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HOUSING AUTHORITY HAMC OF MARICOPA COUNTY

RENTAL ASSISTANCE DEPARTMENT

ADMINISTRATIVE PLAN

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Table of Contents

SECTION 1: PROGRAM AUTHORITY AND OBJECTIVES 14
1.1 **Housing Act of 1937** 14
1.2 **Applicable Regulations** 14
1.3 **Public Housing Authority** 14
1.4 **Jurisdiction** 14
1.5 **HAMC Mission Statement** 15
1.6 **HAMC Program Goals** 15
1.7 **Purpose of the Administrative Plan** 15
1.8 **Contents of the Administrative Plan** 16
1.9 **Required Postings** 17
1.10 **Administrative Plan Revisions** 17
CHAPTER 2: CONFIDENTIALITY AND RECORDS 18
2.1 **Confidentiality and Privacy Policy** 18
2.2 **Record Retention Policy** 18
CHAPTER 3: FAIR HOUSING POLICIES 19
3.1 **Nondiscrimination Policy** 19
3.2 **Discrimination Complaints** 20
3.3 **Owner Nondiscrimination Requirements** 21
3.4 **Addressing Barriers to Equal Housing Opportunities** 21
3.5 **Owner Outreach And De-concentration** 21
3.6 **Language Assistance Plan and Limited English Proficiency Policy** 22
LEP Options 23
3.7 **Reasonable Accommodation Overview** 23
3.8 **Definition of Reasonable Accommodation** 24
3.9 **Types of Reasonable Accommodation** 24
3.10 **Request for a Reasonable Accommodation** 25
Verification of Disability 25
3.11 **Approval/Denial of a Requested Accommodation** 26
3.12 **Cure non-compliance (HOTMA)** 27
3.13 **Definition of a Person with a Disability Under Federal Civil Rights Laws** 27
3.14 **Live in Aide Policy** 28

3.15 **Hearing or Visual Impairment Policy** 29
3.16 **Violence against Women Reauthorization Act Policy (VAWA)** 29
Bifurcating the Lease -VAWA 31
3.17 **Emergency Transfer Plan** 31
CHAPTER 4: APPLYING TO THE PROGRAM AND WAITING LIST 33
4.1 **Opening and Closing the Waiting List** 33
4.2 **Application Process** 34
Step I: Register on HAMC online portal 34
Step II: The Pre-Application 34
Step III: Intake Certification 35
4.3 **Ineligible Application** 35
4.4 **Waiting List Placement** 36
4.5 **Waiting List Selection** 36
4.6 **Updating the Waiting List** 36
4.7 **Application Removal for Failure to Respond** 36
4.8 **Reporting Changes in Family Circumstances** 37
4.9 **Local Preferences** 38
4.10 **Special Admissions** 39
4.11 **Processing Local Preferences** 40
4.12 **Assistance Targeted by HUD** 40
4.13 **Continuously Assisted Families** 41
4.14 **Income Targeting Policy** 41
4.15 **Selection from the Waiting List Notification** 41
CHAPTER 5: INITIAL AND CONTINUING ELIGIBILITY 42
5.1 **Qualifications for Admission** 42
5.2 **Income Eligibility** 42
Social Security Number Disclosure 42
Citizenship Requirements 43
5.3 **Family Definition** 43
5.3.1 **Household** 44
5.3.2 **Head of Household** 44
5.3.3 **Joint Custody** 44
5.3.4 **Foster Adult** 45

5.3.5 **Foster Child** 45
Family Break Up 45
Remaining Family Member 46
5.4 **Student Head of Household** 46
5.5 **Guests/Visitors** 46
5.6 **Eligibility Process** 47
5.7 **Criminal Background Policy** 48
Drug Abuse Treatment Information 48
5.8 **Duplicative Assistance** 49
5.9 **Absences from the Unit** 49
Absent Family Member 49
Absence of Entire Family 50
Absent Student 50
Absences Due to Placement in Foster Care 50
Caretaker for a Child 50
Individuals Absent (Confined) for Medical Reasons 51
Moves with continued tenant-based assistance 51
CHAPTER 6: TENANT RENT AND HOUSING ASSISTANCE PAYMENT CALCULATION 53
6.1 **Definition of Income** 53
6.1.1. **Earned Income** 54
Alimony and Child Support 55
Day Laborer 55
Sporadic income 55
Independent Contractor 55
Seasonal Worker 56
Regular Contributions and Gifts 56
Incremental Earnings 56
6.1.2 **Unearned Income** 57
6.2 **Nonrecurring Income** 57
6.3 **Business Income** 58
Business Expansion 58
Capital Indebtedness 58
Acceptable Investments 58

Asset owned by business entity 58
Co-Owned Businesses 58
6.4 **Net Family Assets** 58
6.4.1 **Exclusions from Net Family Assets** 59
See Appendix C for listing of excluded net family assets 59
6.5 **Asset Limitations** 59
6.6 **Valuing Assets** 59
6.6.1 **Actual Income** 59
6.7 **Imputing Income from Assets** 60
6.7.1 **Passbook Rate** 61
6.8 **Determining Actual Anticipated Income from Assets** 61
6.9 **Withdrawal of Cash or Liquidation of Investments** 61
6.10 **Jointly Owned Assets** 61
6.11 **Disposed Assets** 62
6.12 **Checking and Savings Accounts** 62
6.13 **Self-Certification of Assets** 62
6.14 **Investments** 63
6.15 **Real Property, Personal Property, Other Capital Investments** 63
6.15.1 **Trusts** 63
6.15.2 **Trusts as Net Family Assets** 64
6.15.3 **Actual Income from a Trust** 64
6.15.4 **Trust Distributions and Annual Income** 64
6.16 **Exemptions to the Real Property Restriction in the Asset Limitation** 64
6.17 **Suitability of Real Property for Occupancy** 65
6.18 **Necessary and Non-Necessary Personal Property** 66
Examples of Necessary and Non-Necessary Personal Property 67
6.19 **Assets with negative equity** 68
6.20 **Excluded Income** 69
6.21 **Excluded Assets** 70
6.22 **Deductions from Income** 71
6.23 **Anticipating Income** 80
6.24 **Future Changes** 81
6.25 **Total Tenant Rent and HAP** 82

6.26 **Payment Standards** 82
6.27 **Minimum Rent and Hardship Exemptions** 84
CHAPTER 7: REQUEST FOR TENANCY APPROVAL AND LEASING 88
7.1 **Voucher Briefing** 88
7.2 **Voucher Term** 88
7.3 **Subsidy Standards** 89
7.4 **Allowable Housing Types** 91
7.5 **Single Room Occupancy (SRO)** 92
7.6 **SRO Payment Standard, Utility Allowance and HAP Calculation** 92
7.7 **SRO Housing Quality Standards (HQS)** 92
7.8 **Congregate Housing** 93
7.9 **Congregate Housing Payment Standard, Utility Allowance and HAP Calculation** 93
7.10 **Congregate Housing Quality Standards (HQS)** 94
7.11 **Group Home** 94
7.12 **Group Home Payment Standard, Utility Allowance and HAP Calculation** 94
7.13 **Group Home Housing Quality Standards (HQS)** 95
7.14 **Shared Housing** 95
7.15 **Shared Housing Payment Standard, Utility Allowance and HAP Calculation** 96
7.16 **Shared Housing – Housing Quality Standards (HQS)** 96
7.17 **Cooperative Housing** 97
7.18 **Cooperative Housing Payment Standard, Utility Allowance and HAP Calculation** 97
7.19 **Cooperative Housing - Housing Quality Standards (HQS)** 97
7.20 **Manufactured Homes** 97
7.21 **Special Policy for Manufactured Homes Owners Who Lease A Space** 97
7.22 **Manufactured Homes Payment Standard, Utility Allowance and HAP Calculation** 98
7.23 **Manufactured Homes Housing Quality Standards (HQS)** 99
7.24 **Request for Tenancy Approval (RFTA)** 99
7.25 **Approval and Disapproval of RFTA** 100
7.26 **Information to Owners** 101
7.27 **Security Deposit** 101
7.28 **Separate Agreements** 101
7.29 **Initial Rent Burden** 101
7.30 **Owner Disapproval** 102

CHAPTER 8: HOUSING QUALITY STANDARDS AND INSPECTIONS AND RENT REASONABLENESS 104
8.1 **Initial Inspections** 104
8.2 **Biennial HQS Inspections** 107
8.3 **Special Inspections** 107
8.4 **Quality Control Inspections** 108
8.5 **Scheduling Inspections and Family Attendance** 108
8.6 **Emergency Inspections** 108
8.7 **Abatements** 109
8.8 **HQS Certifications** 109
8.9 **Extensions** 110
8.10 **Family Responsibilities** 110
8.11 **Owner Responsibilities** 110
8.12 **Rent Reasonableness** 111
CHAPTER 9: HOUSING ASSISTANCE PAYMENT CONTRACT 116
9.1 **HAP Payments** 116
9.2 **Owner Rent Increases** 116
9.3 **Unit Ownership Changes** 117
9.4 **HAP Contract Terminations** 117
9.4.1 **Processing Termination of HAP Contracts as a result of insufficient funding from HUD** 118
CHAPTER 10: VERIFICATIONS 120
10.1 **Authorization for the Release of Information (Form HUD–9886)** 120
10.1.1 **Timing of Completing Form HUD–9886** 120
10.1.2 **Revocation of Consent** 120
10.2 **Methods of Verification** 120
Requirements for Acceptable Documents 121
10.3 **Eligibility Verifications** 122
10.3.1 **Lack of Social Security Documentation** 123
10.4 **Legal Identity Verification** 124
10.5 **Verification of Income** 126
10.6 **Verification of Assets** 128
10.7 **Verification of Expenses** 129
CHAPTER 11: ONGOING PROGRAM OPERATIONS 132
11.1 **Annual Re-Examination** 132

