the debt is determined by the amount owed the EHC, however, the debt must be paid in full within twelve (12) months or before the issuance of a new housing choice voucher.
- If the resident has signed a repayment agreement with the EHC and they breach on even one payment, the EHC may terminate assistance for the breach of agreement.
- Any resident that commits a criminal activity that threatens health, safety, or right to peaceful enjoyment of the premises by other residents.
- Housing assistance may also be terminated or denied for any drug-related crime on or near premises by the resident, any guest, or any relative.

- Housing Assistance may also be terminated or denied for illegal use of a controlled substance or alcohol abuse when such use or abuse leads to behavior that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.
- Housing assistance may be terminated for failure to pay rent, maintain utilities and/or because of damage to the premises.
- If any member of the resident has ever been evicted from housing choice voucher.
- If EHC has ever terminated assistance under the housing choice voucher program for any member of the resident's family while living in the subsidized unit.
- If the resident has engaged in or threatened abusive violent behavior toward EHC personnel.

Denial Admission for Life:

Denied admission for life to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.

Denied admission for life to any applicant who has been convicted of manufacturing or producing methamphetamine (commonly referred to as "speed") on the premises of the assisted housing. A premise is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

MISSED APPOINTMENTS - APPLICANT OR RESIDENT

Missed Appointment Without Notification: An applicant or resident receiving HUD subsidized assistance who fails to keep an appointment without notifying the EHC and without re-scheduling the appointment, shall be sent a notice of termination for failure to comply with HUD required procedures such re-certification, release of information, income verification or HQS inspection requirements or other such documentation requested by the EHC as required by HUD.

This includes but is not limited to;

- Complete Application
- Bringing in Verification Information
- Program Briefing
- Leasing Signature Briefing
- HQS Inspections
- Re-certification
- Interim Adjustment

When Appointments are missed: For most of the functions above, the resident may be given two appointments. If the resident does not appear or call to reschedule the appointment, the EHC will begin the termination process. The applicant or participant will be given an opportunity for an informal review or hearing pursuant to 24 CFR 982.554(c) and 982.555(b).

APPLICANT / RESIDENT RESPONSIBILITIES

Resident responsibilities:

Supply such certification, release, information or documentation as the EHC or HUD determines to be necessary, including submission of required evidence of citizenship or eligible alien status, and submissions required for an annual or interim re-examination of resident income and composition.

Comply with the terms of the Housing Choice Voucher and the HUD supplied Tenancy Addendum

- Comply with the terms of the landlord's dwelling lease (paid utilities, etc.)
- Allow the EHC to inspect the dwelling unit at reasonable times and after reasonable notice.
- Notify the EHC and the landlord with a thirty (30) day written notice before vacating the dwelling unit.
- Use the dwelling unit solely for residence by the resident, and as the resident's principal place of residence.
- Report any changes in income within thirty (30) days of the change
- Report any family composition within thirty (30) days of the change

Resident must not:

- Own or have any interest in the dwelling unit (other than in a manufactured home assisted under 24 CFR Subpart F). If the Landlord is a cooperative, the resident may be a member of the cooperative.
- Commit any fraud in connection with the Housing Choice Voucher Program.
- Receive housing assistance under the Housing Choice Voucher Program while occupying, or receiving housing assistance for occupancy of, any other unit assisted under any Federal housing assistance program (including any Housing Choice Voucher Program).
- Sublease or assign the lease or transfer the unit.
- Engage in drug-related criminal activity or violent criminal activity, including criminal activity by any family members, guests or visitors.
- Violate any of the terms of the Housing Choice Voucher, HUD Tenancy Addendum or landlord dwelling lease
- HOH may NOT be absent from the dwelling for more than 90 consecutive days or the residence will be considered abandoned and the HAP contract will be terminated.
- The resident may NOT allow a guest/visitor to reside in their dwelling during their absence.

BRIEFING APPLICANTS

When the Section 8 administrator contacts an applicant from the waiting list to come in for an interview, the applicant's income and family composition is verified and a criminal history background check is performed. If it is determined that the applicant is eligible to participate in the housing choice voucher program, the applicant is given an oral briefing by the Section 8 administrator and will be issued a Housing Choice Voucher during this briefing.

The briefing is a question/answer session that will cover the following subjects:

- The applicant will be given a packet that contains information on all aspects of the Housing Choice Voucher Program, including a description of how the program works
- Resident and landlord responsibility
- Where the resident may lease a unit
- If a resident is currently living in a high poverty census tract in EHC jurisdiction, the briefing will also explain the advantages of moving to an area that does not have a high concentration of poor families (see "Deconcentration").
- In the briefing process if a resident includes a disabled person, the EHC will take appropriate steps to ensure effective communication in accordance with 24 CFR 8.6
- Information on Housing Quality Standards, inspection process, fair market rents, payment standards and availability of housing will be discussed.

During individual or group briefing sessions, the packet contents will be explained by the Section 8 administrator, including information about fair housing rights.

A listing of landlords and rental agents that are actively participating in the program will be included in the briefing packet.

Families with special problems will be given individual counseling if requested.

DECONCENTRATION:

The objective of the deconcentration rule for Housing Choice Voucher resident-based assistance is to admit no less than seventy-five percent (75%) of its new admissions to the program to families that have income at or below thirty percent (30%) of the area median income. The EHC will track the status of all new admissions monthly by utilizing income reports generated by the EHC's computer system. The goal will be tracked semi-annually. The practice will continue until the EHC achieves its goal. The EHC's Housing Choice Voucher applicant selection process, which is contained in the Housing Choice Voucher Administrative Plan, provides for no utilization of local preference to accomplish this goal.

The Briefing Packet will contain the following information:

- The term of the housing choice voucher and the Section 8 administrator will explain the procedures for requesting an extension.
- How the EHC determines the Housing Assistance Payment for a resident
- Information on the payment standard and the EHC utility allowance schedule
- Fact sheet on how the EHC determines the rent subsidy for the assisted unit (rent pre-calculation worksheet)
- What the resident should consider in deciding whether to lease a unit, including:
- Where the resident may lease a unit (EHC jurisdiction boundaries)
- The HUD-required “lease addendum”
- Request for Tenancy Approval form, and an explanation of how to request EHC approval to lease a unit
- A list of landlords known to the EHC who may be willing to lease a unit to the resident
- The HUD lead-based paint (LBP) brochure
- Portability form
- Penalties on False Information “Things you should know” form
- Housing Discrimination complaint form/ Fair Housing Brochure
- Good Place to Live booklet
- Family obligations & other Information form includes the following;
 - The grounds on which the EHC may terminate assistance for a participant resident because of resident action or failure to act
 - EHC informal hearing procedures

I acknowledge receipt of this packet and all that is listed above.

Signature

Date

DETERMINING HOUSING VOUCHER SIZE/ SUBSIDY STANDARDS (24 CFR 982.402)

Per HUD regulations, a Housing Commission must establish a subsidy standard (also known as occupancy standard) in order to determine the number of bedrooms needed for families of a particular size and composition. Due to budget constraints, EHC adopted more restrictive subsidy standards on September 12, 2012 that became effective November 1, 2012.

This section explains the guidelines used to determine what size voucher the resident should be issued.

DETERMINING RESIDENT VOUCHER SIZE

The size of the family does not dictate the size of the dwelling the resident must lease, nor does it determine who within the household will share a bedroom/sleeping area. For each resident, the EHC determines the appropriate number of bedrooms (voucher size) by applying the guidelines listed below;

- Subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding
- The EHC will consider the living room as a sleeping area
- Families may select a larger or smaller unit than listed on the Housing Choice Voucher, but the Payment Standard for the voucher size the resident was issued is what will be used in the calculation of the resident's rent.
- Family members will be assigned one bedroom for every two (2) persons within the household
- Foster children (with State documentation) will be included in determining voucher bedroom size
- Subsidy standards must be consistent with space requirements under the housing quality standards
- Subsidy standards must be applied consistently for all families of like size and composition
- A child who is temporarily away from the home because of placement in foster care is considered a member of the family when determining voucher bedroom size
- The EHC will treat a single pregnant woman as a two-person resident.
- The EHC will assign a separate bedroom to any resident member with a documented medical need.
- Any live-in aide (if approved by the EHC) to reside in the unit to care for the resident who is disabled, must be counted in determining the bedroom size of the voucher issued.

- Unless a live-in aide resides with the resident, the resident voucher bedroom size for any family consisting of a single person must either be a zero bedroom or one bedroom unit, as determined under the EHC subsidy standards.

The EHC shall use the following Occupancy Standards in determining the bedroom size Housing Choice Voucher the resident shall be issued:

Housing Choice Voucher Size	Minimum # of Persons in Household	Maximum # of Persons in Household
0	1	1
1	1	2
2	2	4
3	4	6
4	6	8
5	8	10
6	10	12

EXCEPTIONS to SUBSIDY STANDARDS

In determining resident unit size, the EHC may grant an exception to its established subsidy standards if the EHC determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances (24 CFR 982.402(b)(8)). Reasons include, but are not limited to:

- A need for an additional bedroom for medical equipment
- A need for a separate bedroom for reasons related to a family member's disability, medical or health condition

For a single person who is not elderly, disabled, or a remaining family member, an exception cannot override the regulatory limit of a zero or one bedroom (24 CFR 982.402(b) (8)).

The EHC will consider granting an exception to provide a reasonable accommodation for a disability.

The resident must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger voucher bedroom size and must include appropriate documentation. In the case of a request for an exception as a reasonable accommodation, the EHC will encourage the resident to make the request in writing using a reasonable accommodation request form. Requests based on reasonable accommodation for a disability must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.

The EHC will notify the family of its determination within 10 business days of receiving the family's request. If the resident's request is denied, the notice will inform the resident of their right to request an informal hearing.

PAYMENT STANDARDS

Payment Standards are used in the calculation of a resident's rent assistance under the Housing Choice Voucher Program. The current Payment Standard is based on 100% of the current Fair Market Rents (FMR). FMR's are established annually by HUD October 1st of each year. The EHC will use the FMR to establish a Payment Standard somewhere 90% and 110% of the current Fair Market Rent (FMR). This is payment standard will be reviewed annually each time HUD changes the FMR.

The EHC will take into account the following circumstances when reviewing & determining if a change in the payment standard needs to be made:

- HUD funding & budget burden
- Participant rent burden
- Participant rent burden relative to the quality of housing.
- Participant rent burden relative to availability of housing
- Actual contract rents
- Actual rent increases
- Rent reasonableness data

The lesser of the payment standard or the gross rent is used to calculate the monthly Housing Assistance Payment for a resident. The “payment standard” is the maximum monthly subsidy payment a resident can receive.

For each resident family, the EHC must establish a payment standard for each subsidy standard (bedroom) size.

They are as follows:

EFFECTIVE: Last updated 04/22/2015

UNIT SIZE	PAYMENT STANDARDS	
0-Bedroom	\$	\$
1-Bedroom	\$	\$700
2-Bedroom	\$	\$843
3-Bedroom	\$	\$1,124
4-Bedroom	\$	\$1,228
5-Bedroom	\$	
6-Bedroom	\$	

The Payment Standard remains in effect until changed by the EHC

The Payment Standard for unit sizes larger than four bedrooms shall be calculated by adding 15 percent to the four bedrooms Payment Standard for each additional bedroom. The calculation of the Payment Standard for a five bedroom unit would be 1.15 times the four bedroom Payment Standard, and the calculation of the Payment Standard for a six bedroom unit would be 1.3 times the four bedroom Payment Standard, etc.

HOW TO CALCULATE HOUSING ASSISTANCE PAYMENT

Use of payment standard: For a voucher tenancy, the lesser of the payment standard or the gross rent is used to calculate the monthly Housing Assistance Payment (HAP) for a family. The “payment standard” is the maximum monthly subsidy payment for a family.

Housing Choice Voucher program—Amount of HAP Assistance:

Payment standard—Maximum and Minimum:

The EHC will annually review and, if necessary, adopt a payment standard schedule that establishes voucher payment standard bedroom sizes for the EHC voucher program. Payment Standards are based on HUD fair market rents (FMR) that are published October 1st of each year.

Payment standard amounts on the payment standard schedule must be within the maximum and minimum limits stated on the previous page. Within these limits, payment standard amounts on the schedule may be adjusted annually, at the discretion of the EHC, if necessary to assure continued affordability of units in the EHC’s jurisdiction.

The payment standard for each unit size is established based on the following:

- Within the “basic range”, which is between 90 to 110 percent of the 40th percentile FMR;
- Between 90 and 110 percent of the 50th percentile FMR if the EHC is within a 50th percentile FM area;
- Between 90 and 110 percent of the 50th percentile FMR if the EHC has obtained HUD approved for “success rate” payment standard amounts; or
- As exception payment standard amounts below 90 percent of the 40th or 50th percentile FMR with HUD approval.

The Voucher rent assistance formula is based on the following:

For a voucher tenancy, the Housing Assistance Payment for a family equals the lesser of:

- The applicable payment standard minus the total tenant payment (TTP); or
- the monthly gross rent minus the total tenant payment.

To calculate the Housing Assistance Payment for a family, the EHC must use the applicable payment standard from the EHC payment standard schedule (based of the FMR for that area – including any HUD-approved exception rent area).

Payment standard for family

The payment standard for a family is the lower of:

- The payment standard for the family unit size; or
- The payment standard for the unit size rented by the family,
- The gross rent.

During the HAP Contract term for a unit, the amount of the payment standard for a family

is the higher of:

- The initial payment standard (at the beginning of the lease term) minus any amount by which the initial rent to owner exceeds the current rent to owner; or
- The payment standard as determined at the most recent regular re-examination of family income and composition effective after the beginning of the HAP Contract term.

In order to encourage deconcentration, on April 18, 2012, the Eastpointe Housing Commission revised the **jurisdictional boundaries** to the following:

North up to M-59

West up to Dequindre

East up to Jefferson Ave

South down to 8 Mile Road, with the exception of the following zip code areas in Wayne County ;

Harper Woods, Grosse Pointe and Grosse Pointe Farms.



ISSUING VOUCHERS AND REQUESTING VOUCHER EXTENSIONS

The EHC will select families for participation in the Housing Choice Voucher Program in accordance with the procedures outlined in this Administrative Plan and HUD regulations. Housing choice vouchers will be issued to families in accordance with the income limits established by HUD and the Subsidy Standards as outlined herein. The initial time frame for a voucher to be issued is 60 calendar days. This means that after the resident has signed all the necessary forms and supplied all the income and family composition information requested by the EHC. They are given 60 days to go out and find housing within the private sector rental market.

Once the resident has found suitable housing, the landlord must fill out a Request for Tenancy Approval (RFTA) form which is provided to the family by the EHC. The RFTA acts as a formal request from the family/landlord to approve a dwelling/lease. The family is allowed only one (1) RFTA at a time.

When a RFTA is received by the EHC, the term of the voucher will be suspended while the EHC processes the request. If a RFTA is denied, the resident will be notified immediately that the suspension has been lifted, the voucher term (or extended term) will begin again, and a notice with a new expiration date will be issued.

HCV EXTENSIONS: If the resident is unable to located suitable housing in the first sixty (60) days, they can request an extension IN WRITING for another sixty (60) days. The initial term of the Housing Choice Voucher plus any extensions may not exceed a total period of one hundred and twenty (120) days from the date the voucher was issued. The following shall be taken into consideration when a written request for an Extension of the Housing Choice Voucher is made;

- The degree to which the resident has made an effort to locate an acceptable unit by contacting landlords, real estate companies, etc.
- The support services requested and provided.
- The resident's participation in supplemental briefing sessions.
- Extenuating circumstances, such as hospitalization, resident emergencies, etc., which affected the resident's ability to locate an acceptable unit during the first sixty (60) day period but are not expected to affect their search during the additional period, if granted.
- Whether the resident's size or need for barrier-free housing has affected their success in finding an acceptable house within the initial sixty (60) day period but that a reasonable chance for success would exist if the resident was awarded additional time; and
- Whether the resident has submitted any previous Request for Tenancy Approval which, although not approvable, has demonstrated their efforts to locate a unit.

If the Housing Choice Voucher expires at the end of the initial sixty (60) day period without a written extension request, the resident will be removed from the Housing Choice Voucher Program Application List. If the wait list is open, the resident may re-apply for the HCV program and be placed back on the wait list according to the date and time of their re-application and the expired Housing Choice Voucher will be issued to the next eligible applicant on the waiting list.

PORTABILITY

The EHC will act as a receiving (absorbing) Housing Commission for portability by absorbing outside vouchers until HAP budget authority (including NRA) reserves is no longer available. The absorbed family must meet all the eligibility requirements cited in this policy.

The EHC requires that a one (1) year residency in the EHC jurisdiction must be completed before a HCV family can port out to another EHC in another jurisdiction. In all other cases, the EHC will attempt to absorb families into our program who come from other EHCs in other jurisdictions.

The following portability procedures shall be administered by either EHC or the receiving PHA as indicated per 24 CFR 982.353 and 385:

It is the responsibility of the initial PHA to determine if a resident is income eligible in the area where the resident wants to lease.

It is the initial PHA's responsibility to advise the resident on how to contact and request assistance from the receiving PHA. In addition, at the same time the initial PHA should notify the receiving PHA of the resident's expected arrival.

It is the resident's responsibility to promptly contact the EHC and comply with all of EHC's procedures for incoming portable families.

It is the initial PHA's responsibility to provide the receiving PHA with the resident's most recent Resident Report (HUD Form 50058) and the Resident Portability Information Report (HUD Form 52665), as well as all related verification information. The EHC has the option to conduct a new re-examination. However, this process may not delay issuing the resident a housing choice voucher unless the re-certification is necessary to determine income eligibility.

It is the EHC's responsibility to promptly inform the initial PHA whether EHC will absorb the resident into its own program or bill the initial PHA due to finances.

The EHC must issue a housing choice voucher to the resident and the term of the EHC housing choice voucher cannot expire before the expiration date of the initial PHA housing choice voucher.

It is the responsibility of EHC to determine the resident unit size for the portable resident and the resident unit size will be determined by the EHC's existing subsidy standards.

It is the responsibility of EHC to notify the initial PHA if the resident has either leased an eligible unit or that the resident failed to submit a Request for Tenancy Approval within the term of the housing choice voucher.

It is the responsibility of the EHC to provide all EHC functions. However, either the initial PHA or EHC may, at any time, make a determination to deny or terminate assistance to the family.

Portability Billing: The receiving PHA may bill the initial PHA for housing assistance payment and administrative fees. The initial PHA must promptly reimburse the receiving PHA for the full amount of the Housing Assistance Payments made by the receiving PHA for the portable family. The amount of the Housing Assistance Payment for a portable family in the receiving PHA's program is determined in the same manner as for other families in the receiving PHA's program. The initial PHA's must promptly reimburse the receiving PHA or eight percent (80%) of the initial PHAs on-going administrative fee for unit month that the family receives assistance. In the case where the initial PHA fails to make the monthly payment to the receiving PHA by the fifth (5th) working day of the month, the EHC will notify the initial PHA in writing of the deficiency and a copy will be sent to the Director of the Detroit area office of HUD. HUD may reduce the administrative fee to an initial PHA if that PHA does not promptly reimburse the receiving PHA for Housing Assistance payments or fee on behalf of the portable families.

Due to the increasing cost to implement the program and growing needs of families in the local area, the EHC will no longer allow outgoing portability unless the PHA to which they wish to port will absorb the voucher immediately or will utilize a payment standard equal to or less than the EHC payment standard for the unit size designated on the voucher.

DENYING A PARTICIPANT'S REQUEST TO MOVE

The EHC will only deny a participant's request to move if there are grounds to do so under the program requirements as described in 24 CFR 982.552 or 982.553.

The EHC may deny a port out for a participant who is a non-resident applicant, or the participant was a non-resident applicant that has not yet been assisted in the initial EHC jurisdiction for 12 months since being admitted to the program (24 CFR 982.353(c)).

The EHC will deny a participant who is an applicant and is not income eligible (see CFR 982.353(d) (1)) in the area in which they wish to initially lease a unit.

The EHC has established the following polices on the timing and frequency of move in the accordance with 24 CFR 982.314 (c) (2):

- Participant is prohibited any move during the initial lease term
- Participant is prohibited from moving more than once during any one (1) year period.

The EHC does not have sufficient funding for continued assistance to support the move in accordance with 24 CFR 982.314(e) (1).

In addition, the HCV regulation 24 CFR 982.353(b) provide that the initial PHA must deny a participant's request to port if the participant has moved out of its assisted unit in violation of the lease.

HUD's final Violence against Women (VAWA) rule, published October 27, 2010, provides an exception to the rule prohibiting a move during the initial lease term. A VAWA participant may receive a voucher and move in violation of the lease under the portability procedures if the participant has complied with all other obligations of the voucher program, and has left the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence or stalking and who reasonably believed he/she was imminently threatened by harm from further violence if she/he remained in the assisted dwelling unit.

If circumstances described above exist, the EHC may allow the participant to move under portability procedures if the only basis for the denial is that the participant violating the lease agreement. The EHC will request that the participant provide fill out HUD certification form 50066 or other acceptable documentation in order to verify the participant's claim that the request to port is prompted by incidences of abuse.

DENYING A PARTICIPANT'S REQUEST TO MOVE DUE TO INSUFFICIENT FUNDING

The EHC will deny a request to move to a higher cost unit within the PHA's jurisdiction or to higher cost area in accordance with 24 CFR 982.314(e) (1) if the EHC would be unable to avoid terminations of HCV assistance for current participants during the calendar year in order to remain within its budgetary allocation (including available HAP reserves) for housing assistance payments.

MISREPRESENTATION OF INFORMATION/FRAUD

The EHC takes the position that:

“Any person who obtains or attempts to obtain or who establishes or attempts to establish eligibility for, and any person who knowingly or intentionally aids or abets such person in obtaining or attempting to obtain or in establishing or attempting to establish eligibility for any housing choice voucher or a reduction in housing choice voucher rental charges or any rent subsidy or payment from a resident in connection with housing choice voucher to which such person would not otherwise be entitled, by means of a false statement, failure to disclose information, impersonation, or other fraudulent scheme or device shall be guilty of a fraud.”

EHC will base this on a *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

The EHC considers the misrepresentation of income and resident circumstances to be a serious program violation, as well as a crime, and will take appropriate action if apparent fraud is discovered. The EHC will review all complaints of fraud to determine if a violation does exist. Specifically;

- An applicant resident who has misrepresented income or resident circumstances may be declared ineligible for housing assistance.
- If any examination of the resident’s file discloses that the resident made any misrepresentation (at the time of admission or any previous re-certification date) which resulted in his/her being classified as eligible when in fact he/she was ineligible, the resident may have their assistance terminated, even though he/she may be currently eligible.
- A resident who has made misrepresentation of income or resident circumstances is subject to THOSE
- If it is found that the resident’s misrepresentations resulted in his/her paying a lower resident rent than he/she should have paid, he/she will be required to pay the difference between rent owed and the amount that should have been paid. This amount shall be paid whether or not the resident remains on the Housing Choice Voucher Program but failure to pay under terms established by the EHC shall always result in immediate termination of assistance. The EHC reserves the right to demand full payment within seven (7) days.
- The EHC shall report apparent cases of resident or applicant fraud to the HUD Inspector General’s Office for prosecution of cases which, in the EHC’s judgment, appear to constitute willful and deliberate misrepresentation.

HAP LEASE EXECUTION

All verifications must be received prior to signing the lease. No applicant shall be admitted to housing choice voucher without thorough verification of income, resident family composition and all other factors pertaining to the applicant's eligibility, rent, unit size and type, priority rating, etc. An applicant who fails to cooperate by refusing to fill out forms or to release information will be denied housing.

In order to execute a HAP Contract landlord must submit the following to the Section 8 administrator;

Request for Tenancy Approval must be filled out by the landlord - not the resident.

- Housing Choice Voucher Landlord Certification Form
- Form W-9, Request for Taxpayer Identification and Certification
- Landlord Certification regarding rent approvals and leasing to relatives prohibition
- Proof of ownership
- Property Management agreement for absentee landlords
- Tax Status Verification from the City the property is located

NOTE: Landlords whose taxes are delinquent, but are in a repayment agreement with the City, will be allowed to participate in the program as long as the agreement is in good standing. If the agreement is reneged upon, the EHC will terminate the contract within sixty (60) days with written notice to the landlord and resident.

Housing Assistance:

- ALL landlord HAP monies are processed and distributed electronically through ACH no later than the 5th of each month.
- The EHC pays the landlord the lesser of the Housing Assistance Payment or the rent to landlord.
- If the Housing Assistance Payment exceeds the rent to landlord, the EHC may pay the balance of the Housing Assistance Payment either to the resident or directly to the utility supplier of the resident's choice to go towards the utility bill on behalf of the resident.

Resident Share:

- The resident share is calculated by subtracting the amount of the Housing Assistance Payment from the gross rent.

- The EHC may not use Housing Assistance Payments or other program funds (including any administrative fee reserve) to pay any part of the resident share. Payment of the resident share is the sole responsibility of the resident.

HOUSING QUALITY STANDARDS (HQS)

HQS Requirement

Every dwelling that is federally subsidized must be inspected at least biennially. The EHC will comply with the Quality Standards (HQS) as set forth in 24 CFR 982.401 in the operation of its Housing Choice Voucher Programs. Housing Quality Standards (HQS) are the HUD minimum standards for HUD subsidized participants. Landlords must comply by repairing HQS deficiencies if they want to continue as a landlord on the program. The unit must pass the HUD Housing Quality Standards inspection before approval and execution of initial HAP contract/lease.

HQS inspections will be performed by a certified Section 8 program administrator or a certified designee. In addition, other staff will periodically perform quality control inspections to ensure inspectors are performing their jobs correctly. Inspection knowledge will be maintained through periodic training and workshops.

HQS standards apply to the building and the premises as well as the subsidized unit. These minimum standards may be enhanced the EHC, provided that by doing so does not overly restrict the number of units available for lease under the program. Below are the current performance requirements:

NOTE: On April 1, 2000, the EHC adopted additional standards to those mandated by HUD HQS regulations.

The items with asterisks (*****) are EHC local HQS requirements that have been adopted above & beyond the mandated HUD HQS requirements.

- Sanitary facilities
- Food preparation and refuse disposal
- Space and security
- Thermal environment*** (furnaces must be professionally inspected new lease up and every 24 months as the resident continues occupancy)
- Illumination and electricity
- Structure and materials *** (all windows must have useable screens)
- Interior air quality
- Water supply
- Lead-based paint
- Access
- Site and neighborhood*** (no burned out or abandoned houses within sight of the front and/or rear yard)

- Sanitary conditions
- Smoke detectors (smoke detectors on every floor (including basements) except crawl spaces and unfinished attics, per dwelling unit.)

The Inspector shall make a determination at the initial inspection as to the number of rooms which are acceptable as bedrooms based on the following; the room must have a floor area of at least sixty-four (64) square feet with a ceiling height of at least 6'6" for at least 50% of the room. The room must have adequate light and ventilation in the form of a window, with emergency exit capability and adequate heat

All subsidized housing programs must meet the HQS performance requirements, both at the commencement of initial lease up and at least biennially after that if the resident wants to continue HCV assistance.

Types of HQS Inspections:

Initial/ Move-in Inspections: Performed by trained EHC staff after receiving the Request for Tenancy Approval from the applicant. ALL new HAP contracts must have an initial HQS inspection.

Biennial Inspections: In order to reduce administrative / financial burden, the EHC transitioned to biennial HQS inspections effective April 1, 2015. A HQS inspection will be conducted within 24 months of the date of the previous initial or annual HQS inspection.

Re-Inspections: 24 CFR 982.404(a)(3) and PIH Notice 2012-15 states that the HC must verify the correction of deficiencies but does not prescribe a particular method. EHC will verify HQS deficiency corrections remotely by accepting a certification signed by the owner and head of household that all deficiencies have been corrected within the specified timeframe, and then verify that action at the next on-site HQS inspection. The EHC will conduct reinspections only if one or both parties fail to sign the certification form. If a re-inspection must be conducted, the family and owner will be given reasonable notice of the re-inspection appointment.

The certification must be received by the EHC within five (5) business days after the specified corrective action timeframe has ended. If deficiency corrections have not been verified, either remotely or via physical re-inspection, within the specified timeframe, a notice of abatement will be sent to the owner. In the case of a family-caused violation, a notice of termination will be sent to the family.

If the EHC is unable to gain entry to a unit that requires reinspection, the EHC will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family's assistance.

Special Complaint Inspections or Emergency Inspections: These types of inspections may be necessary when a Federal Official visits the EHC to perform a compliance review of the EHC. In addition, the Landlord and/or resident may also request a special complaint inspection be performed if there is a need to document a specific condition within the unit. Emergency inspections will be conducted when a condition exists that causes an imminent threat to the health, safety or welfare of the subsidized family.

Quality Control Inspections: The EHC Staff will re-inspect five percent (5%) or a minimum sample size as per HUD regulations, based on a random sample, of the total number of Housing Choice Voucher housing under HAP Contract. This is to insure that inspections are being performed in compliance with HQS standards. Other EHC staff qualified in HQS inspections will perform re-inspections. The Housing Choice Voucher Administrator will maintain a file that documents the quality control inspections.