11.2 **Overview of Calculating Annual Income at Annual Reexamination** 134
11.3 **Interim Reexaminations** 135
11.3.1 **Interim Reexamination for Decrease in Adjusted Income** 135
11.3.2 **Interim Reexamination for Increase in Adjusted Income** 136
11.3.3 **Interim Reexamination for Decrease in Family Size** 136
11.3.4 **Non-Interim Transaction for Decrease in Family Size** 136
Interim Changes to Family Circumstances 137
11.4 **Moving With Continued Assistance** 139
11.5 **Allowable Moves** 140
11.6 **Overview of Restricted Moves** 141
Denial of Moves 141
11.7 **Restrictions on Elective Moves** 142
Zero HAP Families Who Wish to Move 143
11.8 **Special Considerations for Terminating Assistance or Evicting Families for Non-Compliance with the Asset Limitation** 144
CHAPTER 12: PORTABILITY 145
12.1 **Portability** 145
Outgoing Portability 145
Incoming Portables 146
Allowable Moves under Portability 146
CHAPTER 13: PROGRAM STANDARDS AND SCHEDULES 149
13.1 **Payment Standards** 149
13.1.1 **HAMC HUD Designated SAFMR Area** 149
13.2 **Updating Payment Standards** 149
13.3 **Small Area Fair Market Rents** 150
13.3.1 **Decreases in the Small Area Fair Market Rent** 150
13.4 **Establishing Payment Standards Within The Basic Range of SAMFR** 150
13.5 **Payment Standard Groupings for SAFMRs** 151
13.5.1 **Reasonable Accommodation Exception Payment Standards** 151
13.6 **Utility Allowances** 152
13.7 **Insufficient Funding Determinations** 153
13.9 **Reporting And Record Keeping For Children With Elevated Blood Lead Level** 155
CHAPTER 14: DENIAL OF ASSISTANCE TO APPLICANTS AND TERMINATION OF ASSISTANCE TO

PARTICIPANTS 157
14.1 **Mandatory Denial or Termination** 157
14.2 **Denial of Assistance** 157
14.3 **Evidence and Considerations** 158
14.4 **Notice of Denial** 160
14.5 **Denial of Assistance for Noncitizens** 160
14.6 **USCIS Appeal Process** 161
14.7 **Grounds for Termination** 161
14.8 **Termination Notification** 165
14.9 **Removal of a Family Member from the Application** 165
14.10 **Reasonable Accommodation Related to Denials or Terminations** 166
14.11 **Repayment Agreements** 166
Family Debts to the PHA 167
Terms of a Repayment Agreement 167
Repayment Agreement Guidelines for Families 167
Repayment Agreement Payment Thresholds 167
Execution of the Repayment Agreement 168
Due Dates of the Repayment Agreement 168
Late or Missed Payments 168
No Offer of Repayment Agreement 168
Repayment Agreements Involving Improper Payments 169
Owner Debt to the HAMC 169
CHAPTER 15: INFORMAL REVIEWS AND INFORMAL HEARINGS 170
15.1 **Complaints** 170
15.2 **Informal Review Policy** 170
15.3 **Informal Review Decision** 171
15.4 **Informal Hearing Policy** 172
15.5 **Informal Hearing Decision** 174
15.6 **Evidence** 177
15.7 **Effect of Final Decision** 179
15.8 **USCIS Determination of Ineligibility** 180
CHAPTER 16: PROGRAM INTEGRITY 182
16.1 **Detecting Errors and Program Abuse** 182

16.2 **Consideration of Remedies** 182
16.3 **Notice and Effective Dates** 183
16.4 **Family Prohibited Actions** 183
16.5 **HAMC Prohibited Activities** 184
16.6 **Owner Prohibited Activities** 184
16.7 **Owner Remedies and Penalties** 185
16.8 **Corrections to Subsidy Payments** 185
16.9 **De Minimis Errors** 185
CHAPTER 17: FAMILY SELF SUFFICIENCY PROGRAM 187
17.1 **FSS Action Plan** 187
17.2 **Program Coordinating Committee** 187
17.3 **Family Selection** 188
Eligible Families From Other Self Sufficiency Programs 188
17.4 **Contract of Participation** 188
17.5 **Contract of Participation Extensions** 188
17.6 **FSS Account** 190
17.7 **HOTMA Changes That Impact FSS Programs – Interim Reexaminations** 190
CHAPTER 18: EMERGENCY HOUSING VOUCHERS 191
18.1 **Wait List and Selection** 191
18.2 **Eligibility EHV Eligibility** 191
18.3 **Denial of Admission** 192
18.4 **Voucher Term** 192
18.5 **Portability** 192
18.6 **Payment Standards** 192
18.7 **Use of Available HUD Waivers** 193
18.8 **Termination of the EHV** 193
18.9 **EHV Program and Funding Sunset** 193
CHAPTER 19: PROJECT BASED VOUCHERS 194
19.1 **Overview** 194
19.2 **Waiting List** 195
19.3 **PBV Waiting List Selection and Notification by Property Management** 195
19.4 **Eligibility for PBV Assistance** 196
19.5 **Tenant Selection** 197

19.6 **Proposal Selection** 198
19.7 **HAMC Selection of Proposals Subject to a Previous Competition under a Federal, State, or Local Housing Assistance Program** 199
19.8 **Project Selection Criteria** 200
19.9 **Notice of Owner Selection** 201
19.10 **Agreement to Enter into HAP Contract** 201
19.11 **Site Selection Standards** 201
19.12 **HAMC-Owned Units** 202
19.13 **Uniform Relocation Act** 203
19.14 **Housing Assistance Payments (HAP) Contracts** 203
19.15 **Unit Inspections** 203
19.16 **Initial Rent and Rent Increases** 204
19.16 **Fair Market Rents in the Project Based Voucher Program** 205
19.17 **Unit Moves/Transfers** 205
19.18 **Vacancy Payments** 207
19.19 **Reduction in HAP Contract Due to Vacancies** 208
19.20 **Leasing of Contract Units in PBV** 208
19.21 **Special Considerations for Terminating Assistance or Evicting PBV Families for Non-Compliance with the Asset Limitation** 209
CHAPTER 20: SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP) 210
20.1 **SEMAP Certification** 210
20.2 **SEMAP Indicators** 210
20.3 **Certification Period** 210
20.4 **SEMAP Record Keeping** 214
20.5 **SEMAP RECORD RETENTION** 214
20.6 **Records Management And Safeguarding Sensitive Personally Identifiable Information** 214
Privacy Act Requirements 215
Upfront Income Verification (UIV) Records 215
CHAPTER 21: BRIDGE TO PERMANENCY HOUSING PROGRAM 216
21.1 **Overview** 216
21.2 **BSP Assistance** 216
21.3 **Subsidy Administrator Responsibilities** 216
21.4 **Equal Opportunity Requirements** 217

21.5 **Special Housing and Ineligible Housing Types** 217
21.6 **Prohibition of Assistance for Subsidized Units** 217
21.7 **BSP Tenant Selection** 218
21.8 **BSP Waiting List** 218
21.9 **BSP Preferences** 218
21.10 **Conversion to Tenant Based Assistance** 218
21.11 **BSP Ongoing Activities** 218
21.12 **Other Policies** 218
CHAPTER 22: TENANT BASED RENTAL ASSISTANCE (TBRA) 219
22.1 **TBRA Overview** 219
22.2 **TBRA Assistance** 219
22.3 **Subsidy Administrator Responsibilities** 219
22.4 **Equal Opportunity Requirements** 220
22.5 **Special Housing and Ineligible Housing Types** 220
22.6 **Prohibition of Assistance for Subsidized Units** 220
22.7 **Tenant Selection for TBRA** 221
22.8 **Preferences for TBRA** 221
22.9 **Ongoing Activities for TBRA** 221
22.10 **Other Policies for TBRA** 221
CHAPTER 23: SPECIAL PROGRAMS AND HUD POLICY 222
23.1 **Special Programs Overview** 222
23.2 **Veterans Affairs Supportive Housing (VASH) Overview** 222
23.3 **VASH Program Eligibility Overview** 222
23.4 **VASH Program Administration** 222
23.4.1. **VASH Program Policies** 222
VASH Voucher Issuance 223
VASH Allowable Housing Types 223
VASH Lease Requirements 223
VASH New Admissions 223
VASH Income Inclusions 223
VASH Income Verification 223
VASH Portability Procedures 223
VASH Family Breakup 224

23.5 **Mainstream Housing Opportunity Program Overview** 224
23.6 **Mainstream Program Eligibility Overview** 224
23.7 **Mainstream Program Administration** 225
23.7.1 **Mainstream Voucher Issuance** 225
Mainstream Voucher Extensions of Term 225
Mainstream Voucher Program Residency Preference 225
23.8 **Family Unification Program Overview** 225
23.9 **Family Unification Program Eligibility Overview** 226
23.10 **Family Unification Program Administration** 226
23.10.1 **Family Unification Program Voucher Issuance** 226
Family Unification Program Voucher Extensions of Term 226
Family Unification Program Residency Preference 226
23.11 **Emergency Housing Voucher Program Sunset** 226
23.12 **Emergency Housing Voucher Participant (EHVP) Preference** 227
23.12.1 **HUD Regulatory Waiver** 227
23.13 **Administration of Transitioning EHV Families Into HCV Program** 227
APPENDIX A EMERGENCY TRANSFER PLAN 229
APPENDIX B EMERGENCY TRANSFER REQUEST FORM 233
APPENDIX C EXCLUSIONS FROM NET FAMILY ASSETS 235
APPENDIX D DEFINITIONS 236
APPENDIX E CONSUMER PRICE INDEX – URBAN WAGE EARNERS AND CLERICAL WORKERS (CPI-W) ITEMS 239

SECTION 1: PROGRAM AUTHORITY AND OBJECTIVES

1.1 Housing Act of 1937

Link: United States Housing Act of 1937
The United States Housing Act of 1937 (the "Act") is responsible for the birth of federal housing program initiatives. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing for low-income residents.

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937. The 1987 Housing and Community Development Act authorized a new version of the Section 8 Program: The Housing Choice Voucher (HCV) Program. The Act continues to be amended from time to time, and its requirements, as they apply to the HCV Program, are described in and implemented throughout this Administrative Plan.

1.2 Applicable Regulations

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead Safe Housing
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 982: Section 8 Tenant Based Assistance
- 24 CFR Park 983: Project Based Vouchers
- 24 CFR Part 985: Section 8 Management Assessment Program
- 24 CFR Part 100: Discriminatory Conduct Under the Fair Housing Act

1.3 Public Housing Authority

Upon entering into an Annual Contributions Contract (ACC) with HUD, the Housing Authority of Maricopa County (HAMC) was authorized to administer federally funded housing programs on behalf of HUD. HAMC is responsible to ensure compliance with federal laws, regulations and notices and must establish local policies and procedures to clarify federal requirements and to ensure consistency in program operations.

The HAMC is not a federal department or agency but a Public Housing Authority (PHA) which is a governmental or public body, created and authorized by the laws of the State of Arizona to develop and operate housing and housing programs for low-income families and individuals.

1.4 Jurisdiction

The jurisdiction of the Housing Authority of Maricopa County extends to all unincorporated areas and County islands, and includes the following municipalities:

1. Aguila
2. Anthem
3. Apache Junction
4. Arlington
5. Avondale
6. Buckeye
7. Cashion
8. Carefree
9. Circle City
10. Desert Hills
11. El Mirage
12. Fountain Hills
13. Gila Bend
14. Gilbert
15. Gladden
16. Goodyear
17. Guadalupe
18. Higley
19. Litchfield Park
20. Mesa (County Islands)
21. Morristown
22. New River
23. Palo Verde
24. Paloma
25. Paradise Valley
26. Peoria
27. Queen Creek
28. Sentinel
29. Sun City
30. Sun City Grand
31. Sun City West
32. Sun Lakes
33. Surprise
34. Tonopah
35. Waddell
36. Wickenburg
37. Wintersburg
38. Wittmann
39. Youngtown

Unless inside of County islands, HAMC's jurisdiction excludes the municipalities of: Chandler, Glendale, Mesa, Scottsdale, and Tempe.

Administration of Housing Choice Vouchers outside HAMC's jurisdiction may only be authorized through an inter-governmental agreement with the corresponding jurisdiction.

1.5 HAMC Mission Statement

The Housing Authority of Maricopa County's Mission is to improve the quality of life of families and strengthen communities by developing and sustaining affordable housing programs; and to become a leading housing authority by exemplifying best practices, offering innovative affordable housing programs, and expanding accessibility throughout Maricopa County.

1.6 HAMC Program Goals

HAMC has the following goals for the HCV program:

1. To expand the supply of assisted housing and apply for additional vouchers as they become available.
2. Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operations to ensure fair and consistent treatment of clients served.
3. Provide decent, safe and sanitary housing in compliance with program housing quality standards for very low-income families and individuals while ensuring that rents charged by owners are fair, reasonable and affordable.
4. Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, and other human service needs that may include treatment and support to decrease chance for involvement in the criminal justice system.
5. Promote Fair Housing and the opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.
6. Promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to very low-income families.
7. Promote a market driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.
8. Create positive public awareness and expand the level of family, owner and community support in accomplishing HAMC's Mission.

1.7 Purpose of the Administrative Plan

Link: 24 CFR.982.54

The Administrative Plan is required by HUD. The purpose of the Administrative Plan is to establish policies for carrying out the Programs in a manner consistent with HUD requirements and local goals and objectives contained in HAMC's Agency Plan. This Plan is a part of HAMC's Agency Plan and is available for public review.

This Administrative Plan sets forth HAMC's local policies for operation of the HCV Program(s) in the context of federal law and regulations. It is not intended to repeat the federal requirements. All issues related to the HCV Program not addressed in this document are governed by such federal regulations, HUD Handbooks and guidebooks, notices and other applicable laws.

HAMC is responsible for complying with all changes in HUD regulations pertaining to the HCV Program. If such changes conflict with this Plan, HUD regulations will have precedence.

- Mandatory Policies are those driven by legislation, regulations, current handbooks, notices and legal opinions.
- Discretionary Policies are optional, non-binding guidance, including guidebooks, notices that have expired and recommendations from individual HUD staff.

HUD expects PHAs to comply with and enforce mandatory policies and to make clear optional policies adopted by the PHA. This Administrative Plan is the foundation for those optional policies adopted by HAMC. HUD directions require HAMC to make policy choices in certain areas of program operations that provide guidance and consistency to staff, program applicants, participants, and owners.

1.8 **Contents of the Administrative Plan**

Link 24 CFR 982.54

HUD regulations contain a list of what must be included in the administrative plan. The HAMC administrative plan must cover PHA policies on these subjects:

1. Selection and admission of applicants from the PHA waiting list, including any PHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the PHA waiting list (Chapter 4).
2. Issuing or denying vouchers, including PHA policy governing the voucher term and any extensions of the voucher term. If the PHA decides to allow extensions of the voucher term, the PHA administrative plan must describe how the PHA determines whether to grant extensions and how the PHA determines the length of any extension (Chapter 5).
3. Any special rules for use of available funds when HUD provides funding to the PHA for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families (Chapter 4).
4. Occupancy policies, including definition of what group of persons may qualify as a 'family', definition of when a family is considered to be 'continuously assisted'; standards for denying admission or terminating assistance based on criminal activity or alcohol abuse in accordance with 982.553 (Chapters 3 and 12).
5. Encouraging participation by owners of suitable units located outside areas of low income or minority concentration (Chapter 13).
6. Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit (Chapter 2).
7. Providing information about a family to prospective owners (Chapters 3 and 9).
8. Disapproval of owners (Chapter 13).
9. Subsidy standards (Chapter 5).
10. Family absence from the dwelling unit (Chapter 12).
11. How to determine who remains in the program if a family breaks up (Chapter 3).
12. Informal review procedures for applicants (Chapter 15).
13. Informal hearing procedures for participants (Chapter 15); voucher
14. The process for establishing and revising voucher payment standards , including policies on administering decreases in the payment standard during the HAP contract term (Chapter 16).
15. The method of determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract) (Chapter 8).
16. Special policies concerning special housing types in the program (e.g., use of shared housing) (Chapter 7).

17. Policies concerning payment by a family to the PHA of amounts the family owes the PHA (Chapter 16).
18. Interim redeterminations of family income and composition (Chapter 11).
19. Restrictions, if any, on the number of moves by a participant family (Chapter 10).
20. Approval by the board of commissioners or other authorized officials to charge the administrative fee reserve (Chapter 16).
21. Procedural guidelines and performance standards for conducting required housing quality standards inspections (Chapter 8); and
22. PHA screening of applicants for family behavior or suitability for tenancy (Chapter 3).
23. Policies concerning application of Small Area FMRs to project-based voucher units (Chapter 13)

1.9 Required Postings

The Housing Department will make available at its administrative office located at 8910 N. 78th Ave. Peoria, AZ 85345 in a conspicuous place and at a height easily accessible by all persons, including persons with disabilities, the following information:

- Notice of the status of the Section 8 HCV waitlist
- Most Recent Income limits for admission
- Informal review and informal hearing procedures.
- Fair Housing poster.
- Equal opportunity poster.
- Language Access information*.
- A copy of the notice of occupancy rights under VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD- 5380)*
- A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation*
- A copy of the HAMC emergency transfer plan*
- A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383*
- The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800- 787-3224 (TTY)*

*Available on the Housing Department's website: http://www.maricopahousing.org. A full copy of the most recent version of the Administrative Plan is available for review on the Housing Department's website at: http://www.maricopahousing.org

1.10 Administrative Plan Revisions

HAMC will revise this plan as needed to comply with any program changes implemented by HUD throughout the year. These changes shall not constitute a significant modification to the Plan and will not require public notice or comment prior to implementation. HAMC will review the Plan annually and update any local policies or changes in program operations.