Fines for Missed Inspections: Effective April 1, 2015, the EHC will charge a reasonable fine of up to \$60.00 for time & mileage to a family OR owner that fails to be present for a properly scheduled inspection. Inspections will be conducted on business days only between the hours of 8:00am and 4:00PM

DENYING A LANDLORD PARTICIPATION IN THE PROGRAM

Section 24CFR 982.306 outlines the grounds for denial participation of a landlord in the Housing Choice Voucher Program.

The EHC will **deny** participation by a landlord for the following reasons:

- Committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing programs.
- The landlord has engaged in drug-trafficking such as manufacture, sale or distributed illegal drugs.
- The landlord has a history of non-compliance with the HQS for housing leased under any Housing Choice Voucher Program or leased under any other federal housing program.
- Has a history of leasing housing that fail State or local housing codes.
- Has not paid State or local real estate taxes, fines or assessments on the property up for lease, or property is in foreclosure.

Under Section 8 of the 1937 housing act, the EHC will terminate landlord participation in the program if any of the following obligations have been violated under the Housing Assistance Payments contract:

- Has not paid State or local real estate taxes, fines or assessments or is in foreclosure
- Violated obligations under any Housing Choice Voucher HAP Contract.
- The landlord has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- The landlord has engaged in drug-trafficking such as manufacture, sale or distributed illegal drugs.
- The landlord has established a history of practice of non-compliance with the HQS for housing leased under any Housing Choice Voucher Program.
- The landlord has a history of practice or renting housing that fails to meet State or local housing codes.

CONTINUED OCCUPANCY AND ANNUAL RE-EXAMINATIONS (24 CFR 982.516)

Rent, as initially determined or at annual re-examination, will remain in effect for a period of one year unless there are changes in resident income or family composition. Examinations of resident income and family circumstances are required at least annually in order to establish continued program eligibility and the correct resident payment.

After proper notice, each resident will be contacted for an interview and all required to disclose & update all information on income and resident family composition. The resident will be required to sign the necessary forms and to provide information which the EHC deems necessary to determine continued eligibility. Failure to report for re-examination or to cooperate in supplying required information will result in termination of HCV assistance.

Failure to complete re-examination or interim exam will result in termination of assistance. This includes but is not limited to;

- Refusal to fill out forms completely and truthfully or to release information needed to determine continued eligibility on the program
- Refusal to properly execute required documents as determined by HUD.
- Failure to appear for a scheduled re-examination interview without making prior alternative arrangements with EHC
- Failure to supply or cooperate in the verification process pertaining to income, resident family composition
- Failure to cooperate in scheduling and appearing for annual HQS unit inspection
- Misrepresentation of income or family composition

As part of the program, all participants must agree to report, in writing, any change in income within thirty (30) calendar days of the occurrence.

Any loss or addition to family composition of any kind through birth, death, marriage, divorce, etc. of a resident family member or their income; must be reported within 30 days of occurrence.

If it is determined that the bedroom size of the families voucher should be increased or decreased due to a change in family composition, the EHC will issue the new voucher only at annual recertification or under a new lease-up.

A change resulting in a new family member such as a birth, death, or marriage must be reported and must pass a criminal history and regular screening guideline checks if applicable.

Employment, unemployment, or changes in employment of a permanent nature of the resident head, spouse, or other wage earner that is eighteen (18) years of age must be reported within 30 days of occurrence.

The final estimate of Resident Income will be made by the EHC on the basis of verified information regarding income. There is no minimum income requirement, but the staff should use good interviewing skills to determine whether there is income.

Families may not be required to apply for public assistance, but it may be suggested to them.

If the resident reports zero income, the EHC will have all adult household members sign a verification form to verify that no income is being provided and they will be required to report quarterly to the Section 8 administrator until permanent income is secured.

Families will be required to report any changes in their income status within thirty (30) calendar days of the occurrence of employment and/or any other type of income is received.

ANNUAL RE-EXAMINATION

At least annually, the EHC must re-examine the income and composition of all families participating in the Housing Choice Voucher Program in accordance with 24 CFR 982.516. Verifications acceptable to the EHC shall be obtained and determinations made. In the event of failure or refusal of the resident to report the necessary information, the EHC may terminate the assistance.

Records shall be maintained by the EHC to insure that every participant's income and resident composition has been re-examined within a twelve (12) month period.

Upon completion of re-examination and verification, the participant shall be notified, in writing, no later than thirty (30) days prior to the effective date of the following:

- Any change in rent and the date on which it becomes effective; and/or any change required because of a change in the composition of the resident.
- Any decrease in rent resulting from any decreases in resident income/family composition will be made effective the first of the month following the date the decrease was processed and will be verified in writing to the resident and the landlord. A copy of such notification is to be retained in the participants' file.
- Any increase in rent resulting from a change in income or family composition will be made effective 30 days following the date of the increase was processed and will be verified in writing to the resident and the landlord. A copy of such notification is to be retained in the participants' file.

INTERIM RENT REVIEWS

Interim (also called “special) Rent Reviews (changes throughout the year)

- Rent, as set at admission or annual re-examination, will remain in effect for a period of one year unless changes in resident circumstances occur. The resident is required and agrees to report, in writing, any changes in resident income and family composition within thirty (30) calendar days of occurrence.

Interim rent adjustments will not be processed until the receipt of all required verifications are on the desk of the Section 8 administrator. Interim adjustments unable to be processed by the 20th of the month must wait until the prior month. Interim re-examinations may be initiated by either the EHC or the resident under the following circumstances;

- The EHC reserves the right, at any time, to require that a resident report for an interim re-examination after being given a thirty (30) day notice.
- At times, it is difficult to determine annual resident income accurately due to instability of resident income and/or resident composition, a temporary determination of income and rent is to be made, and an interim re-examination shall be scheduled for sixty (60), days, depending on circumstances.
- A participant who has had a rent reduction/increase after initial occupancy or after annual re-examination must report all changes in income within thirty (30) calendar days regardless of the amount or source.
- When a resident reports zero income, they will be required to have an interim re-examination quarterly until a source of income is secured.
- When it is impossible to project a resident’s income with any accuracy, interim re-examinations may be conducted at intervals to be decided by the EHC until a reasonable projection can be made.
- When a resident reports loss of income, a re-examination will occur in order to recalculate the Resident’s Payment. All reductions in total Resident Payment shall be effective on the first day of the month following the date in which all required documents are received.
- Anytime the residents source of income increases or decrease
- Decreases in Total Resident Payment will be effective on the first day of the next month after the change occurred
- Anytime the source of income has changed.
- Loss or addition to resident composition of any kind through birth, death, marriage, divorce, removal or other continuing circumstance and the amount, if any, of such resident member’s income. Any such additions, other than birth, must be approved by the EHC in advance, and must qualify under the same guidelines as an applicant or any prospective participant.

- Due to budget constraints, if it is determined that the bedroom size of the families' voucher should be increased or decreased due to a change in family composition, the EHC will issue the new voucher at annual recertification or new lease-up
- Employment, unemployment or changes in income for employment of a permanent nature of the resident head, spouse, or other wage earner eighteen (18) years of age or older.
- The starting or stopping of, or an increase or decrease in any benefits or payments received by any member of the resident or household including but not limited to; Pension, Aid for Dependent Children, Black Lung, Railroad Retirement, disability Compensations, Veterans Administration, Child Support, Alimony, Regular Contributions or Gifts. Lump sum payments or retroactive payments of benefits from any of the above sources which constitute the sum of monthly payments for a preceding period paid in a lump sum must be reported and rent adjusted retroactively on such income to date of eligibility for any resident member residing in the household for that period of time.

The same types of verifications are required to process any interim or regular re-examination for housing choice voucher residents. Complete and accurate verification documentation shall be maintained for each applicant and resident.

Human errors can be made and when discovered will be corrected by the EHC. Retroactive payments will be made to the participant if the error is in his/her favor UNLESS it was due to a misrepresentation from the resident family. Repayments will not be required if the error was made on the part of the EHC.

To assure that the data upon which determinations of eligibility for continued occupancy, rents to be paid, and size of dwelling required are to be based are true and complete, the information submitted by each resident will be verified. Acceptable methods of verifications are the same as for admission, including, but not limited to EIV report, employers' reports, award letters, reliable oral third party verification where proper documentation is recorded by a staff person and dated, Internal Revenue data, data notarized statements or signed affidavits.

- Verification data will be reviewed and evaluated as received for completeness, accuracy, and conclusiveness. Where information is not conclusive, follow-up to obtain such information is to be made and carried through to conclusion. As all necessary items are verified, verification is to be recorded in the resident's file. As part of the record, all adult household member(s) shall sign and date the re-examination application. Where required, a duly authorized representative of the EHC shall also sign the required forms.

Based on verified data on income and resident composition, each resident will have eligibility re-determined in accordance with applicable HUD regulations with respect to:

- Eligibility as a resident or residual of a resident;
- Eligibility with respect to income, Total Resident Payment and Net Assets;
- Eligibility for the size of dwelling unit required;
- Eligibility with respect to compliance with program requirements; and
- Eligibility as a citizen and/or eligible immigrant.

Each resident will be advised in writing of the results of any re-examinations, including their right to a grievance hearing, if required, if they disagree with the actions of the EHC. Follow-up actions after re-examinations will be taken as follows:

- If the re-examination discloses that the resident, at any time made a misrepresentation that resulted in the resident's classification as eligible, when in fact the resident was ineligible, the Housing Assistance Payments will be discontinued immediately. If it is determined that at any time the resident made a misrepresentation which resulted in a lower rent than should have been paid, the difference will be paid by the resident to the EHC in full and assistance may also be terminated if fraud was involved. In the event that the falsification of income or resident composition is discovered by the EHC, at any time of the year, a re-examination will be immediately scheduled, and the resident will be required to pay the full amount of back rent owed in the form of a **repayment agreement** or paid in full, and may be terminated from the Housing Choice Voucher Program if fraud was involved.
- If at the time of re-examination it is determined the subsidy size of the current unit occupied has changed based on a change in resident composition, a new Housing Choice Voucher of appropriate size will be issued to the resident and the HAP and resident rent will be recalculated based on the new voucher size/payment standard. Both the resident and landlord will be given at least 30 days' notice of new rent amounts and effective date. If the resident is considered to be overcrowded based on the EHC's subsidy standards, they will be issued a new voucher and be required to move in order to retain rental assistance. Families will be counseled on the possibility of an increase in their portion of the rent and, in instances where the resident moves to another unit, the 40% rule will be fully explained to the resident.
- If a resident is required to move due to the condition of the unit because the landlord refuses to correct the deficiencies, the EHC will terminate the HAP Contract with the landlord. Affected residents will be issued a new Housing Choice Voucher in advance of the termination date, if at all possible. These residents will be given assistance in locating another standard unit where assistance is needed.
- If the landlord does not wish to renew the lease, and there are such provisions for the termination in the lease, resident eligibility is re-determined as discussed above and a new Housing Choice Voucher is issued. If the resident is evicted by the landlord and any incurred expenses are the resident's responsibility.

Repayment Agreements

It is the policy of the Eastpointe Housing Commission that we will not provide Section 8 Housing Choice Rental Assistance or Public Housing rent assistance to a family/resident who has indebtedness to any Housing Commission until either the balance is paid in full or a **REPAYMENT AGREEMENT** has been executed.

A repayment agreement will be drawn up when the resident owes back rent for unreported income or other such circumstances that would result in money being owed to the HC.

After a review of all relevant family income information, a monthly payment will be established. This agreement will allow the resident to make payments in installments not to exceed a three (3) month pay off. A deposit of 50% of the owed amount will be collected at the time that the Agreement is signed. If this deposit creates a hardship, a minimum of \$100.00 deposit can be collected at time of signing. All payments must be made by money order only.

If the pay-off amount is large, and the resident is willing to pay it off, but unable to pay in full within three (3) months, it is at the discretion of the EHC to extend the agreement to a longer pay-off period, not to exceed twelve (12) months.

The family will not be allowed to move from the currently occupied rental unit until the repayment is paid in full.

The resident/or resident will remain in good standing with the Housing Commission as long as all payments are received in a prompt and timely manner.

ONE (1) missed payment constitutes a forfeit of this agreement, and this failure to comply with the repayment schedule will result in the resident/resident being terminated from the program.

Failure to abide by this Repayment Agreement will result in one or more of the following actions:

- Residents/resident will have their rental assistance terminated.
- The Housing Commission will turn the case over to the HUD Attorney General to pursue further legal remedy for the remaining unpaid balance.
- Residents/residents will have their accounts referred to a collection agency.
- Applicants owing money will have their applications withdrawn until payment in full has been received.

ADJUSTMENTS TO CONTRACT RENTS AND HOUSING ASSISTANCE PAYMENTS

Minimum Rent Hardship Exemptions

The EHC shall immediately grant an exemption from application of the minimum monthly rent to any resident making a proper request in writing who is unable to pay because of financial hardship, which shall include:

- The resident has lost eligibility for, or is awaiting an eligibility determination from a federal, state, or local assistance program, including a resident that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Naturalization Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
- The resident would be evicted as a result of the implementation of the minimum rent (this exemption is only applicable for the initial implementation of a minimum rent or increases to the existing minimum rent).
- The income of the resident has decreased because of changed circumstance, including loss of employment.
- A death in the resident has occurred that affects the resident circumstances.
- Other circumstances which may be decided by the EHC on a case by case basis.

All of the above must be proven by the Resident supplying written verifiable information to the EHC prior to the rent becoming delinquent and before the lease is terminated by the Housing EHC.

If a resident requests a hardship exemption (**prior to the rent being delinquent**) under this section and the EHC reasonably determines the hardship to be of a temporary nature, exemption shall be granted during a ninety (90) day period beginning upon the making of the request for the exemption. A resident may not be evicted during the ninety (90) day period for non-payment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long term nature, the EHC shall retroactively exempt the resident from the applicability of the minimum rent requirement for such ninety (90) day period. This paragraph does not prohibit the EHC from taking eviction action for other violations of the lease.

Reduction of Welfare Benefits

If the Housing Choice Voucher participant requests an income re-examination and the rent reduction is predicated on a reduction in resident income from welfare, the request will be denied, but only after obtaining written verification from the welfare agency that the families' benefits have been reduced because of the following:

- Noncompliance with Economic Self-Sufficiency Program;
- Work activities requirements; or
- Due to fraud

LANDLORD REQUIREMENTS AND RESPONSIBILITIES

EHC's Screening Responsibilities

The EHC will screen applicants for income eligibility and will perform criminal history checks on every household applicant member 18 years old or older.