CHAPTER 2: CONFIDENTIALITY AND RECORDS

2.1 Confidentiality and Privacy Policy

Link: 24 CFR 5.212; HUD Form 9886

It is the policy of HAMC to guard the privacy of applicants and participants and ensure the protection of records in accordance with the Privacy Act of 1974.

HAMC will not disclose any personal information (including, but not limited to information on any disability) contained in its records to any person or agency unless the individual about whom the information is requested gives written consent to such disclosure, or as required by law.
This privacy policy does not limit HAMC's ability to collect such information as it may need to determine eligibility, compute housing assistance, and does not prohibit the HAMC from disclosing information to local law enforcement if the participant is suspected of being involved in criminal or legal activity.

All applicant and participant information will be kept in a secure location and access will be limited to authorized HAMC staff. HAMC staff will not discuss personal family information unless there is a business reason to do so.

The Department of Housing and Urban Development (HUD) collects information of family members' names and unit address, and owner's name and payment address. HUD may disclose this information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as permitted or required by law.

2.2 Record Retention Policy

Link: 24 CFR 908.101; 24 CFR 35 Subpart B

The HAMC will keep all documents related to current/active family's eligibility, tenancy, and termination in accordance with HUD regulation and the HAMC's requirements for the duration of active participation.

HAMC Policy

The date of the participants' end of participation (EOP) will be used to determine non-active record retention. Three (3) years from the EOP Date of the form HUD-50058, the non-active tenant file will be retained to support billings to HUD and to permit an effective audit. After the three (3) year retention time period the HAMC will dispose of the record in accordance with HAMC records management policy. Electronic retention of form HUD-50058 and HUD-50058-FSS and supporting documentation fulfills the record retention requirement.

CHAPTER 3: FAIR HOUSING POLICIES

3.1 Nondiscrimination Policy

Links: Fair Housing Act (42 U.S.C); Section 504 of the Rehabilitation Action of 1973; Joint Statement of HUD and DOJ 5/17/14) and 24 CFR 982.54(d) (6)); 982.301(b) (10); 982.304

It is the policy of the HAMC to comply with all federal, state and local non- discrimination laws, rules and regulations governing fair housing and equal opportunity in housing and employment now in effect and subsequently enacted, including, but not limited to:

- Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex.
- Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination
- Executive Order 11063 which prohibits discrimination in federally funded housing.
- Section 504 of the Rehabilitation Action of 1973, which describes specific housing rights of persons with disabilities
- Age Discrimination Act of 1975 which prohibits discrimination based on age in programs or activities that receive federal financial assistance
- Title II of the Americans with Disabilities Act, otherwise Section 504 and the Fair Housing Amendments govern (Title II deals with common areas and public space, not living units)
- Violence Against Women Reauthorization Act 2013 (VAWA) which provides housing protections for victims of domestic violence, dating violence, sexual assault, and stalking.
- Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, also known as the "Equal Access Rule"
- Executive Order 13166 which requires that recipients of Federal financial assistance provide meaningful access to their limited English proficiency applicants and beneficiaries.
- Any applicable State laws or local ordinances that may apply, including those pertaining to Fair Housing or any legislation protecting the individual rights of residents, applicants or staff which may be subsequently enacted

HAMC's housing programs are open to all eligible individuals regardless of sexual orientation, gender identity or marital status. HAMC will not inquire about the sexual orientation or gender identity of an applicant or participant for purposes of determining eligibility or otherwise making such housing available. However, the HAMC may inquire about a person's sex in order to determine the number of bedrooms a household may be eligible for under the subsidy or occupancy standards or to accurately complete HUD's 50058. The HAMC will not discriminate because of race, color, marital status, sexual orientation, gender identify or expression, national or ethnic origin or ancestry, genetic information, sex, religion, age, familial status, source of income, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities.

Applicants or participant families who believe that they have been subject to unlawful discrimination may notify the HAMC either orally or in writing.

Notifications made orally will be documented in writing by HAMC staff including complaint description, applicant/participant name, date, and HAMC staff taking complaint. HAMC will make every reasonable attempt to determine whether the applicant's or participant's assertions have merit and take any warranted corrective action. The HAMC will attempt to remedy discrimination complaints made against the HAMC through the existing informal review, informal hearing, or other reconsideration. In addition to internal procedures to remedy allegations of discrimination, the HAMC will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

HAMC will make every attempt to remedy any discrimination complaints made against HAMC but if unsuccessful, the same information will be provided to complainants.

3.2 **Discrimination Complaints**

If an applicant or participant believes that any family member has been discriminated against by the HAMC or an owner, the family should advise the HAMC. The HAMC should make every reasonable attempt to determine whether the applicant's or participant's assertions have merit and take any warranted corrective action. In addition, the HAMC is required to provide the applicant or participant with information about how to file a discrimination complaint [24 CFR 982.304].

Upon receipt of a housing discrimination complaint the PHA is required to:
Provide written notice of the compliant to those alleged and inform the complainant that such notice was made
Investigate the allegations and provide the complainant and those alleged with findings and either a proposed corrective action or an explanation of why corrective action is not warranted.
Keep records of all complaints, investigations, notices, and corrective actions [Notice PIH 2014-20]

HAMC Policy

Applicants or participants who believe that they have been subject to unlawful discrimination may notify the HAMC either orally or in writing. Within 10 calendar days of receiving the complaint, the HAMC will provide written notice to those alleged to have violated the rule. The HAMC will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule, as well as information on how to complete and submit a housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

The HAMC will attempt to remedy discrimination complaints made against the HAMC and will conduct an investigation into all allegations of discrimination.

Within 10 calendar days following the conclusion of the PHA's investigation, the PHA will provide the complainant and those alleged to have violated the rule with findings and with a proposed corrective action plan or an explanation of why corrective action is not warranted.

3.3 Owner Nondiscrimination Requirements

Link: Form HUD 52641; PIH 2014-20

The HAMC requires owners to comply with all applicable laws and statutes. In agreeing to participate in HAMC's housing choice voucher programs, the owner must abide by the Housing Assistance Payments (HAP) contract which prohibits discrimination and requires that the owner:

- Not discriminate against any person because of race, color, religion, sex, national origin, genetic information, age, familial status, sexual orientation, gender identity or expression, or disability in connection with the HAP contract.
- Cooperate with the HAMC and HUD in conducting equal opportunity compliance reviews and investigations.

HAMC refers to Fair Housing complaints to the local fair housing agency as well as to HUD on behalf of a family that claims that illegal discrimination has prevented the family from leasing a suitable unit.

3.4 Addressing Barriers to Equal Housing Opportunities

HAMC Policy

HAMC will ensure that persons with disabilities have full access to HAMC programs and services. No individual with disabilities shall be denied the benefits of, be excluded from, participation in, or otherwise be subjected to discrimination because HAMC's facilities are inaccessible to or unusable by persons with disabilities.

Given HAMC's decision to prioritize homeless families and individuals and to not discriminate according to disability in its housing programs, such priorities and mandates require reconsideration of exclusion based on criminal charge history. Criminal charges can be seen as a function of the social determinants HAMC wants to address in expanding housing for low-income individuals. This is based on the growing body of evidence telling us about the majority of offenders being low risk, the negative impact of increased recidivism (and the causes, e.g., not having a place to live), and negative impacts on children of incarcerated parents, especially when unable to obtain stable housing or to be displaced from stable housing.

3.5 Owner Outreach And De-concentration

Link: 24 CFR.982.54

HAMC encourages program participation by owners of units located outside areas of poverty or minority concentration. The purpose of these activities is to provide more choices and better housing opportunities to families. Outreach to property owners is regularly conducted to develop interest in the program and to decrease the number of units available in low-poverty areas. HAMC provides program information and printed materials to local realtors, agents, apartment associations and any interested landlords. HAMC staff will be available to make presentations about the Housing Choice Voucher Program to these groups.

HAMC Policy

Landlords

The HAMC will utilize a Business Services Specialist or designee for Landlord outreach and encourage property owners outside of areas of poverty or minority concentration to lease units to Housing Choice Voucher ("HCV") participants. Educational information will be provided to ensure that owners are familiar with the benefits of leasing to HCV Program and its advantages.

These outreach strategies will include:

- Distributing printed materials about the program to property owners and managers
- Contacting property owners and managers by phone or in person
- Holding owner recruitment/information meetings, as directed
- Participating in community-based organizations comprised of private property and apartment owners and managers
- Developing working relationships with owners and real estate brokers associations

HCV Applicant

HAMC utilizes an on-line application process for the Housing Choice Voucher program that is accessible on the agency website. Waiting lists are maintained for the Housing Choice Voucher program through the use of periodic "Save my Spot" inquiries and wait list selection. Waiting lists utilize pertinent applicant information, such as date and time of application and ranking preferences (Veteran, living or working locally, elderly, etc.) to appropriately determine waiting list position. Waiting lists are updated and purged regularly in order to maintain an accurate record of the households requesting housing assistance.

All program participants are required to attend a briefing that will provide a broad description of owner and family responsibilities, program procedures, and how to lease a unit. The family will also receive a briefing packet, which provides more detailed information about the program including the benefits of moving outside areas of poverty and minority concentration and the top cities that promote higher economic opportunities within the jurisdiction of the HAMC.

HCV Participants

The Housing Authority of Maricopa County will affirmatively inform participants of our jurisdiction coverage area at all briefing orientations. Housing Choice Voucher Participants will not be steered towards specific landlords or areas. Participants will receive information regarding the entire jurisdiction coverage area of the HAMC, be advised of the HUD initiative to de-concentrate, and provide information on top cities that promote higher economic opportunities within the jurisdiction of the HAMC, which reflects areas of de-concentration and encouraged to make an informed housing decision.

HAMC will monitor and adjust outreach strategies for effectiveness and adapt the strategies as appropriate.

3.6 Language Assistance Plan and Limited English Proficiency Policy

Link: Federal Register 1/22/07, 24 CFR 1

The HAMC is committed to providing meaningful access to its programs and services to all eligible persons, including those who have Limited English Proficiency. HAMC will take affirmative steps to communicate with people who need services or information in a language other than English. LEP is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this policy, LEP persons are HCV program applicants and participant families. HAMC offers language assistance at no cost to the LEP person.

In order to determine the level of access needed by LEP persons, the HAMC will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the Housing Choice Voucher program; (2) the frequency with which LEP persons come

into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the HAMC and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the PHA.

HAMC Policy

HAMC has adopted a Language Access Plan (LAP) that it reviews annually to determine if there have been any significant changes in the composition or language needs of the LEP population. HAMC analyzes the various kinds of contacts it has with the public to assess language needs and decide what reasonable steps should be taken if the costs imposed do not substantially exceed the benefits. Major LEP Language Groups means the population of persons with LEP proficiency that constitutes 5% or 1000 individuals of the eligible population, whichever is less.

In accordance with the major LEP Language Group for Maricopa County and clients served, HAMC has determined that the majority of participants speak either: English or Spanish. The HAMC staff can communicate in: English and Spanish. HAMC staff have specific knowledge of HAMC programs and policies and HAMC will utilize staff for translation services when possible.

LEP Options

- HAMC will utilize a language line for telephone interpreter services or in-person interpreter services as necessary. HAMC will inform applicants and participants of language assistance services.
- LEP persons choosing not to utilize the free language assistance services expressly offered to them by the HAMC but rather choose to rely upon an interpreter of their own choosing (whether a professional interpreter, family member, or friend), LEP persons will be permitted to do so, at their own expense.
- HAMC provides written translation of vital documents in Spanish. Written translation of vital documents in languages other than Spanish is available as needed. Translation may also be provided orally.

3.7 Reasonable Accommodation Overview

Link: 24 CFR Part 8

The Fair Housing Act allows for reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

The PHA must ensure that persons with disabilities have full access to the PHA's programs and services. This responsibility begins with the first contact by an interested family and continues through every aspect of the program.

HAMC Policy

The HAMC will provide alternate format applications for persons requiring reasonable accommodation in the online application process.

The HAMC will ask all applicants and participants if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the HAMC, by including the following language:

For applicants:
The Housing Authority of Maricopa County is committed to fully complying with all state, federal and local laws involving non-discrimination and equal opportunity. Any person who believes he/she needs reasonable accommodation to participate in any program for the HAMC should notify our office at least 24 hours prior to the date the accommodation will be required.

For Reexamination documents and notices of adverse action by the HAMC:
The Housing Authority of Maricopa County is committed to fully complying with all state, federal and local laws involving non-discrimination and equal opportunity. Any person who believes he/she needs reasonable accommodation to participate in any program for the HAMC should notify their housing specialist at least 24 hours prior to the date the accommodation will be required.

The HAMC will encourage the family to make its request in writing using a reasonable accommodation request form. However, the HAMC will consider the accommodation any time the family indicates that accommodation is needed whether or not a formal written request is submitted. If the request is made orally, the HAMC will document the request in writing including request specifications, family name, date, and HAMC staff taking request.

3.8 **Definition of Reasonable Accommodation**

A person with a disability may require certain types of accommodations in order to have equal access to rental assistance programs. The types of reasonable accommodations the HAMC can provide include changes, exceptions, or adjustments to a rule, policy, practice, or service. Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the PHA or result in a “fundamental alteration” in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider’s operations

3.9 **Types of Reasonable Accommodation**

When needed, the HAMC will modify normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Permitting applications and reexaminations to be completed by mail, telephone, or walk-in. Reexaminations must be by appointment only. Walk-in applicants will be directed to the online process only during times the waitlist is open.
- Providing “large print” forms
- Using higher payment standards (either within the acceptable range or with HUD approval of a payment standard outside the PHA range) if the PHA determines this is necessary to enable a person with disabilities to obtain a suitable housing unit
- Providing time extensions for locating a unit, when necessary, because of lack of availability of accessible units or special challenges of the family in seeking a unit
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with HAMC staff
- Permitting a larger unit size
- Permitting a larger utility allowance, due to increased usage for medical appliance

- Permitting a live-in aide, with the owner's approval
- Permitting a service animal, with the owner's approval
- Alternative measures instead of program termination, if applicable based on the reason for termination
- Rescheduling appointments and/or hearings
- Attendance at a hearing of any other person approved by the HAMC

Reasonable accommodations will not be approved if they are a violation of federal law. The HAMC does not permit the use of medical marijuana as a reasonable accommodation in any of its subsidized or assisted housing programs. (HUD General Counsel Opinions on Medical Marijuana, 2/10/2011, 12/29/2014)

3.10 Request for a Reasonable Accommodation

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the HAMC treat the information as a request for a reasonable accommodation, even if no formal request is made (Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act).

The family must explain what type of accommodation is needed to provide the person with a disability with full access to the HAMC's programs and services.

If the need for the accommodation is not readily apparent or known to the HAMC, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable connection, or nexus, between the requested accommodation and the individual's disability.

HAMC Policy

The HAMC will encourage the family to make its request in writing using a reasonable accommodation request form. However, the HAMC will consider the accommodation any time the family indicates that accommodation is needed whether or not a formal written request is submitted. See Chapter 13.5 for Unit-by-Unit Exceptions.

Verification of Disability

The definition of a person with a disability for the purpose of obtaining reasonable accommodation is much broader than the HUD definition of disability, which is used for waiting list preferences and income allowances. Before providing accommodation, the HAMC must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to the HAMC's programs and services.

If a person's disability is obvious, or otherwise known to the HAMC, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required (Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act).

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the HAMC, the HAMC must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, the HAMC will follow the verification policies provided in Chapter 10. All information related to a person's disability will be considered confidential. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability (Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act).
- The HAMC must request only information that is necessary to evaluate the disability related need for the accommodation. The HAMC will not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.
- In the event that the HAMC does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, the HAMC will dispose of it. If the information needs to be disposed, the HAMC will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information (Notice PIH 2010-26).

3.11 Approval/Denial of a Requested Accommodation

Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act), (Notice PIH 2010-26).

The HAMC must approve a request for an accommodation if the following three conditions are met:

1. There is a disability-related need for accommodation.
2. The request was made by or on behalf of a person with a disability.
3. The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the PHA, or fundamentally alter the nature of the PHA's HCV operations (including the obligation to comply with HUD requirements and regulations).

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as size of the PHA's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, , and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, the HAMC may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the PHA may verify the need for the requested accommodation.

HAMC Policy

After a request for accommodation is presented, the HAMC will respond, in writing, within 10 calendar days.

If the HAMC denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the HAMC's operations), the HAMC will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a

fundamental alteration to the HCV program and without imposing an undue financial and administrative burden.

If the HAMC believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the HAMC will notify the family, in writing, of its determination within 10 calendar days from the date of the most recent discussion or communication with the family.

3.12 **Cure non-compliance (HOTMA)**

In accordance with Housing Opportunity Through Modernization Act of 2016 (HOTMA) sections 102 and 104 and detailed in the final rule published in Federal Register Notice 88 FR 9600 on February 14, 2023 (PIH Notice 2023-27), PHAs have discretion with respect to the application of the asset limitation at annual and interim reexamination. This may mean, for example, HAMC would allow someone to cure their noncompliance or provide more time to demonstrate they have cured their noncompliance before terminating assistance if there was a nexus between the person's disability and their need to cure or their need for additional time to demonstrate they have cured their noncompliance.

Reasonable accommodation could require delaying the initiation of termination or eviction proceedings for more than six months.

3.13 **Definition of a Person with a Disability Under Federal Civil Rights Laws**

Link: 24 CFR Parts 8.3, 100.201

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment

The phrase "physical or mental impairment" includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; Genito-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome,
- emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes but is not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

"Major life activities" includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

"Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major live activities.

"Is regarded as having an impairment" is defined as having a physical or mental impairment that does

not substantially limit one or more major life activities but is treated by a public entity (such as the HAMC) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

The definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under a rental assistance program such as HCV program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not have this disability is not entitled to reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the $400 elderly/disabled household deduction, the $480 dependent deduction, the allowance for medical expenses, or the allowance for disability assistance expenses. The applicable HUD standard deductions are adjusted annually by the HUD published Consumer Price Index–Urban Wage Earners and Clerical Workers (CPI–W) Inflation Factor. See Appendix E for all CPI-W Adjustment Items.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the HCV program, yet an accommodation is needed to provide equal opportunity.

3.14 **Live in Aide Policy**

Links: 24 CFR 5.403; 24 CFR 8; 24 CFR 5.609(c)(5); 24 CFR 966.4(d)(3)(I)

The HAMC will approve live-in aid if needed for families with an elderly member, or as a reasonable accommodation to make the program accessible to and usable by a family member with disabilities. An additional bedroom is not required to be added to the voucher for an approved live-in aid.