Landlord Screening Responsibilities

Landlords/Agents are notified that the selection of a resident for program participation is not a recommendation by the EHC about the resident's expected behavior or suitability for tenancy. Determining resident suitability is the landlord's responsibility. Landlords are permitted and encouraged to screen families on the basis of their history as renter. A landlord may consider a resident's background with respect to such factors as:

- Payment of rent and utility bills
- Caring for a unit and premises
- Respecting the rights of others to the peaceful enjoyment of their housing
- Drug related criminal activity or other criminal activity that is a threat to the life, safety or property of others (criminal convictions are a matter of public record)
- Compliance with other essential conditions of tenancy

Negotiating Rent

The landlord and the resident are to negotiate the rent to landlord. At the resident's request, the EHC must help the resident negotiate the rent to landlord.

The initial rent to the Landlord must be reasonable and cannot not exceed 40 percent of the resident's monthly adjusted income.

On a new lease, if EHC determines that the proposed rent is not reasonable, the landlord will be notified and given the option to accept or deny the determined reasonable rent for the unit. If EHC determines that the proposed rent is unreasonable and the landlord is unwilling to accept a lower rent, the landlord will be sent the Notice of Disapproval. If the landlord appeals this decision, they must provide documentation regarding other rents charged for non-assisted housing and/or documentation of improvements to the property and/or other related expenses, which could affect the contract rent. If the EHC can document that their request is reasonable a variance up to \$25.00 may be allowed.

The rent to landlord may be adjusted up or down in accordance with this section.

The rent to landlord for a unit will not be increased until the annual anniversary date and only under the following conditions:

- The landlord requests the adjustment by giving a written 60 day notice to the resident and EHC; and
- the landlord has complied with all requirements of the HAP Contract, including compliance with the HQS.

To receive an increase on the annual anniversary date, the landlord must request the increase at least sixty (60) days before the next annual anniversary date. The EHC will utilize the rent reasonableness test before approving the rent increase. The EHC will notify the resident of the new rent amount so the resident can determine if they can still afford the unit.

Deadline for Landlord change requests

Landlords that have sold the property, have a change in address, are in a legal dispute over the property, or some other matter, must have supplied the Section 8 program administrator with the new information by the 20th of the month in order to have time to process it before the end of the month. If information to be processed has not been received by this date, the Housing Assistance Payment will go to the current landlord or address on record. If changes occur on or after the 20th, parties can request that the Section 8 program administrator to put the HAP payment on "hold" until the matter has been settled or the documentation needed to process the change has been received. In order to do this, landlords must bring in documentation such as deed, court order or legal notice of change, in order to justify holding current payment.

Distribution of Housing Assistance Payments:

- ALL landlord HAP monies are processed and distributed electronically through ACH.
- The EHC pays the landlord the lesser of the Housing Assistance Payment or the rent to landlord.
- Effective April 1, 2015, if the Housing Assistance Payment exceeds the rent to landlord, the EHC will pay the balance of the Housing Assistance Payment directly to the utility supplier of the resident's choice on behalf of the resident.

Resident Share:

- The resident share is calculated by subtracting the amount of the Housing Assistance Payment from the gross rent.
- The EHC may not use Housing Assistance Payments or other program funds (including any administrative fee reserve) to pay any part of the resident share. Payment of the resident share is the sole responsibility of the resident.

Claim for Damages and Unpaid Resident Rent

It is NOT the responsibility of the EHC Section 8 staff to monitor HCV participants. They are not our residents. Landlords are STRONGLY encouraged to periodically visit the rental property, check to make sure resident responsible utilities are being paid, and that the conditions of the lease terms are being followed. If a resident is even one month behind of in the rent, EHC encourages you to file a Notice to Quit for Non-payment.

The landlord must provide a lease. The lease must not contain any clause adversely affecting the resident's rights under the lease. The Section 8 Program Administrator will review the lease. The Landlord and resident must sign a HUD Tenancy Addendum in addition to the Landlord Lease. The HUD Tenancy addendum will describe the types of lease provisions that are prohibited.

Security Deposit

The landlord has the opportunity to collect a security deposit from the resident. The landlord establishes the amount of the security deposit to be charged. The security deposit must be consistent with private market practice, or security deposits for the landlord's unassisted housing. When the resident moves out of the dwelling unit and there are damages, they should immediately contact the EHC. The landlord, subject to State and local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the resident, damages to the unit or for other amounts the resident owes under the lease. The landlord must give the resident a written list of all charges against the security deposit, and the amount of each item within 30 days of unit being vacated. After deducting the amount, if any, used to reimburse the landlord, the landlord must promptly refund the full amount of the unused balance to the resident. If the amount of damages exceeds the amount of the security deposit, the landlord should seek to collect the balance by judicial means, and the EHC should be notified of the case date and the judgment outcome. Under certain circumstances EHC can assist in getting the resident to enter into a repayment agreement. The EHC is not responsible for any damages to the unit.

Landlord Requirements to Execute a HAP Contract

HAP contracts under the Housing Choice Voucher Program are effective the first day of each month. The EHC's Housing Choice Voucher Program will pro-rate number of days for Housing Assistance Payment when a resident moves in. The pro-rated amounts will be based on a thirty (30) day period.

In order to execute a HAP Contract landlord must submit the following to the Section 8 administrator:

- Request for Tenancy Approval – filled out by the landlord; not the applicant
- Housing Choice Voucher Landlord Certification Form
- Form W-9, Request for Taxpayer Identification and Certification
- Landlord Certification regarding rent approvals and leasing to relatives prohibition
- Proof of ownership
- Property Management agreement for absentee landlords
- Tax Status Verification from the City the property is located

NOTE: Landlords whose taxes are delinquent, but are in a repayment agreement with the City, will be allowed to participate in the program as long as the agreement is in good standing. If the agreement is renege upon, the EHC will terminate the contract within sixty (60) days with written notice to the landlord and resident.

All documents must be submitted to this office before the proposed contract can be signed.

RENT REASONABLENESS 24 CFR 982.507

Purpose of the Rent Reasonableness test is to assure that:

- Rents paid for housing selected for the Housing Choice Voucher Program are not excessive due to the advantage of federal subsidies paying a portion of the rent
- That the program does not have the effect of inflating rents in the community
- Rent reasonableness determinations are made at initial HAP Contract execution and when landlord's request annual contract rent adjustments.

The EHC will certify and document that the contract rent charged by the landlord is reasonable in relation to rents currently being charged for comparable unassisted housing in the community.

Rent Reasonableness determinations are made at initial HAP contract execution AND when a landlord makes a request for an annual contract rent increase.

Documenting and Certifying Rent Reasonableness

When EHC receives a Request for Tenancy Approval or is considering a landlord's request for an annual contract rent adjustment, rent reasonableness comparable is performed by completing the Rent Reasonableness form.

The certification process will ensure that the rent for each unit for which the EHC approves a lease is comparable to housing in the private unassisted market; taking into account the location, size, type, quality, amenities, facilities, and management/maintenance services of such unit, as well as, not in excess of rents currently being charged by the landlord for comparable unassisted housing.

The EHC will perform a rent reasonableness every time there is a change in contract rent or at initial lease up. Rent reasonableness data will be obtained using MSHDA's rent comparables search function found on the Michigan Housing Locator website.

If EHC determines that the proposed rent is reasonable, a copy of the completed Certification will be placed in the file.

On a new lease, if EHC determines that the proposed rent is reasonable, but the gross rent is higher than the resident's allowable maximum gross rent, the difference shall be deducted from the landlord's requested contract rent. The landlord will be notified of the allowed amount and given the option to accept or deny.

On a new lease, if EHC determines that the proposed rent is not reasonable, the landlord will be notified and given the option to accept or deny the determined reasonable rent for the unit. If the landlord appeals this decision, they must provide documentation regarding other rents charged for non-assisted housing and/or documentation of improvements to the property and/or other related expenses, which

could affect the contract rent. If the EHC can document that their request is reasonable a variance up to \$25.00 may be allowed.

Other Fees and Charges (for assisted living facilities who accept the HCV program)

The cost of meals or supportive services may not be included in the rent to landlord, and the value of meals or supportive services may not be included in the calculation of reasonable rent.

The lease may not require the resident or resident members to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

The landlord may not charge the resident extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized residents in the premises.

Resident Income and Composition—Regular and Interim Examinations:

EHC responsibility for re-examination and verification:

The EHC's responsibilities for reexamining resident income and composition are specified in 24 CFR parts 5, subpart F.

The EHC must obtain and document in the resident file third party verification of the following factors, or must document in the resident file why third party verification was not available:

- Reported resident annual income;
- The value of assets;
- Expenses related to deductions from annual income; and
- Other factors that affect the determination of adjusted income.

When EHC conducts interim re-examination

- At any time, the EHC may conduct an interim re-examination of resident income and composition.
- At any time, the resident may request an interim determination of resident income or composition because of any changes since the last determination. The EHC must make the interim determination within a reasonable time after the resident request.
- Interim examinations must be conducted in accordance with policies in the EHC administrative plan.

Interim rent adjustments will not be processed until the receipt of all required verifications are on the desk of the Section 8 administrator. Interim adjustments unable to be processed by the 20th of the month must wait until the following month.

Effective date of re-examination:

- The EHC must adopt policies prescribing how to determine the effective date of a change in the Housing Assistance Payment resulting from an interim re-determination.
- At the effective date of a regular or interim re-examination, the EHC must make appropriate adjustments in the Housing Assistance Payment and unit subsidy size.

Resident member income: Resident income must include income of all resident members, including resident members not related by blood or marriage. If any new resident member is added, resident income must include any income of the additional resident member. The EHC must conduct a re-examination to determine such additional income, and must make appropriate adjustments in the Housing Assistance Payment and unit subsidy size.

UTILITY ALLOWANCE

Utility Allowances

At least annually, the EHC shall determine whether there has been a substantial change in utility rates or other change of general applicability, and whether an adjustment is required in the **Allowance of Utilities and Other Services** by reason of such changes or because of errors in the original determination. If the EHC determines that an adjustment should be made, the EHC shall establish a schedule of adjustments taking into account size and type of dwelling housing and other pertinent factors.

Maintaining utility allowance schedules

- The EHC must maintain a utility allowance schedule for all resident-paid utilities (except telephone), for cost of resident-supplied refrigerators and ranges, and for other resident-paid housing services (e.g., trash collection [disposal of waste and refuse]).
- At HUD's request, the EHC also must provide any information or procedures used in preparation of the schedule.

How allowances are determined:

- The utility allowance schedule must be determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, the EHC must use normal patterns of consumption for the community as whole and current utility rates.
- The EHC utility allowance schedule, and the utility allowance for an individual resident, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards. However, the EHC may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television, telephone or internet services.
- In the utility allowance schedule, the EHC must classify utilities and other housing services according to the following general categories: space heating; air conditioning; cooking; water heating; water; sewer; trash collection (disposal of waste and refuse); other electric; refrigerator (cost of resident-supplied refrigerator); range (cost of resident-supplied range); and other specified housing services. The EHC must provide a utility allowance for resident-paid air-conditioning costs if the majority of housing in the market provides centrally air-conditioned housing or there is appropriate wiring for resident-installed air conditioners.
- The cost of each utility and housing service category must be stated separately. For each of these categories, the utility allowance schedule must take into consideration unit size (by number of bedrooms), and unit types (e.g., apartment, row-house, townhouse, single-resident detached, and manufactured housing) that are typical in the community.

- The utility allowance schedule must be prepared and submitted in accordance with HUD requirements on the form prescribed by HUD.

Revisions of utility allowance schedule

- The EHC will review its schedule of utility allowances each year, and must revise its allowance for a utility category if there has been a change of ten percent (10%) or more in the utility rate since the last time the utility allowance schedule was revised. The EHC must maintain information supporting its annual review of utility allowances and any revisions made in its utility allowance schedule.
- At HUD's direction, the EHC will revise the utility allowance schedule to correct any errors, or as necessary, to update the schedule.

Use of utility allowance schedule

- In accordance with the FY 2014 appropriations bill, the utility allowance payment for tenant-based vouchers to the family unit size for which the voucher is issued, irrespective of the size of the unit rented by the family, with an exemption for families with a person with disabilities. Therefore, the utility allowance for a family is the lower of
the utility allowance amount for the family unit size OR
the utility allowance amount for the size of the unit rented by the family.

This change applies to all vouchers issued after December 1, 2014.

- For existing program participants, the new allowance will be implemented at the family's next annual reexamination with at least sixty (60) days' notice prior to reexamination.
- If families opt to remain in a larger unit than their utility allowance affords, the family will incur the increased rental burden as their subsidy will decrease by the reduced utility allowance.
- At the request of a family with a person with disabilities, the PHA must approve a utility allowance higher than the applicable amount if such a higher utility allowance is needed as a reasonable accommodation (24 CFR part 8).
- At re-examination, the EHC must use the Housing EHC's most current utility allowance schedule.
- Higher utility allowance as reasonable accommodation for a person with disabilities: On request from a resident that includes a person with disabilities, the EHC must approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation in accordance with 24 CFR part 8 to make the program accessible to and usable by the resident member with a disability.

HOUSING CHOICE VOUCHER OPERATING RESERVES

The EHC will expend its Housing Choice Voucher Operating Reserve funds for other housing purposes consistent with EHC under State and local law, provided that the amounts used for other housing purposes are not required for projected Housing Choice Voucher administrative expenses through remaining Annual Contributions Contract (ACC) terms. If the EHC anticipates that ongoing fees will not be sufficient for ongoing administrative costs through its ACC terms, an appropriate amount will be retained in the Operating Reserve for project administrative costs.

The expenditures for housing purposes must be approved by the EHC's Board of Commissioners. The Board of Commissioners, as part of the approval of expenditures, will make a determination that the expenditures are necessary and reasonable for other housing purposes consistent with EHC under State and local law.

Only special funds will be treated in accordance with their special purpose.

ADMINISTRATIVE FEE RESERVE EXPENDITURES

Single expenditures from the administrative fee reserve of the Housing Choice Voucher Program in excess of \$10,000.00 will be approved by the Board of Commissioners of the EHC.

TERMINATION OF ASSISTANCE DUE TO INSUFFICIENT FUNDING (CFR 982.454)

24 CFR 982.454 provides that a PHA may terminate HAP contracts, in accordance with HUD requirements, if the PHA determines that funding under the Consolidated Annual Contributions Contract (CACC) is insufficient to support continued assistance for families in the program. In determining if funding under the CACC is insufficient to support continued assistance for families on the program, the EHC will take into consideration its available budget and NRA funds (reserves). Before terminating HAP contracts on the basis of insufficient funding, the EHC will ensure it has taken into consideration all cost-savings measures and the impact that the terminations will have on program participants. The EHC will notify the HUD field office and its financial analyst at the FMC prior to termination actions taken due to insufficient funding.