Live-in aide means a person who resides with one or more elderly persons or persons with disabilities, and who:

- Is determined to be essential to the care and well-being of the person.
- Is not obligated for the support of the persons, and
- Would not be living in the unit except to provide the necessary supportive services. This means that a current household/family member on a HUD Form-50058 is not eligible to become a live-in aide.

A live-in aide is a member of the household, not the family, and the income of the aide is not considered in family income calculations. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and will not be considered a remaining member of a participant family.

A family's request for a live-in aide must be made in writing, include the owner's written approval, and is subject to HAMC's verification and approval. The live-in aide must pass the HAMC criminal background screening. For continued approval, the family must submit a new, written request, subject to the HAMC verification and approval at each annual reexamination. The owner must continue to approve the live- in aid residing in the unit.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is:

- Not obligated for the support of the person(s) needing the care, and
- Would not be living in the unit except to provide the necessary supportive services.
- The HAMC has the discretion not to approve a particular person as a live-in aide, and may withdraw such approval, if the person:
- Does not meet HAMC's eligibility criteria
- Would cause the current unit to become overcrowded according to HAMC standards and local codes
- Falls under any category listed in this Policy in the Denials of Admission Section

3.15 **Hearing or Visual Impairment Policy**

Link: 24 CFR Part 8.6

HUD regulations require the HAMC to ensure that persons with disabilities related to hearing and vision have reasonable access to the HAMC's programs and services.

At the initial point of contact with each applicant, the HAMC shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

HAMC Policy

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be available.

To meet the needs of persons with vision impairments, large-print and if possible, audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with HAMC staff, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third-party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

3.16 **Violence against Women Reauthorization Act Policy (VAWA)**

Links: Violence Against Women Reauthorization Act 2013; 24 CFR 5.2005 (b), (d), (e); 24 CFR 5.2003; 24 CFR 5.2009; 24 CFR 5.2007 (a)(1); Federal Register / Vol. 81, No. 221

This policy is applicable to all federally subsidized public housing administered by HAMC, including the HCV program. HAMC will not discriminate against an applicant or participant on the basis of the rights or privileges provided under the VAWA. This policy is gender-neutral, and its protections are available to persons who are victims of domestic violence, dating violence, sexual assault or stalking.

Neither VAWA nor this policy implementing it will preempt or supersede any provision of Federal, State or local law that provides greater protection under VAWA for victims of domestic violence, dating violence, sexual assault or stalking (VAWA-protected acts or threatened acts of violence).

Per the requirements of the Violence Against Women Reauthorization Act of 2013 (VAWA), and as incorporated into the HAP Contract and Tenancy Addendum, HAMC will not consider an incident or incidents of actual or threatened domestic violence, dating violence, stalking or sexual assault as serious or repeated violations of the lease or other "good cause" for termination of the assistance, tenancy, or occupancy rights of a victim of abuse.

Criminal activity directly related to abuse, engaged in by a household member, guest or other person under the tenant's control, will not be cause for denial of admission, termination of assistance, tenancy or occupancy rights if a member of the tenant's immediate family is the victim or threatened victim of that abuse.

If an assisted household member engages in criminal acts of physical violence against family members or others, HAMC may terminate assistance to the offending household member, or an owner/manager may 'bifurcate" a lease, or otherwise remove the household member from the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance for any individual who is a tenant or lawful occupant. These actions may be taken without penalizing the victim.

These statements do not limit the authority or ability of a unit owner/manager to evict, or HAMC to terminate assistance to any tenant under program guidelines if either party can demonstrate an "actual and imminent threat" to other tenants or persons employed at or providing services to the property.

An assisted family may receive a voucher and move in violation of the lease under HAMC's portability policy if the family has complied with all other obligations of the voucher program and moved out of 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, stalking or sexual assault and who reasonably believed he or she was imminently threatened if he or she remained in the assisted dwelling unit.

HAMC Policy

HAMC will request in writing that a family that seeks to move to another unit or prevent eviction, removal, termination of occupancy rights, or termination of assistance under a claim of abuse and complete HUD-Form 5382, Certification of Domestic Violence, Dating Violence, Stalking or Sexual Assault. The victim will provide the name of the perpetrator on the form only if the name of the perpetrator is safe to provide and is known to the victim. In lieu of, or in addition to the form, a victim may provide to HAMC:

- a document that is signed by the applicant, participant, or tenant and an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional who assisted the victim relating to domestic violence, dating violence, sexual assault, or stalking. The professional must state, under penalty of perjury, that he or she believes that the abuse meets the requirements under VAWA.
- a Federal, State, tribal, territorial, or local police or court record.
- a record of an administration agency; or
- a statement or other evidence provided by the applicant, participant, or tenant at the discretion of HAMC or the landlord.

The victim of the actual or threatened violence or stalking must complete the HUD Certification of Domestic Violence, Dating Violence, Stalking or Sexual Assault or other approved document within 14 calendar days of receiving the written request for the certification from HAMC. If the family member has not provided the requested certification within fourteen (14) business day or any extension of the date provided by HAMC, none of the protections afforded to victims of domestic violence, dating violence, stalking or sexual assault (collectively "domestic violence") will apply. HAMC, at its discretion, may extend the 14-day deadline.

All information provided by the victim to an HAMC employee relating to an incident of domestic violence, including the fact that an individual is a victim of domestic violence, dating violence, stalking or sexual assault must be retained in confidence and neither entered into any shared database nor provided to any related party, except to the extent that the disclosure is:

- Requested or consented by the individual in writing.
- Required for use in an eviction proceeding or termination of assistance; or,
- Otherwise required by applicable law.

HAMC will cooperate with organizations and entities that provide shelter or services to victims of domestic violence, dating violence, sexual assault, or stalking. If HAMC staff becomes aware that an assisted person is a victim of domestic violence, dating violence, sexual assault, or stalking, HAMC will refer the victim to shelter or other service providers as appropriate. This Policy does not create any legal obligation requiring HAMC to maintain a relationship with a particular shelter or service provider to victims or to make a referral in any case.

Bifurcating the Lease -VAWA

The HAMC will allow the owner to bifurcate a family's lease and terminate the tenancy of a family member if the HAMC determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, non-culpable family members. In making its decision, the HAMC will consider all credible evidence, including, but not limited to, a signed certification (form HUD-5382) or other documentation of abuse submitted to the HAMC by the victim.

In the event that HAMC bifurcates a lease under VAWA, any remaining tenants who had not already established eligibility for assistance will be provided no less than 90 calendar days from the date of bifurcation of the lease or until expiration of the lease to establish eligibility for a voucher or find alternative housing.

HAMC may, on a case-by-case basis, choose not to allow bifurcating the lease. If necessary, the HAMC will also take steps to ensure that the remaining family members have a safe place to live during the termination process. For example, the HAMC may offer the remaining family members a voucher to move if the owner agrees to a mutual rescission of the lease; or it may refer them to a victim service provider or other agency with shelter facilities.

3.17 **Emergency Transfer Plan**

The Emergency Transfer Plan and Request Form is available upon request and attached as an Appendix (See Appendix A and B). As necessary, HAMC can make the Notice of Certification forms available to tenants in multiple languages.

Emergency Transfer Plans may require a tenant provide documentation, certifying that the tenant "reasonably believes there is a threat of imminent harm from further violence." Alternatively, in the case of sexual assault, a tenant may also qualify for an emergency transfer if the sexual assault occurred on the premises during the 90- calendar-day period preceding the date of the request of the transfer. Additionally, the PHA may ask the individual to document the occurrence of domestic violence, dating violence, sexual assault, or stalking.

The Notice and Certification forms should be provided to an applicant or tenant at the following times: (i) when denied assistance or admission to a covered housing program; (ii) when accepted for admissions or provided assistance under a covered program; (iii) with any notification of eviction or notification of termination of assistance; and (iv) during the 12-month period following December 16, 2016, during the annual recertification or lease renewal process.

For programs using a HUD-required lease, lease addendum, or tenancy addendum, such documents must include a description of specific protections afforded to the victims of domestic violence, dating violence, sexual assault, or stalking as required by the regulations at 24 CFR 5.2005. This applies to the Housing Choice Voucher program, the project-based voucher program, and the public housing program, among others.

CHAPTER 4: APPLYING TO THE PROGRAM AND WAITING LIST

Link: 24 CFR 982.201 to 207

HAMC is responsible for establishing an application and selection process that treats applicants fairly and consistently and provides an effective method for determining eligibility. HAMC may choose to open or close the wait list based on the number of applications on file, the number of anticipated available vouchers and the wait time for an available voucher. For targeted outreach efforts, if it has been determined that there is a specific need for applicants for a specific program the waiting list may be opened only for applicants to that program. Applications for any special program will only be accepted from those applicants that meet the criteria for the specific targeted population. HAMC may open its waiting list at the same time and/or in collaboration with other local housing authorities.

HAMC Policy

The HAMC will maintain a single waiting list for the HCV program and separate waiting lists for any project-based voucher property

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

- Name and address of head of household
- Number of family members, appropriate bedroom size
- Racial / Ethnicity information for the head of household
- Social security number (head of household)
- Amount and source of annual income
- Date and time of application / Randomized wait list selection number

4.1 Opening and Closing the Waiting List

Link: 24 CFR 982.206

HAMC Policy

The HAMC will announce the opening of the waiting list at least 10 calendar days prior to the date applications will first be accepted. The closing date will be announced at the same time as the opening. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

HAMC will advertise through a wide variety of sources including local newspapers, HAMC's website (https://www.maricopahousing.org), and minority media as necessary. An effort will also be made to notify other agencies that specifically address the needs of individuals with disabilities and/or homelessness.

In all wait list outreach efforts, the HAMC will specify the application selection method in the outreach material and on the HAMC's web site and in local media.
All notices and advertisements announcing the opening of the waiting list will include:

- The dates the list will be open
- The means by which applications will be taken (paper; electronic; other)
- Eligibility guidelines
- Preferences and methodology for the selection of applicants
- Any limitations which may apply
- How to request reasonable accommodation

4.2 Application Process

HAMC Policy

The waiting list application process will consist of a three-step process:

1 Register as an applicant on HAMC online applicant portal https://portal.maricopahousing.org/;
2 Complete a waiting list pre-application.
3 Submit the Intake Certification with required supportive documentation (which includes but not limited to the following for all household members Birth Certificate, Social Security Card, income verification, asset verification, photo ID (adult household members) also known as the formal application.

Step I: Register on HAMC online portal

The first phase of the waiting list application process requires all interested applicants to complete an online profile at: https://portal.maricopahousing.org/) that will be used for all future program processes. This phase is required in order to submit a pre-application during open waiting list enrollment.

Step II: The Pre-Application

During open enrollment, interested applicants will complete an initial application or "pre-application" electronically. The pre-application will contain, at minimum the following information necessary to determine the family's position on the waiting list:

- Name
- Address or contact information
- Family or household size
- Qualifications of Preferences
- Racial/Ethnic designation of head of household

Pre-applications will be accepted in a manner as described in the public notice advertising the opening of the waiting list, including a random “lottery” style placement on the waiting list.

A random “lottery” style placement means:

- At the close of the wait list opening period, HAMC conducts a random electronic lottery.
- Each application is assigned a number, and a computer program randomly selects the lottery winners, that is, the number of applicants to which HAMC estimates will be able to provide assistance within the next twelve months.

When HAMC conducts a lottery, all applications in the lottery pool have an equal chance of being selected. During the pre-application process, application date and time and any “local preference” for which you might, eventually, be eligible for do not help or hurt your odds of being selected in a lottery. Only the total number of applicants in the lottery pool impacts your chance of being selected for placement on the waiting list. No application has a better chance of being selected than another.

The Section 8 HCV program will place families on the wait list using the methods identified on the advertised public notice. The completed pre-application will be date and time stamped upon receipt by HAMC. Applicants are “pulled” from the waiting list when vouchers and funding are available.

No one will be denied the right to request or submit a pre-application when the HCV waiting list is open. When the HCV waiting list is open, HAMC will offer all applicants the opportunity to apply to other HAMC waiting lists, if open. HAMC does not charge any fee for any part of the HCV pre-application or full application process.

Persons with disabilities who require reasonable accommodation in completing an application may call the Housing Department to make special arrangements.

Only those pre-applications received by the due date as indicated by an appropriate electronic submission verification tool during the time-period specified by HAMC will be accepted as eligible pre- applications. The date and time the pre-application is received is the date and time it is submitted electronically. During periods of open enrollment, applicants with disabilities or those that do not have electronic submission access may be assisted by external organizations or at HAMC's designated locations.

Step III: Intake Certification

The third phase of the process is a full application, which will be taken at the time the family reaches the top of the waiting list and will be a much more detailed application that includes the following information:

- Family members expected to occupy the unit.
- Anticipated sources and amounts of income.
- Allowable expense information.
- Information regarding any special housing needs, such as the need for barrier-free housing for persons with disabilities.
- Current mailing/phone contact information.
- Family data required for completion of the HUD Form 50058.
- Verification of preferences from pre-application
- 3rd Party supporting documentation for all responses (income, assets, household members, etc.)

The applicant must report changes in their applicant status including changes in family composition, income, or preference factors. The Housing Department will annotate the applicant's online profile and will update their place on the waiting list. Notifications of wait list changes will be provided to the family in writing.

Accommodations will be made for disabled applicants. If an applicant needs assistance completing or submitting the on-line application, assistance may be provided over the phone or via other means as identified by HAMC.

4.3 Ineligible Application

An applicant is deemed preliminarily ineligible and not placed on the HAMC waiting list if:

- Currently housed in the same program and listed as the head of household or co-head of household.
- The application is incomplete, missing required information or support documentation.

4.4 Waiting List Placement

HAMC Policy

The HAMC utilizes a computerized, random lottery selection for pre-application placement on the waiting list. Only applicants who submit complete pre-applications prior to the waiting list deadline will be considered during the random lottery selection process.

Applicants who submit incomplete pre-applications or submit pre-applications after the deadline will not be considered in the random lottery selection process. Applicants selected in the computerized, random lottery selection process will receive notification that they have been placed on the waiting list. Applicants NOT selected in the computerized, random lottery selection process will receive notification that they were NOT placed on the waiting list.

4.5 Waiting List Selection

HAMC Policy

Waiting list applicants will be "pulled" from the waiting list when they reach the top of the waiting list which is based on reported, eligible local preference/s and application date and time. Each waiting list applicant will be required to thoroughly complete Step III: "Intake Certification." See Section 4.2.

4.6 Updating the Waiting List

HAMC Policy

The waiting list will be updated as needed to ensure that all applicant information is current. When HAMC decides to update the Housing Choice Voucher waiting list, it will notify the applicants on the waiting list requesting updated information. The intent of the notification "Save My Spot" is also to determine whether the applicant is still interested in the Housing Choice Voucher Program and if any changes in "local preferences" have occurred.

The family's response must be received by the means identified by the HAMC in the request, which may include mail or electronic submission. If the family fails to respond within the required time period, or the request is returned as undeliverable or with no forwarding address, the family will be removed from the waiting list without further notice.

Applicant changes to current, applicable "local preferences" will only be allowed during "Save My Spot" response time frames as indicated in the notification. See Section 4.9 for "local preferences". Applicant changes, other than "local preferences" may be changed in accordance with Section 4.8.

4.7 Application Removal for Failure to Respond

When an applicant is removed from the waiting list during the update process for failure to respond, no informal review will be offered. Such failures to act on the part of the applicant prevent HAMC from making an eligibility determination; therefore, no informal review is required.

If the family is removed from the waiting list for failure to respond, they will not be entitled to

reinstatement unless timely verification of the following is received within 30 calendar days from the response due date:

- The applicant provides evidence that a change of address was submitted to HAMC prior to the update notice being issued by HAMC.
- During the time of any waiting list update or, at the time of notification for an interview, the applicant could not respond. For example, the applicant was incapacitated due to hospitalization or was unavailable due to active participation on Jury Duty.
- As a result of a HAMC data entry error, the applicant address was incorrectly recorded.
- The applicant is a person with a disability who requires an alternative form of communication other than one normally used by HAMC, and the applicant informed HAMC, in advance, of the proper means of communication, as required by regulations.

At the time HAMC conducts an opening of the waiting list to establish a new waiting list, no further requests for re-instatement will be accepted or considered from applicants claiming to have been on any prior waiting list.

Notices will be made available in accessible format upon the request of a person with a disability. An extension to reply to the update notification will be considered as reasonable accommodation if requested by a person with a disability.

4.8 Reporting Changes in Family Circumstances

HAMC Policy

All applicants must inform the HAMC within 10 calendar days of changes including family composition, household size, income, contact information, including current residence, mailing address, and phone number. Applicants may change reported "local preference(s)" only during "Save My Spot" notification timeframes. See Section 4.6.

Families that are in the process of completing an Intake Certification must report the most current family circumstances. Until a family is defined as a participant, the family is considered an applicant. A participant is defined as a family that has been admitted to the HAMC's HCV program and is currently assisted in the program.

The family is required to inform HAMC in writing by using HAMC's online portal (Portal.maricopahousing.org) or using a Change Report Form. HAMC may periodically send notices to applicants on the waiting list through HAMC's online portal an invitation to complete the Certification for Intake (formal application), schedule a formal eligibility appointment or briefing, or to determine their continued interest in the program.

Notices may be sent electronically to the email address provided during the application process or to the last address reported by the applicant. Notices will provide a deadline by which the applicant must respond and will state that failure to respond will result in the applicant being removed from the waiting list.

PBV Families that change their household composition must qualify for a unit based upon Occupancy Standards, see section 19.3. Participating families must reference Section 11.3 Interim Reexaminations for instructions on reporting changes in Family Circumstances.

HAMC Policy

Changes to the family composition after an Intake Certification submission and prior to Admission/Lease-up are limited to:

- Addition of family members born to, adopted, or otherwise granted custody to the family by operation of the law, which may include foster children, live in aides and spouses, provided the additional family member(s) meet all applicable waiting list requirements and remain eligible for the waiting list.
- HAMC will require documentation that the head of household has authorization to include a minor as part of the household. Court approved custody or guardianship is not the only mechanism for establishing that a head of household has authorization to include a minor in the family composition.
- Changes to the family composition may also be allowed for families in which one or more children less than eighteen years of age live with the designee of the parent or legal custodian, with the parent or custodians' written consent.
  - Documentation can include but is not limited to court documents, school records, other state and federal public assistance documentation, or durable powers of attorney.
- Reasonable accommodations may be processed at the time such changes occur.