The first participant families whose HAP contracts will be considered for terminated will be as follows;

- Participants whose HAP portion is less than \$100/per month
- Participants who do not have dependents
- Participants whose dependents are over the age of 18 yrs. old

The last participants to be considered for contract termination will be;

- Those families who have dependents under the age of 18 yrs.
- Participants who are disabled and/or elderly

ORGANIZATIONAL STRUCTURE AND PROGRAM OPERATIONS

The Housing Choice Voucher Program as administered by EHC has one full-time employee. The person assigned to oversee all contracts and operations will be the Executive Director or his/her designee.

The Section 8 program administrator will be utilized for the Housing Choice Voucher Program. The following is a summary of the staff responsibilities. All positions are currently filled.

Housing Choice Voucher Program Administrator -This individual is generally responsible for the total day-to-day administration of the Housing Choice Voucher Housing Assistance Programs. This individual reports directly to the Executive Director. Additional support is provided by the maintenance dept. for assistance with Housing Quality Standards Inspections.

The EHC has a total Annual Contributions Contract (ACC) of 171 housing choice vouchers in its Housing Choice Voucher Program. This is overseen by the Department of Housing and Urban Development's Local Area Office which holds scheduled audits on fiscal matters, program performance and compliance.

ADOPTED: JUNE 26, 2013

GLOSSARY OF TERMS

Please note the definition of terms as outlined in Title 24 CFR Parts 5, 812, 813, 882, 887 and 982.4 are incorporated by reference as part of this Administrative Plan and shall apply to all Housing Choice Voucher Assisted Housing as outlined in this Administrative Plan. The following definitions shall be applicable to all assisted housing under the Act.

Absorption

In portability, the point at which a receiving PHA stops billing the initial EHC for assistance on behalf of a portability resident. The receiving EHC uses funds available under the receiving EHC's consolidated ACC.

ACC

Annual Contributions Contract

ACC Reserve Account

(Formally called "project reserve.") Account established by HUD from amounts by which the maximum payment to the EHC under the consolidated ACC (during an EHC fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

Adjusted Income

Adjusted Resident Income is the income on which total resident payment is to be based and means the Total Annual Income less the following allowances:

- A. A deduction of \$480.00 for each member of the resident (other than head of household or spouse) who is:
 - 1. Seventeen (17) years of age or younger, or
 - 2. Who is eighteen (18) years of age or older and a verified full-time student and/or is disabled or handicapped according to this Section.
- B. A deduction of dollar amounts anticipated to be paid for the care of children (including foster children) under thirteen (13) years of age where care is necessary to enable a resident member to be gainfully employed or to further his/her education. The dollar amount must be verified and reflect reasonable charges and cannot exceed the amount of income from employment (if employed).
- C. A deduction of \$400.00 for Elderly Resident whose head, spouse or sole member is sixty-two (62) years of age or older and/or is handicapped or disabled according to this section.

D. A deduction for any elderly resident:

- 1. That has no Handicapped Assistance Expense, an allowance for medical expenses equal to the amount by which the medical expense shall exceed three percent (3%) of Total Annual Resident Income.**
- 2. That has Handicapped Assistance Expenses greater than or equal to three percent (3%) of Total Annual Resident Income, an Allowance for Handicapped Assistance computed in accordance with paragraph F of this Section, plus an allowance for medical expenses that is equal to the Resident's medical expenses.**
- 3. That has Handicapped Assistance Expenses that are less than three percent (3%) of Total Annual Resident Income, an allowance for combined Handicapped Assistance expense and medical expense that is equal to the amount by which the sum of these expenses exceeds three percent (3%) of Total Annual Resident Income. Expenses used to compute the deduction cannot be compensated for, nor covered by insurance.**

E. For persons with disabilities, the incremental earnings due to employment during a cumulative 12-month period following date of the initial hire shall be excluded. This exclusion is only available to the following families:

- 1. Families whose income increases as a result of employment of a disabled resident member who was previously unemployed (defined as working less than 10 hours a week at the established minimum wage) for one or more years.**
- 2. Families whose income increases during the participation of a disabled resident member in any economic self-sufficiency or other job training program.**
- 3. Persons with disabilities who are or were, within 6 months, assisted under a State TANF or Welfare-to-Work program for at least \$500.**

During the second cumulative 12-month period after the date of initial hire, 50% of the increased income shall be excluded from income.

The disallowance of increased income of an individual resident member is limited to a lifetime 48-month period. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

- F. **Child Care Expenses:** Amounts anticipated to be paid by the Resident for the care of children under thirteen (13) years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a Resident member to actively seek employment, be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. The reasonable amount of charges determined by the EHC, by conducting surveys of local child care providers. The results are posted in the EHC office(s).

NOTE: *If the Total Annual Income less the above allowances results in a rent that is less than the established minimum rent, the resident's rent will be established at the EHC's established minimum rent.*

Administrative Fee

Fee paid by HUD to the EHC for administration of the program.

Administrative Fee Reserve

(Formerly called "operating reserve.") Account established by the EHC from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

Administrative Plan

The administrative plan describes EHC policies for administration of the resident-based programs.

Admissions

The effective date of the first HAP Contract for a resident (first day of initial lease term) in a resident-based program. This is the point when the resident becomes a participant in the program.

Adult

An adult is:

- ✚ Eighteen (18) years of age or older;
- ✚ Eighteen (18) years of age and married (not common law); or
- ✚ A person that has been relieved of the disability of non-age by the juvenile court.

NOTE: *Only persons who are adults shall be eligible to enter into a lease agreement for occupancy.*

Amortization Payment

In a manufactured home space rental, the monthly debt service payments by the resident to amortize the purchase price of the manufactured home.

Annual Contributions Contract (ACC)

A written contract between HUD and the EHC Under the contract HUD agrees to provide funding for operation of the program, and the EHC agrees to comply with HUD requirements for the program.

Annual Income

Annual Income is the anticipated total income from all sources received by the resident head and spouse (even if temporarily absent) and by each additional member of the resident, including all net income derived from assets, for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of certain other types of income specified in this Admin Plan. Annual Income includes, but is not limited to, the following: Ref: CFR 5.609.

- A. The full amount, before any payroll deductions, of wages and salaries, and overtime pay, including compensation for personal services (such as commissions, fees, tips and bonuses);
- B. Net income from the operation of a business or profession. (Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining Net Income.) An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or other assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the resident;
- C. Interest, dividends and other net income of any kind from real or personal property. (For this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property). All allowance for depreciation is permitted only as authorized in Paragraph "B" of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the resident. Where the resident has Net Resident Assets in excess of \$5,000.00, Annual Income shall include the greater of the actual income derived from all Net Resident Assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD;
- D. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefit and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment;
- E. Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, workmen's compensation and severance pay;

- F. Welfare assistance. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that are subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
1. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 2. The maximum amounts that the welfare assistance agency could in fact allow the resident for shelter and utilities. If the families' welfare assistance is rate reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage;
- G. Periodic and determinable allowances, such as alimony, child support payments, and regular (monthly) contributions of gifts, including amounts received from any persons not residing in the dwelling;
- All regular pay, special payments and allowances (such as longevity, overseas duty, rental allowances for dependents, etc.) received by a member of the Armed Forces (whether or not living in the dwelling) who is head of the resident, spouse, or other resident member whose dependents are residing in the unit. (See "Hazardous Duty Pay" under Income Exclusions);
- H. Payments to the head of the household for support of a minor or payments nominally to a minor for his/her support, but controlled for his/her benefit by the head of the household or a resident member other than the head who is responsible for his/her support;
- I. Veterans Administration compensation (Service Connected Disability or Death Benefits).

Annual Income does not include such temporary, non-recurring or sporadic income as the following:

- A. Temporary, non-recurring or sporadic income (including gifts);
- B. Amounts that are specifically for or in reimbursement of the cost of medical expenses for any resident member;
- C. Lump-sum additions to resident assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (but see "payments in lieu of earnings" in this Admin Plan);
- D. Amounts of educational scholarships paid directly to the student or the educational institution, and amounts paid by the Government to a veteran, for use in meeting the costs of tuition, fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of the student. Any amount of such scholarship or payment to a veteran not used for the above purposes that is available for subsistence is to be included in income;
- E. The special pay to a resident member in the Armed Forces away from home and exposed to hostile fire;
- F.
 1. Amounts received under training programs funded by HUD:

2. Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS); or
 3. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
- G. Monies received for performing census data collection.
- H. Income from employment of children (including foster children) under the age of 18 years;
- I. Payments received for the care of foster children;
- J. Income of a Live-in Aide, as defined in 24 CFR 913.102;
- K. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990.
- L. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. A notice will be published in the Federal Register and distributed to EHC's and IHA's identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. The following is a list of types of benefits that qualify for that exclusion, effective July 23, 1990:
1. Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 USC 3050(f));
 2. The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b));
 3. Payment to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044(g), 5058);
 4. Payments received under the Alaska Native Claims Settlement Act of 1973 (43 U.S.C. 1626 (a));
 5. Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (25 USC 459e);
 6. Payments or allowances made under the Department of Health and Human Services Low-income Home Energy Assistance Program (42 USC. 8624(f));
 7. Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1 552(b));

8. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-2504);
9. The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 U.S.C. 1407-1408) or from funds held in trust for an Indian tribe by the Secretary of Interior (25 U.S.C. 117);
10. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 that are used to cover the cost of attendance at an educational institution (See 24 CFR 215.1(c)(6), 236.3(c)(6), 813.106(c)(6), and 913.106(c)(6));
11. Payment received after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange Product Liability Litigation M.D.L. No 381(EDNY); and
12. Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-240, 94 Stat. 1785).
13. Earned income tax credit (EITC) refund payment received on or after January 1991.

M. Per the final rule published in the Federal Register, dated November 18, 1996, the nine exclusions to annual income are:

1. Resident Service Stipends - but only if it does not exceed \$200 per month.
2. Adoption Assistance Payments - payments received for the care of adopted children that exceed \$480 per month.
3. Full Amount of Student Financial Assistance - all amounts received from student financial assistance unless participant is over 23 years of age with children.
4. Earned Income of Full-Time Students - exempts earnings in excess of \$480 for each full-time student 18 years of older.
5. Adult Foster Care Payments - usually individuals with disabilities unrelated to the resident who are unable to live alone.
6. State or local training programs and training of resident management staff.
7. State tax credits and rebates for property taxes paid on a dwelling unit.
8. Homecare Payments - exempts amounts paid by a State agency to families that have developmentally disabled children or adult resident members living at home.
9. Deferred periodic payments of SSI and Social Security.

If it is not feasible to anticipate a level of income over a 12 month period, the income anticipated for a shorter period may be annualized, subject to a re-determination at the end of the shorter period.

Applicant

A person that has applied for admission to a program, but is not yet a participant in the program

Budget

An amount authorized and appropriated by the Congress for payment to EHC's under the program. For each funding increment in an EHC program, budget EHC is the maximum amount that may be paid by HUD to the EHC over the ACC term of the funding increment.

Child Care Expenses

Amounts anticipated to be paid by the resident for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a resident member to actively seek employment, be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment.

Contiguous MSA

In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial EHC is located.

Continuously Assisted

An applicant is continuously assisted under the 1937 Housing Act if the resident is already receiving assistance under any 1937 Housing Act program when the resident is admitted to the housing choice voucher program.

Contract EHC

The maximum annual payment by HUD to the EHC for a funding increment.

Contract Rent

The total amount of rent specified in the Housing Assistance Payments (HAP) Contract as payable to the landlord by the resident and by HUD or the EHC on the Resident's behalf.

Dependent

A member of the resident household (excluding foster children) other than the resident head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a Full-Time Student. An unborn child shall not be considered a dependent.

Disabled Household

A household whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

Displaced

A person in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Domicile

The legal residence of the household head or spouse as determined in accordance with State and local law.

Drug-Related Criminal Activity

Term means:

- A. Drug-trafficking; or
- B. Illegal use, or possession for personal use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Drug-Trafficking

The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Effective Date

The “effective date” of an examination or re-examination refers to (1) in the case of an examination for admission, the effective date of the HAP contract, and (2) in the case of re-examination of an existing resident, the effective date of the re-determined Total Resident Payment

Elderly Resident

A resident whose head or spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live in aides.

Extremely Low-income

A resident whose annual income that is the higher of either 30% of the median income, or the federal poverty line adjusted for family size.

Exception Rent

In the housing choice voucher program, the EHC may adopt a payment standard range of 90% to 110% of said payment standard.

Fair Market Rent (FMR)

The rent, including the cost of utilities (except telephone), that would be required to be paid in the housing market area to obtain privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing of varying sizes (number of bedrooms), and are published in the **Federal Register** in accordance with 24 CFR part 888.

Familial Status

On February 3, 2012, HUD published a final rule entitled the Equal Access Rule. This rule ensures that a determination of eligibility for HUD subsidized housing shall be made without regard to actual or perceived sexual orientation, gender identity, or marital status.

The rule revises HUD's general program requirements by adding the following provisions:

- (a) Per 24 CFR 5.403, the term "family" will now include, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
 - (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or

A single, pregnant person which is considered as a resident of two people. The pregnancy requires verification from a doctor that specifies the name of the applicant and must be furnished to the EHC. In addition, single persons in the process of securing custody through adoption and other means should be treated identically as a single pregnant woman but must provide evidence of a reasonable likelihood of success to be admitted for occupancy prior to obtaining custody by the following:

- (i) Adoption agency
- (ii) Court order
- (iii) Certified legal document

(2) A group of persons residing together and such group includes, but is not limited to:

- (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
- (ii) An elderly family;
- (iii) A near-elderly family;
- (iv) A disabled family;
- (v) A displaced family; and
- (vi) The remaining member of a tenant family.

(b) The term “gender identity” means the gender with which a person identifies, regardless of the sex assigned to the person at birth (24 CFR 5.100).

(c) The term “sexual orientation” means homosexuality, heterosexuality or bisexuality (24 CFR 5.100)

Resident

Resident includes but is not limited to:

- A. A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining resident composition and resident size);
- B. An elder resident;
- C. A near-elderly resident;
- D. A disabled resident;
- E. A displaced resident;
- F. The remaining member of a resident; and
- G. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a resident.

Family Self-Sufficiency Program (FSS Program)

The program established by an EHC to promote self-sufficiency of assisted families, including the provision of supportive services (42 U.S.C. 1437uu). See 24 CFR part 984.

Unit Size:

The appropriate number of bedrooms for a resident. Resident unit size is determined by the EHC under the EHC subsidy standards.

FMR/Exception Rent Limit

The Housing Choice Voucher Housing fair market rent published by HUD Headquarters, or any exception rent. For a tenancy in the housing choice voucher program, the EHC may adopt a payment standard up to the FMR/Exception Rent Limit.

Foster Children

Prior written consent of the EHC, a foster child may be added as a Housing Choice Voucher participant. It is a budget consideration and not the voucher itself that determines the approval of the addition of foster children.

Full-Time Student

A person who is carrying a subject load that is considered full-time for students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma of certified program, as well as an institution offering a college degree.

Funding Increment

A commitment of money by HUD to the EHC under the consolidated annual contributions contract for the purpose of funding Housing Choice Vouchers.

Handicapped Assistance Expense

Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a disabled resident member and that are necessary to enable a resident member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the resident or reimbursed by an outside source.

Handicapped and/or Disabled

A person having a physical or mental impairment which:

- A. Is expected to be of long-continued and indefinite duration;
- B. Substantially impedes his/her ability to live independently; and
- C. Is of such nature that said disability could be improved by more suitable housing conditions.

NOTE: *All three conditions listed above must be met to qualify as handicapped. Also, a person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423) or in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)), or is handicapped as defined below:*

- D. Section 223 of the Social Security Act defines disability as:

1. “Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months; or
 2. In the case of any individual who has attained the age of fifty-five (55) and is blind (within the meaning of “blindness” as defined in Section 416(l) 1 of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time.”
- E. Section 102(5) of the Development Disabilities Services and Facilities Construction Amendments of 1970 defines disability as:
- “A disability attributable to developmentally disabled, cerebral palsy, epilepsy or another neurological condition of an individual found by the Secretary (of Health and Human Resources) to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen (18), which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.”

Head of Household

Head of Household means the adult member of the household who is held primarily responsible and accountable for lease obligations.

Housing Agency

Hereinafter referred to as EHC. A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing, including an Indian Housing EHC (IHA).

Housing Assistance Payment (HAP) is the monthly housing assistance payment made by the EHC to the landlord.

HAP consists of:

- A. A payment to the landlord for rent on the resident’s behalf per the HAP lease.
- B. Occasionally, an additional payment is made the utility provider to pay for utilities if the total assistance payment exceeds the rent to the landlord.

Housing Assistance Payments Contract (HAP Contract) – is a written contract between the EHC and a landlord, in the form prescribed by HUD headquarters, in which the EHC agrees to make Housing Assistance Payments to the landlord on behalf of an eligible resident.

Housing Choice Voucher Holder -A person in possession of a housing choice voucher

Housing Quality Standards (HQS) - The HUD minimum quality standards for housing assisted under the resident-based programs.

HUD – the United States Department of Housing and Urban Development

HUD Requirements - for the Housing Choice Voucher Program. HUD requirements are issued by HUD headquarters, as regulations, **Federal Register** notices or other binding program directives.

IHA - Indian Housing EHC.

INS - The U.S. Immigration and Naturalization Service.

Income Exclusions:

Annual Income does not include such temporary, non-recurring or sporadic income as the following:

- A. **Temporary:** Casual, sporadic, temporary, non-recurring income, including gifts.
- B. **Medical Reimbursements:** Amounts that are specifically received from, or are a reimbursement of, the cost of illness or medical care.
- C. **Lump-Sum Additions to Resident Assets:** Such as, but not necessarily limited to, inheritances, insurance payments, including payments under health and accident insurance and workmen's compensation, capital gains, and settlements for personal or property losses.
- D. **Scholarships:** Full amounts of educational scholarships paid directly to the student or to the educational institution and amounts paid by the United States Government to a veteran for use in meeting the cost of tuition, fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of the student.
- E. **Relocation Payments:** Made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636).
- F. **Food Stamps:** The value of the coupon allotments for the purchase of food in excess of the amount actually charged an eligible household pursuant to the Food Stamp Act of 1973 (7 U.S.C. 2017(b)).
- G. **Domestic Volunteers Service Act:** Payments received by participants or volunteers in programs pursuant to the Domestic Volunteers Service Act of 1973 (42 U.S.C. 5044(g), 5058).
- H. **Income of a Live-In Aide:** (as defined in this Admin Plan).
- I. **Job Training Partnership Act:** Payments received from the Job Training Partnership Act (29 U.S.C. 1552(b))
- J. **Hazardous Duty Pay:** For a resident member in the Armed Forces away from home and exposed to hostile fire.
- K. **Minor Income:** Income from employment of children (including foster children) under the age of eighteen (18).
- L. **Foster Care:** Payment received for the care of foster children.

- M. **Alaska Native Claims Settlement Act:** Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(a)), or reparation payments made by foreign governments in connection with the Holocaust.
- N. **Sub marginal Land Income:** Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459(e)).
- O. **Home Energy Assistance Program:** Payments or allowances made under the Department of Health and Human Services Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f)).
- P. **Grand River Band of Ottawa Indians:** Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. Law 94-540, 90 Stat. 2503-2504).
- Q. **Indian Claims Commission or the Court of Claims:** The first \$2,000.00 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 U.S.C. 1407-1408), or from funds held in trust for an Indian tribe by the Secretary of Interior (25 U.S.C. 117(b), 1407).
- R. **Older Americans Act:** Payments from Programs under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056(f)).
- S. **HUD Training:** Amounts received under training programs funded by the Department of Housing and Urban Development.
- T. **Plan to Attain Self-Sufficiency:** Amounts received by a disabled person that is disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
- U. **Other Publicly Assisted Programs:** Amounts received by a participant in other publicly assisted programs which is specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program.
- V. **Earned Income Tax Credit Refund:** For taxable years after December 31, 1990, the earned income tax credit refund. Effective Date: July 25, 1994.

- W. **A Resident Service Stipend:** A resident stipend is a modest amount (i.e., \$200.00 or less per month), received by a resident for performing a service for the landlord, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiative coordination and resident management. No resident may receive more than one such stipend during the same period of time. The exclusion exempts resident service stipends from annual income, but only if the resident service stipend does not exceed \$200.00 per month.
- X. **Adoption Assistance Payments:** Income payments received for the care of adopted children to the extent that the payments exceed \$480.00 per adopted child.
- Y. **Student Financial Assistance:** This exclusion exempts from annual income all amounts received from student financial assistance. Student financial assistance is interpreted broadly to include various scholarships, educational entitlements, grants, work-study programs and financial aid packages.
- Z. **Earned Income of Full-Time Students:** This exclusion exempts earnings in excess of \$480.00 for each full-time student eighteen (18) years old or older, except for the head of household and spouse. The exemption only applies to earnings in excess of \$480.00 since the resident already receives a \$480.00 deduction from income for any full-time student.
- AA. **Adult Foster Care Payments:** This exclusion removes from the computation of annual income payments the care of foster adults, usually individuals with disabilities, unrelated to the resident resident, who are unable to live alone. Currently, only payments for the care of foster children are excluded from annual income. In adding this exclusion, the Department is not requiring that housing authorities or landlords permit foster adults in assisted housing.
- BB. **Compensation from State or Local Job Training Programs and Training of Resident Management Staff:** This exclusion exempts compensation received from qualifying employment training programs and the training of resident management staff. To qualify under this exclusion, the compensation received must be a component of a state or local Employment Training Program with clearly defined goals and objectives. Moreover, only the compensation received incident to the training program is excluded, (i.e., any additional income received during the training program, such as welfare benefits, will continue to be counted as income). In addition, this exclusion only covers compensation received while the resident participates in the employment-training program and the duration of participation must be for a limited period determined in advance. An example of compensation, which falls under this exclusion, is compensation received from on-the-job training and during apprenticeship programs.
- CC. **Property Tax Rebates:** This provision excludes state rent credits and rebates for property taxes paid on a dwelling unit.

- DD. **Home Care Payments for Developmentally Disabled Children or Adult Resident Members:** This exclusion exempts amounts paid by a state agency to families who have developmentally disabled children or adult resident members living at home. States that provide families with home care payments do so to offset the cost of services and equipment needed to keep a developmentally disabled resident member at home.
- EE. **Deferred Periodic Payments:** Of supplemental security income and social security benefits that are received in a lump sum payment.
- FF. **Earned Income Disallowance for persons with disabilities** as defined by 24CFR5.617.
- GG. **Any allowance paid to a child suffering from Spina Bifida who is the child of a Vietnam Veteran** under the provisions of 38 USC 1805.
- HH. **Any amount of crime victim compensation** (under the Victims of Crime Act) received through crime victim assistance as determined under the Victims of Crime Act.

Indian

Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal government, or any State.

Indian Housing EHC (IHA)

A housing agency established either:

- A. By exercise of the power of self-government of an Indian Tribe, independent of State law; or
- B. By operation of State law providing specifically for housing authorities for Indians.

Initial Contract Rent

In the housing choice voucher program, the contract rent at the beginning of the initial lease term.

Initial PHA

In portability, the term refers to the PHA from which the HCV client originated from. The PHA where the client waited on the list for their name to reach the top. When porting out, the PHA the the HCV holder came from.

Initial Lease Term

The initial term of the assisted lease. The initial lease term must be for at least one year.

Initial Rent to Landlord

The rent to landlord at the beginning of the initial lease term.

Jurisdiction

The area in which the EHC has EHC under State and local law to administer the program.

Lease

- A. A written agreement between a landlord and a resident for the leasing of a dwelling unit to the resident. The lease establishes the conditions for occupancy of the dwelling unit by a resident with Housing Assistance Payments under an HAP Contract between the landlord and the EHC.
- B. In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's cooperative dwelling unit by the member's resident with Housing Assistance Payments to the cooperative under an HAP Contract between the cooperative and the EHC. For purposes of part 982, the cooperative is the Housing Choice Voucher "landlord" of the unit, and the cooperative member is the Housing Choice Voucher "resident".

Lease Addendum

In the lease between the resident and the landlord, the lease language required by HUD.

Live-In Aide

A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who must meet the following criteria:

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

Low Income

A resident 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. For admission to the housing choice voucher program, HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low resident incomes.

MSA

Metropolitan statistical area.

Manufactured Homes

A manufactured structure that is built on a permanent chassis, designed for use as a principle place of residence, and meets HQS.

Medical Expenses

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. Medical expenses are allowed only if the head of household or spouse is elderly, disabled or handicapped. If they meet those criteria medical expenses for all household members can be counted in determining adjusted income.

Military Service

Military service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard, and since July 29, 1945, the commissioned corps of the United States Public Health Service.

Minimum Rent

Families assisted under the Housing Choice Voucher program pay a monthly "minimum rent" of not more than \$50.00 per month. The EHC has the discretion to establish the "minimum rent" from \$0.00 up to \$50.00. The minimum rent established by the EHC is \$50.00.

Minimum Rent Hardship Exemptions

The EHC shall immediately grant an exemption from application of the minimum monthly rent to any resident making a proper request in writing who is unable to pay because of financial hardship for an initial period of 90 days.

Minor

A "minor" is a person less than eighteen (18) years of age. Provided, that a married person eighteen (18) years of age or younger shall be considered of the age of majority. (An unborn child may not be counted as a minor but is counted for eligibility of a single, pregnant female.)

Mixed Resident

A mixed resident is a resident that includes at least one U.S. citizen eligible immigrant and any number of ineligible resident members.

Monthly Adjusted Income

One-twelfth of Adjusted Income

Monthly Income

One-twelfth (1/12) of Annual Income. For purposes of determining priorities based on an applicant's rent as a percentage of monthly income.

Near Elderly Resident

A resident whose head, spouse, or sole member is a person who is at least fifty (50) years of age but below the age of sixty-two (62); or

two or more persons, who are at least fifty (50) years of age but below the age of sixty-two (62), living together; or

one or more persons who are at least fifty (50) years of age but below the age of sixty-two (62) living with one or more live-in aides.

Near-Elderly

A person who is at least fifty (50) years of age but below the age of sixty-two (62).

Net Resident Assets

Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investments, excluding, interests in Indian trust land and excluding equity accounts in HUD ownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the resident or household, the value of the trust fund will not be considered as an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.) In determining Net Resident Assets, the EHC shall include the value of any assets disposed of by an applicant or resident for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or re-examination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or resident received important consideration not measurable in dollar terms.

Non-Citizen

Any person who is neither a citizen nor national of the United States.

Other Adult – also known as Co-head of Household

An individual, with whom the Head of Household has a historical, established living arrangement and who will be equally responsible for ensuring that the resident fulfills all of the obligations under the lease, but who is not a spouse. A resident can only have one co-head.

Payment Standard

In the voucher program, an amount used by the EHC to calculate the Housing Assistance Payment for a resident. Each payment standard amount is based on the fair market rent. The EHC adopts a payment standard for each bedroom size and for each fair market rent area in the EHC jurisdiction. The payment standard for a resident is the maximum monthly subsidy payment.

Portability

Renting a dwelling unit with Housing Choice Voucher resident-based assistance outside the jurisdiction of the initial EHC.

Preference

At the option of the EHC, a preference system can be used to place families on the waiting list ahead of other applicants who do not claim a preference.

Premises

The building or complex in which the dwelling unit is located, including common areas and grounds.

Program

The resident-based housing choice voucher program.

Project-Based

In HCV program, rental assistance that is allocated to the development.

Housing choice voucher Agency (EHC)

Any State, county, municipality or other government entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development or operation of housing for lower income families.

Reasonable Rent

A rent to landlord that is not more than either: 1) Rent charged for comparable housing in the private unassisted market; or 2) Rent charged by the landlord for a comparable assisted or unassisted unit in the building or premises.

Receiving PHA

In portability, the PHA that receives a resident from a out of jurisdiction initial PHA's jurisdiction. The receiving PHA ususally tries to absorb the new client into their own program if their budget will allow, and issues them a new HCV from their own program.

Re-Certification

Re-certification is sometimes called re-examination. The process of securing documentation that indicates that residents meet the eligibility requirements for continued occupancy.

Re-Examination Date

The date on which any rent change is effective or would be effective if required as a result of the annual or interim re-examination of eligibility and rent.

Regular Tenancy

In the Housing Choice Voucher program: a tenancy other than an over-FMR tenancy.

Remaining Member(s) of the Resident

The eligible person(s) of legal age remaining in the subsidized unit after the person(s) who signed the housing choice voucher has (have) left the premises, other than by eviction, who may or may not normally qualify for assistance on their own circumstances. This person must complete forms necessary for Housing Choice Voucher assistance within ten (10) calendar days from the departure of the leaseholder and may remain in the unit for a reasonable time (not more than sixty [60] calendar days from the date the individual requests head of household status) pending the verification and hearing process. This person must, upon satisfactory completion of the verification process, then execute all required Housing Choice Voucher subsidy documents and cure any monetary obligations in order to maintain assistance. Any person who claims him or herself as a remaining member shall, in the event that the EHC declares him or her ineligible for remaining member status, be entitled to an informal hearing.

Rent to Landlord

The monthly rent payable to the landlord under the lease and only as allowed by HUD's Tenancy Addendum. Rent to landlord includes payment for any services, maintenance and utilities to be provided by the landlord in accordance with the lease.

Residency Preference

The EHC preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").

Residency Preference Area

The specified area or jurisdiction where families must reside to qualify for a residency preference.

Housing Choice Voucher ownership

A voluntary program operated by the EHC whereby Resident-based assistance to an eligible resident that purchases a dwelling unit that will be occupied by the resident.

Single Person

A person who lives alone or intends to live alone, and who does not qualify as an elderly resident or displaced person or as the remaining member of a resident.

Spouse

Spouse means the husband or wife of the head of household.

Subsidy Standards

Standards established by the EHC to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions. See definition of "resident unit size".

Suspension

Stopping the clock on the term of a resident's housing choice voucher, for such period as determined by the EHC, from the time when the resident submits a request for EHC approval to lease a unit, until the time when the EHC approves or denies the request.

Resident

The person or a person (other than a Live-In Aide) who executes the lease.

Resident-Based

HCV rental assistance that is allocated to the eligible person and can move from dwelling to dwelling.

Resident Rent

The amount payable monthly by the resident as rent to the landlord, including the EHC. Where all utilities (except telephone) and other essential housing services are supplied by the landlord, the Resident Rent equals Total Resident Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the landlord and the cost thereof is not included in the amount paid as rent, Resident Rent equals Total Resident Payment less the Utility Allowance. In the case of a resident renting only a manufactured home space, Resident Rent equals the space rental minus the Housing Assistance Payment, as defined in the applicable program regulations.

Total Resident Payment (TTP)

The TTP for families participating in the housing choice voucher and moderate rehabilitation programs must be at least \$50.00, which is the minimum rent established by the EHC.

A. For the Housing Choice Voucher Program, the TTP must be the greater of:

1. Thirty percent (30%) of resident monthly adjusted income;
2. Ten percent (10%) of resident monthly income;
3. Welfare rent (if applicable) in as-paid states; or
4. \$50.00, which is the minimum rent set by the EHC.

B. For the Housing Choice Voucher Program:

The TTP is the same as A. 1., 2., and 3. above. The utility allowance is applicable for the Housing Choice Voucher Program. Voucher families will pay the landlord the difference between the monthly rent to the landlord and the Housing Assistance Payment. Voucher families will also pay the cost of resident-furnished utilities under the lease.

Utility

The provision of general electricity, gas, heating fuel, cooking fuel, hot water, sewer, trash, range and refrigerator.

Utility Allowance

An allowance for the cost of utilities (except telephone) for an assisted unit which are not provided by the landlord but are the responsibility of the resident occupying the unit is called a utility allowance. This utility allowance is based upon building type and is determined by number of bedrooms and is equal to the estimate made by the EHC or HUD, of the monthly cost of a reasonable consumption of such utilities for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility Reimbursement

The amount, if any, by which any utility allowance for resident-paid utilities or other housing services exceeds the total resident payment. This reimbursement will be made to the resident and/or utility company of the resident's choice.

Violence against Women Act (VAWA)

A Housing choice voucher Agency (EHC), landlord or landlord may not deny admission to an applicant (male or female) who has been a victim of domestic violence, dating violence or stalking if the applicant otherwise qualifies for assistance or admission which will include EHC staff.

Very Low-Income

A resident whose annual income does not exceed fifty percent (50%) of the median income for the area, as determined by HUD, with adjustments for small and larger families. HUD may establish income limits higher or lower than fifty percent (50%) of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low resident income.

Veteran

Anyone who served or is currently serving in the military force.

Violent Criminal Activity

Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Voucher

A document issued by the EHC to a resident selected for admission to the voucher program. The voucher describes the program, and the procedures for EHC approval of a unit selected by the obligations of the resident under the program.

Waiting List Admission

An admission from the EHC waiting list.

Welfare Assistance

Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.

APPENDIX I

VIOLENCE AGAINST WOMEN (VAWA) POLICY

The EHC's VAWA policy is as follows:

The EHC will request that an individual who has been a victim of domestic violence, dating violence or stalking complete, sign & submit within 14 business days of the incident, the HUD-approved certification form 50066, Certification of Domestic Violence. In addition, the applicant can satisfy EHC's request by producing one or more of the following types of documentation, including but not limited to:

Federal, state, or local police or court records

A statement from an employee, agent, or volunteer of a victim service provider, an attorney or medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse;

A statement from the victim certifying that he or she is a victim of domestic violence to include the name of the offender.

If the individual obtains a statement from an employee, agent, or volunteer of a victim service provider, or an attorney or medical professional, the professional must attest under penalty of perjury that he or she believes that the incident or incidents in question are bona fide incidents of abuse, and must include the name of the offender. The victim must also sign or attest to the documentation provided by the third party

All information will be kept confidential including the individual status as victim of domestic violence, dating violence and/or stalking.

Denial of Assistance/ Admissions:

Victims of Domestic Violence, Dating Violence and/or stalking:

On January 5, 2006, President Bush signed into law a new federal statute called Violence against Women Act (VAWA) which provides greater protection to victims (male or female) of domestic violence, sexual assault, and stalking. **On May 23, 2007, the EHC adopted a policy that prohibits any kind of domestic violence, dating violence or stalking from being the basis for denial of admission or denial of housing assistance as long as the applicant otherwise qualifies for housing.**

Section 606 & 607 of VAWA allows the PHA to request that the individual who has been a victim of domestic violence, dating violence or stalking complete, sign & submit within 14 business days of the incident, the HUD-approved certification form **50066**, Certification of Domestic Violence.

In addition, the applicant can satisfy EHC's request by producing one or more of the following types of documentation, including but not limited to:

Federal, state, or local police or court records

A statement from an employee, agent, or volunteer of a victim service provider, an attorney or medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse;

A statement from the victim certifying that he or she is a victim of domestic violence to include the name of the offender.

If the individual obtains a statement from an employee, agent, or volunteer of a victim service provider, or an attorney or medical professional, the professional must attest under penalty of perjury that he or she believes that the incident or incidents in question are bona fide incidents of abuse, and must include the name of the offender. The victim must also sign or attest to the documentation provided by the third party.

All information will be kept confidential including the individual's status as victim of domestic violence, dating violence and/or stalking.

Definitions:

The same definitions of "domestic violence," "dating violence," and "stalking" and of "immediate family member" are provided in Sections 606 and 607. While definitions of domestic and dating violence refer to standard definition in the Violence Against Women Act, the definition of stalking provided in Title VI is specific to the housing provision.

These are:

1. **Domestic Violence** – (as defined in Section 40002 of VAWA 1994) which states as follows:
SEC 4002 (a) (6) – "Domestic Violence – The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies or by any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction."

2. **Dating Violence** – (as defined in Section 40002 of VAWA 1994) which states as follows:
SEC 40002 (A)(8) – “DATING VIOLENCE – the term dating violence” means violence committed by a person
 - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim and
 - (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) the length of the relationship
 - (ii) the type of relationship
 - (iii) the frequency of interaction between the persons involved in the relationship
2. **Stalking** – “means –
 - (A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill , injure, harass, or intimidate another person; and
 - (B) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury, or cause substantial emotional harm to-
 - (i) that person;
 - (ii) a member of the immediate family of that person; or
 - (iii) the spouse or intimate partner of that person;...
3. **Immediate Family Member** – “means, with respect to a person –
 - (A) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or
 - (B) any other person living in the household of that person and related to that person by blood or marriage.”

Denial of Assistance/ Terminations:

The EHC may terminate tenancy for a family because of the family’s action or failure to act in accordance with HUD regulations, and the terms of the lease. This section sets forth the EHC’s policies for notification of lease termination and provision of the lease.

Termination by Tenant:

The tenant may terminate the lease by providing the EHC with a thirty (30) day prior written notice, as indicted in the lease.

Termination by EHC:

The public housing lease is automatically renewable, except as specifically provided in the lease. EHC shall terminate lease for serious or repeated violations of material terms of the lease or other good cause, such as the following:

- (a) failure to make payments at the time and in the amount they are due under the lease;
- (b) failure to fulfill any of Resident obligations in the lease or Resident Handbook
- (c) other good cause includes, but is not limited to the following:
 - 1. discovery after admission of facts that made Resident ineligible;
 - 2. discovery of material false statements or fraud by Resident in connection with an application for assistance or with reexamination of income;
 - 3. failure of a family member to comply with community service requirement per HUD regulations;
 - 4. failure to accept EHC's offer of a lease revision formally adopted by EHC to an existing lease with at least thirty (30) days written notice before the revision is scheduled to take effect;
 - 5. failure to appear and provide all required information , once a year, at the time of annual re-examination, is a violation of the lease which shall constitute good cause to terminate the lease, unless resident can show that failure to provide the information was due to circumstances beyond resident's control. In the event of such a violation, resident shall pay, as rent, all sums due because of the undisclosed change in income or family composition. Such sums are collectable in the same manner as rent. Resident's failure to pay such sums may also subject resident to termination of the lease;
 - 6. Failure to permit EHC , upon reasonable advance notice, entry into the dwelling unit during reasonable hours for the purpose for performing routine inspections and maintenance and for making improvements or repairs.

7. conviction for drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing by resident or any member of the household;
 8. illegal possession of any weapon
- (d) Any of the following types of activities by the **resident**, any **member of the resident's household**, any **person under the resident's control**, or any **guest of the resident** shall be good cause for termination of tenancy;
1. any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, EHC employees, or persons residing in the immediate vicinity of the premises; OR any drug-related criminal activity on OR off the premises, **except that (A) criminal activity directly relating to domestic violence, dating violence or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights IF the tenant or immediate member of the resident's family is a victim of the domestic violence, dating violence or stalking;**
 2. any activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents, employees of EHC, or person residing in the immediate vicinity of the premises;
 3. legal use (or pattern of illegal use) of controlled substance, or abuse (or pattern of abuse) of alcohol, that the EHC determines interferes with the health safety, or right to peaceful enjoyment of the premises by other residents.

Consideration of Rehabilitation

In determining whether to terminate tenancy for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, EHC may consider whether such household member is participating in or has **successfully completed** a supervised drug or alcohol rehabilitation program. For this purpose, EHC may require resident to submit evidence of the household member's current participation in , or **successfully completion of** a supervised drug or alcohol rehabilitation program. (42 U.S.C. 13662)

- (e) Any of the following types of activities by any person under the resident's control shall be good cause for termination of tenancy;

- (1) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, EHC employees or persons residing in the immediate vicinity of the premises, or any drug-related activity **directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the resident's family is a victim of the domestic violence, dating violence or stalking any drug-related criminal activity on the premises.**
- (2) Any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, employees of EHC or persons residing in the immediate vicinity of the premises;
- (3.) **An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy of occupancy rights of the victim of such violence.**
- (4.) **EHC may remove a household member from the lease regardless of whether such household member signed the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual listed on the lease that engages or has engaged in a criminal act of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a resident or lawful occupancy and such eviction, removal, termination of occupancy rights, or termination of assistance shall be done in accordance with the applicable procedures prescribed by Federal, State, and local law and HUD regulations.**
- (5.) **Nothing in this Section;**

 - (a) **limits any otherwise available authority of EHC to evict resident for any violation of the lease not based on the act or acts of violence in question against the resident or a member of the resident's household, provided that EHC does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard that other residents in determining whether to evict or terminate;**
or

- (b) limits nor may be interpreted to, limit the authority of EHC to terminate the tenancy of any resident if EHC can demonstrate an actual and imminent threat to other residents or those employed at or providing service to the property if that resident's tenancy is not terminated.
- (c) **Non-Renewal of Lease** – failure of a family member to comply with the requirements of Community Service activities as required by 24 CFR 960 Subpart F 960.600 – 960-609 are grounds only for non-renewal of the lease and termination of tenancy at the end of the twelve (12) month lease term.

Notification Requirements:

The notice of lease termination to the resident shall state specific grounds for termination and shall inform the resident of the resident's right to reply if they wish.

- (a) When EHC is required to afford the resident the opportunity for a grievance hearing, the notice shall also inform the resident of the resident's right to request a hearing in accordance with EHC's Grievance Procedure.
- (b) When EHC is not required to afford the resident the opportunity for hearing under the EHC Grievance procedure, the notice of lease termination shall:
 - (1) state that the resident is not entitled to a grievance hearing on the termination:
 - (2) specify the judicial eviction procedure to be used by EHC for eviction of the resident, and state that HUD has determined that this eviction procedure provides the opportunity for a hearing
 - (3) State whether the eviction is for criminal activity or drug-related criminal activity

Disclosure of Criminal Records to Family:

In the event that EHC intends to rely on a criminal record and/or police report as the basis for termination of a tenancy, EHC shall provide the resident with a copy of the criminal record and/or police report before a court trial concerning such termination. The resident must be given an opportunity to dispute the accuracy and relevance of that record in a court trial. Additionally, EHC shall provide the resident with a reasonable opportunity to examine, at the resident's request, before the court trial concerning the termination of tenancy, any documents, including records, regulations, which are in the possession of EHC, and which are directly relevant to the termination of tenancy. The resident shall be allowed to copy any such document at the resident's expense.

Criminal Activity

The EHC will immediately terminate the tenancy of persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project. "Premises" is defined as the building /complex/development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

The EHC will terminate assistance of participants in cases where the EHC determines there is reasonable cause to believe that the person is illegally using a controlled substance or is currently engaging in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. This includes cases where the EHC determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

The EHC will consider the use of a controlled substance or alcohol to be a **pattern** if there is more than one incident during the previous twelve (12) months.

"Currently engaging in or engaged in" drug-related criminal activity **OR** other criminal activity means that the individual has, within the past three years, engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current.

EHC may evict all members of a household any time the relevant lease provision is violated.

EHC is authorized, although not required, to consider all of the circumstances of the case before any determination to terminate the lease, including the seriousness of the offense, the extent of the participation by family members, such as whether the resident has taken all reasonable steps to prevent the criminal activity, and the effects that the eviction would have on family members not involved in the prescribed activity. In appropriate cases and in accordance with the ACOP, EHC may permit continued occupancy by remaining family members and may impose a condition that family members who engaged in the proscribed activity will not reside in the dwelling unit.

Terminations and the Violence Against Women Act (VAWA) of 2005:

VAWA provides for changes in the occupancy policies of EHC's programs and gives greater protection to victims of domestic violence. VAWA provides that an individual's status as a victim of domestic violence, dating violence, or stalking will not be a basis for denial of admission or denial of housing assistance. **LIKEWISE**, one incident of actual or threatened domestic violence, dating violence or stalking will not qualify as a serious or repeated violation

of the lease OR good cause for terminating the assistance, tenancy or occupancy rights of the victim as under the “One Strike” policy.

Verification:

Section 606 & 607 of VAWA allows the PHA to request that the individual who has been a victim of domestic violence, dating violence or stalking complete, sign & submit within 14 business days of the incident, the HUD-approved certification form 50066, Certification of Domestic Violence. In addition, the applicant may also be asked to produce one or more of the following types of documentation, including but not limited to:

Federal, state, or local police or court records

A statement from an employee, agent, or volunteer of a victim service provider, an attorney or medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse;

A statement from the victim certifying that he or she is a victim of domestic violence to include the name of the offender.

If the individual obtains a statement from an employee, agent, or volunteer of a victim service provider, or an attorney or medical professional, the professional must attest under penalty of perjury that he or she believes that the incident or incidents in question are bona fide incidents of abuse, and must include the name of the offender.

All information will be kept confidential including the individual’s status as victim of domestic violence, dating violence and/or stalking.

APPENDIX II

INFORMAL REVIEW (for APPLICANTS)

Notice to Applicant - The EHC will give an applicant for participation prompt written notice of a decision denying assistance to the applicant within 30 days. The notice will contain a brief statement of the reasons for the EHC's decision. The notice will also state that the applicant may request an informal review of the decision and the notice will describe how to obtain the informal review.

1. **Informal Review Process** - The EHC will give an applicant an opportunity for an informal review of the EHC's decision denying assistance to the applicant. The EHC review procedures will be as follows:
 - A. The review will be conducted by a person designated by the EHC, other than a person who made or approved the decision under review or a subordinate of this person.
 - B. The applicant will be given an opportunity to present written or oral objections to the EHC's decision.
 - C. The EHC will notify the applicant of the final decision after the informal review, including a brief statement of the reasons for the final decision.

2. **When Informal Review is not Required** - The EHC is not required to provide an applicant an opportunity for an informal review for any of the following:
 - A. Discretionary administrative determinations by the EHC.
 - B. General Admin Plan issues or class grievances.
 - C. A determination of the resident unit size under the EHC subsidy standards.
 - D. An EHC determination not to approve an extension or suspension of voucher term.
 - E. An EHC determination not to grant approval to lease a unit under the program or to approve a proposed lease.
 - F. An EHC determination that a unit selected by the applicant is not in compliance with HQS.
 - G. An EHC determination that the unit is not in accordance with HQS because of the resident size or composition.
 - H. Established by the EHC schedule of utility allowances for families in the program.

INFORMAL HEARING (for PARTICIPANTS)

ELIGIBILITY OF HOUSING CHOICE VOUCHER PARTICIPANT FOR REQUESTING AN INFORMAL HEARING

The Housing Assistance Payments Program of the Eastpointe Housing Commission (EHC) **MUST** provide an opportunity for an INFORMAL HEARING if requested by the resident, to consider whether the following decisions or determinations relating to the individual circumstances of the resident are in accordance with the law, the U.S. Department of Housing and Urban Development's regulation and the rules and regulations of the EHC.

1. *When a Hearing is Required*

- A. The EHC must give a participant resident an opportunity for an informal hearing to consider whether the following EHC decisions relating to the individual circumstances of a participant resident are in accordance with the law, HUD regulations and EHC policies:
 - i. EHC's determination of the resident's annual or adjusted income, and the use of such income to compute the Housing Assistance Payment.
 - ii. EHC's determination of the appropriate utility allowance (if any) for resident-paid utilities from the EHC utility allowance schedule.
 - iii. EHC's determination of the resident unit size under the EHC subsidy standards.
 - iv. EHC's determination that a Housing Choice Voucher program resident is residing in a unit with a larger number of bedrooms than appropriate for the resident unit size under the EHC subsidy standards, or the EHC determination to deny the resident's request for an exception from the standards.
 - v. EHC's determination to terminate assistance for a participant resident because of the resident's action or failure to act.
 - vi. EHC's determination to terminate assistance because the participant resident has been absent from the assisted unit for longer than the maximum period permitted under EHC Admin Plan and HUD rules.

- B. In the cases described in paragraphs IV. v., and vi. above, the EHC must give the opportunity for an informal hearing before the EHC terminates Housing Assistance Payments for the resident under an outstanding HAP Contract.

2. ***When Hearing is not Required***

The EHC is not required to provide a participant resident an opportunity for an informal hearing for any of the following:

- A. Discretionary administrative determinations by the EHC.
- B. General Admin Plan issues or class grievance.
- C. Establishment of the EHC schedule of utility allowances for families in the program.
- D. An EHC determination not to approve an extension or suspension of a housing choice voucher term.
- E. An EHC determination not to approve a unit or lease.
- F. An EHC determination that an assisted unit is not in compliance with HQS. (However, the EHC must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the resident.
- G. An EHC determination that the unit is not in accordance with HQS because of the resident size.
- H. A determination to exercise or not to exercise any right or remedy against the landlord under an HAP Contract.

3. ***Notice to Resident***

- A. In cases described in 1.i., ii. and iii. the EHC shall notify the resident that the resident may ask for an explanation of the basis of the EHC's determination, and that if the resident does not agree with the determination, the resident may request an informal hearing on the decision. Request for a hearing must be in written form and received within ten (10) days of EHC Notice to the resident.
- B. In cases described in paragraphs 1A, v. and VI. of this section, the EHC must give the resident prompt written notice that the resident may request a hearing. The notice must:
 - i. Contain a brief statement of reasons for the decision,
 - ii. State that if the resident does not agree with the decision, the resident may request an informal hearing on the decision, and
 - iii. State the deadline for the resident to request an informal hearing.

4. *Expeditious hearing process*

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

5. *Hearing Procedures*

A. *Administrative Plan* - The administrative plan must state the EHC's procedures for conducting informal hearings for participants.

B. *Discover*

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

ii. The EHC hearing procedures may provide that the EHC must be given the opportunity to examine at EHC offices before the EHC hearing any resident documents that are directly relevant to the hearing. the EHC must be allowed to copy any such document at the EHC expense. If the resident does not make the document available for examination on request of the EHC, the resident may not rely on the document at the hearing.

iii. *Documents* - The term "documents" includes records and regulations.

C. *Representation of resident*

At its own expense, the resident may be represented by a lawyer or other representative.

D. *Hearing Officer. Appointment and EHC.*

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

ii. The person who conducts the hearing may regulate the conduct of the hearing in accordance with the EHC's hearing procedures.

- E. *Evidence* - The EHC and the resident must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- F. *Issuance of decision* - The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the resident shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished within 10 days of hearing to the resident.

6. *Effect of decision* -

The EHC is not bound by a hearing decision.

- A. Concerning a matter for which the EHC is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the EHC of the person conducting the hearing under the EHC's hearing procedures.
- B. Contrary to HUD regulations or requirements, or otherwise contrary to federal, State or local law.
- C. If the EHC determines that it is not bound by a hearing decision, the EHC must promptly notify the resident of the determination, and of the reasons for the determination.

7. *Restrictions on assistance for non-citizens*

The informal hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24 CFR Part 5.

APPENDIX V
EQUAL OPPORTUNITY CERTIFICATION

**APPENDIX VI
EASTPOINTE HOUSING COMMISSION
HOUSING CHOICE VOUCHER
HOUSING ASSISTANCE PAYMENTS PROGRAM**

LANDLORD'S GUIDE

The Housing Choice Voucher Housing Assistance Payments (HAP) Program is a federally funded program administered by your local Housing EHC (HA); it provides housing assistance to eligible very low income families. The program enables families to obtain decent, safe and sanitary housing by subsidizing a portion of each resident's monthly rent and paying it directly to the property landlord. Single-resident dwellings, apartment buildings, legal accessory apartments, and townhouses/condominiums are eligible. The landlord retains the normal management rights and responsibilities including resident screening and selection, rent collection, property maintenance and lease termination.

WHO PARTICIPATES IN THE HOUSING CHOICE VOUCHER HAP PROGRAM?

The Housing Choice Voucher Program assists very low income households. The Housing EHC selects families who meet income and eligibility requirements. A participating resident may choose to remain in its current unit or move to another unit.

HOW IS RENTAL ASSISTANCE PROVIDED?

The Housing EHC calculates the amount of assistance each resident receives.

Under the Housing Choice Voucher Program, the maximum subsidy is calculated by subtracting the Payment Standard from 30% of the resident's adjusted income. The minimum rental portion a resident will pay under the Voucher Program is 10% of its adjusted gross income.

After the approval of a prospective rental unit, this office will prepare the leasing documents. The landlord and resident sign the Lease and Lease Addendum. The HA and landlord will sign a Housing Assistance Payment (HAP) Contract. Each month the HA will make housing assistance payments directly to the landlord. These payments are made as long as the resident continues to be eligible and as long as the unit meets program requirements.

SECURITY DEPOSITS

A landlord may collect a security deposit in conformance with private market practice and in accordance with the security deposits he/she collects from non-subsidized residents, not to exceed two month's contract rent.

When the resident moves out of the unit, the landlord may use the security deposit as reimbursement for any unpaid resident rent, resident caused damages or any other amounts the resident owes under the lease. The landlord must give the resident a written list of all items charged against the security deposit and the amount of each item within thirty days. After deducting the amount, if any, used to reimburse the landlord, the landlord must refund the full amount of the unused balance to the resident in accordance with state and local law.

THE LEASE

An initial written lease for a minimum of one year is required. The Eastpointe Housing Commission uses a standard lease approved by HUD which includes a Lease Addendum that contains mandated HUD language. If the landlord uses their own lease it must be approved by the Housing EHC prior to signing. The HUD Lease Addendum takes precedence over the landlord's lease should there be a conflict.

HOUSING CONDITION

All housing in the Housing Choice Voucher Program must meet the health, safety, security and occupancy standards of the program and must comply with all local codes and/or ordinances. The unit must pass inspection before the resident moves in. If the unit fails the initial inspection, the landlord has the choice to comply with the repairs or select a non-assisted resident.

HOUSING EHC APPROVAL OF HOUSING

Should you decide to lease your unit to a Housing Choice Voucher participant, the following documents must be submitted to this office:

1. A completed and signed "Request for Tenancy Approval" form. (This form is provided by the HA.)
2. Landlord's social security or federal identification number.
3. Signed "Housing Choice Voucher Landlord Certification" form provided by the HA.

RESIDENT RESPONSIBILITIES

The resident must fulfill resident obligations as listed on their Housing Choice Voucher and other EHC documents.

The resident must comply with the terms and conditions of the Lease and Lease Addendum.

The resident is responsible for paying their rental portion each month.

The resident is responsible for payment of utilities which are not included in the contract rent.

ANNUAL RECERTIFICATIONS, UNIT INSPECTIONS AND LEASE RENEWALS

Resident Income, Resident Composition, and On Going Eligibility:

A change in the resident's income and/or resident circumstances is likely to result in a change in the portion of rent paid by the resident and by the HA. The landlord and resident will be notified in writing by the HA of the new amounts and the effective date.

Condition of the Property and Level of Maintenance:

The EHC inspects the unit each year to insure that it continues to meet the HUD Housing Quality Standards (HQS). The HA will not continue the contract if the unit does not meet the HQS. These inspections also help you to stay informed about the condition of your property and help prevent deterioration.

The federal regulations prohibit this office from subsidizing any unit that fails inspection. For housing under HAP Contract which fails inspection and landlord is provided no more than thirty days to make the necessary repairs and to bring the unit into compliance with Housing Quality Standards. If the unit has not passed the inspection by the deadline date stated in our notice to you, HAP payments will be abated until the repairs are made and/or the HAP Contract will be promptly canceled. If there are extenuating circumstances that prevent you from making the repairs within the time frame allowed, you must request an extension IN WRITING. This office will make a case by case determination regarding the granting of extensions.

Continual HQS violations by the landlord are cause for the Housing EHC not to enter into any new contracts with this landlord.

Residents are held accountable for any HQS violations which are the result of resident damage, due to neglect, use or misuse by themselves, resident members and guests. The resident will be required to make these repairs within 30 days. If the resident fails to make the repairs, their assistance will be terminated in accordance with federal law. The HAP Contract will be terminated within 30 days' notice to the landlord. A letter will be sent to you and your resident pursuant to the housing inspection. This correspondence will itemize resident and landlord repairs so each party will have a clear idea of which repairs are their responsibility if the landlord completes the resident repairs they have a right to bill the resident, in writing, for these repairs.

FRAUD PREVENTION AND CONTROL

Incidence of fraud, willful misrepresentation, or intent to deceive with regard to the Housing Choice Voucher HAP Program is criminal acts. It is considered fraudulent for a landlord to commit any of the following acts:

1. Requiring extra ("side") payments in excess of the resident's share of the rent.
2. Collecting assistance payments for housing not occupied by Housing Choice Voucher residents.
3. When the landlord resides in the unit being subsidized.
4. Bribing Housing EHC employees and/or contractor of the EHC to certify sub-standard housing as standard.

Some examples of fraud involving residents are:

1. Willful misrepresentation of total resident income and/or composition.
2. Sub-leasing the unit to an unassisted person/resident.
3. Not using the unit as their full-time residence.

Any landlord or resident found guilty of fraud will be terminated from the Housing Choice Voucher Program. Residents and Landlords can also be terminated for criminal and drug activity. Landlords are encouraged not to condone fraud by their residents and to enforce the lease by notifying your resident of any lease violation and the consequence of non-compliance with the lease. Remember, when the Housing EHC terminates the resident for fraud you will no longer be entitled to Housing Assistance Payments and you will be responsible for evicting the resident from your unit.

RESIDENT SCREENING

It is the responsibility of the landlord to select and screen their prospective residents. To comply with equal housing laws, all residents should be subject to the same criteria for eligibility. If careful screening is done you are more likely to rent to a resident who will maintain the unit and pay their portion of the rent.

NON-DISCRIMINATION IN HOUSING

In the selection of residents, provision of services, or in any other manner, federal law states that a landlord may not discriminate against any person because of race, color, religion, sex, handicap, marital status or national origin. Additionally, Michigan state law prohibits discrimination based on income because the Housing Choice Voucher subsidy is considered a legal source of income.

OUTREACH TO LANDLORDS

The Housing EHC is always seeking opportunities for housing which are decent, safe and sanitary for our Housing Choice Voucher families, in all areas of Eastpointe. You are encouraged to list any housing you may have for rent by contacting this office. This list of available housing will be provided to eligible families upon their request. The HA is particularly interested in housing that may be accessible to the disabled or the handicapped. Please be aware that we will not allow any landlords who have committed fraud, bribery or other corrupt or criminal acts to participate in the program.

For more information about the Housing Assistance Payments Program, please contact:

**EASTPOINTE HOUSING COMMISSION
HOUSING CHOICE VOUCHER HAP PROGRAM
15701 Nine Mile Road, Eastpointe, Michigan 48021**