4.9 **Local Preferences**

Link: 24 CFR 982.207

Preferences establish the order of applicants on the waiting list. An admission preference does not guarantee admission. Every applicant must still meet HAMC's Selection Criteria before being offered a voucher.

HAMC Policy

The local preferences will not be verified prior to placement on the waiting list. HAMC will verify the preference at the time that the applicant is selected from the waiting list for processing of final eligibility. Verification must confirm that the applicant qualified for the preference(s) at the time of initial registration for housing assistance. If the applicant is unable to verify one or more preference(s) claimed, they will be placed at the end of the waiting list and re-ranked based solely on the lottery number with no preference points HAMC has the following HCV preferences:

1. **Veterans**: Applicants in which the sole member or the head of the household is a veteran of the armed forces.
2. **Elderly or Disabled** Applicants in which the head of the household is 62 years of age and older or is disabled. Exception: Apache PBV WL requires 55 years of age and older and verifiable need for unit amenities.
3. **Homeless** Individuals and families who are experiencing or at-risk of homelessness (the family has a primary night time residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations, such as welfare voucher hotels, congregate shelters or transitional housing designed for homeless persons, or a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings) OR participating in case management with an approved referral agency; OR Families who meet the McKinney-Vento Homeless Assistance Act definition AND receive McKinney-Vento services.

4. **Housing and Health Opportunities (H2O) Demonstration.** Case Management services coordinating home and intervention services for homeless or at risk of homeless individuals.
5. **Tenant Based Rental Assistance to Permanency** (SAIL and Family Housing HUB). Case management services coordinating home and community-based resources and services. See Chapter 20.
6. **Bridge to Permanency Housing Program** (Mercy Care). Permanent Supportive Housing Program for individuals with SMI and enrolled in a Regional Behavior Health Authority (RBHA). See Chapter 19.
7. **Emergency Housing Voucher Participant** (EHVP). Only currently assisted EHV participants whose assistance is at risk of termination due to lack of EHV program funding. See Chapter 23.11.

The HAMC operates a number of programs which serve special populations, special needs or which were designed for special purposes. For these populations and programs, preference will be given to applicants that are referred from various community organizations or divisions of local government as well as a Memorandum of Understanding (MOU) and HUD targeted populations. See section 4.9 of this plan.

When adopting a new preference, HAMC will notify all applicants on the current waiting list to determine if any are eligible under the new preference. HAMC will specify in a public notice of a waiting list opening that current waiting list applicants may qualify for the preference. The notice will include any other information new applicants and current applicants on the waiting list will need to know about how to successfully apply and establish their preference status, including any partnering agencies with whom the owner may be working to receive referrals or determine preference eligibility.

If an applicant makes a false statement in order to qualify for a Local preference, HAMC will deny the preference. If the HAMC denies a preference, HAMC will notify the applicant in writing of the reasons why the preference was denied and place the applicant on the waiting list without the preference.

The HAMC must use a single waiting list for admission to its Section 8 tenant-based assistance program. However, the HAMC may use a separate single waiting list for such admissions for a county or municipality.

4.10 Special Admissions

Link: 24 CFR 982.203;

HUD may award funding for specifically named families living in specified types of units (e.g., a family that is displaced by demolition of public housing; a non-purchasing family residing in a HOPE 1 or 2 projects). In these cases, the HAMC may admit such families whether or not they are on the waiting list, and if they are on the waiting list, without considering the family's position on the waiting list. These families are considered non-waiting list selections. The HAMC must maintain records showing that such families were admitted with special program funding.

HAMC Policy

The HAMC administers the following special admission preference:

1. **Choice Mobility**
   Current residents, in good standing, who reside in a RAD-PBV unit for 12 months or more, or currently occupy a RAD-PBRA unit for 24 months or more may exercise their choice mobility rights.
   Acceptable Verification: A completed and approved Choice Mobility Request Form.
2. **Displacement due to HAMC action**
   Current residents, in good standing, will be displaced due to renovation, construction, and/or demolition of HAMC-owned units.
   Acceptable Verification: A fully executed HAMC Alternative Housing Option Offer Form.

4.11 Processing Local Preferences

HAMC Policy

The local preferences will not be verified prior to placement on the waiting list. HAMC will verify the preference at the time that the applicant is selected from the waiting list for processing of final eligibility. Verification must confirm that the applicant qualified for the preference(s) at the time of initial registration for housing assistance.

At the time of intake certification, an applicant must timely furnish at least one (1) claimed preference to HAMC in order to have their application processed for program eligibility. Otherwise HAMC will complete the following steps:

1. Notify the family that the HAMC did not receive verification of the claimed preference(s) on their application; and
2. The applicant's intake certification will not be processed further for program eligibility; and
3. Remove the applicant's claimed preferences from the wait list application; and
4. Return the applicant to the waiting list based solely on the lottery number with no preference points.

4.12 Assistance Targeted by HUD

Link: 24 CFR 982.204(e) and (f)

HUD may award the HAMC funding for a specified category of families on the waiting list. The HAMC must use this funding only to assist the families within the specified category. In order to assist families within a targeted funding category, the HAMC may skip families that do not qualify within the targeted funding category. Within a targeted funding category, the order in which such families are assisted is determined according to date and time of referral or acceptable verification. See Chapter 23 for more information.

HAMC Policy

The HAMC administers the following types of targeted funding:

1. Family Unification Program
2. Mainstream Housing Opportunities (See Chapter 23)
3. Veterans Affairs Supportive Housing (VASH)
4. Emergency Housing Vouchers (EHV) (See Chapter 18)

4.13 Continuously Assisted Families

Link: 24 CFR 982.4; 982.203

As defined by HUD, an applicant is "continuously assisted" under the 1937 Act if the family is already receiving assistance under any 1937 Act program when the family is admitted to the HCV program. As noted in this Plan, families assisted under the U.S. Housing Act (including all families occupying units in properties receiving Section 8 project-based assistance) are considered continually assisted.

Please reference Chapter 5 for moves with continued tenant-based assistance.

4.14 Income Targeting Policy

Link: 24 CFR 982.201

The HAMC will monitor progress in meeting the Extremely Low Income (ELI) requirement throughout the fiscal year. Extremely Low-Income families are defined as families whose incomes do not exceed the higher of: Federal Poverty Level or 30 percent of Area Median Income. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met. Under limited circumstances, HUD rules allow admission of low-income families.

Families that are referred by another Housing Authority AND have not leased in their initial jurisdiction will be considered a new admission for Income Targeting purposes, if the HAMC is absorbing the family into the HCV program.

If an applicant on the waiting list is skipped over, they will retain their original sequential number placement and be the first applicant offered an opportunity for assistance after the extremely low-income targeting requirement has been met.

4.15 Selection from the Waiting List Notification

HAMC Policy

HAMC will notify the family in writing when it is selected from the waiting list. The notice will include the Intake Certification Instruction to be completed by the applicant, along with all required documents. Applications will be processed based on the first complete packet received by the HAMC. If a notification is undeliverable or is returned to HAMC with no forwarding address, or not received within the specified time the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents HAMC from making an eligibility determination; therefore, no informal review will be offered.

CHAPTER 5: INITIAL AND CONTINUING ELIGIBILITY

5.1 Qualifications for Admission

HAMC will admit only applicants who are qualified according to all the following criteria:

- Are a family as defined by HUD and HAMC.
- Qualify on the basis of citizenship or the eligible immigrant status of family members. Link 24 CFR Part 5, Subpart E
- Provide documentation of Social Security numbers for all household members or certify that they do not have Social Security numbers. Link: 24 CFR Part 5, Subpart B
- Have income at or below HUD-specified income limits. Link: 24 CFR Part 5, Subpart F
- Consent to HAMC's collection and use of family information as provided for in HAMC consent forms.
- Qualify under the net family asset limitation (as adjusted for inflation), Section 6.5, and/or real property that is suitable for occupancy (Section 6.17).

5.2 Income Eligibility

Links: 24 CFR 982.201(b); 982.4; 248.101 & 248.173 (homeownership)
24 CFR §§ 5.609(c)(1); 882.515; 891.410(c) and (g)(2); 891.610(c) and (g)(2); 960.257; and 982.516

For admission to the Housing Choice Voucher Program, a family must be income eligible in the area where the family initially leases a unit with housing assistance. An applicant family porting to HAMC must be income eligible in HAMC's jurisdiction. An applicant family parting out of HAMC must be income eligible in the area where the family leases an assisted unit.

To determine if the family is income eligible, the HAMC will compare the annual income of the family to the HUD published income limit for the family's size for HAMC's jurisdiction.

When calculating a household's income, including asset income, at the time of admission to the program or during interim reexaminations, HAMC must use anticipated income (current income) (i.e., the family's estimated income for the upcoming 12-month period), when there are no additional changes (see Section 11.1- Streamlined Income Determinations).

All applicants and participants must provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance and dated within 60 days of the HAMC's request.

Social Security Number Disclosure

Link: 24 CFR 5.216, 5.218; Notice PIH 2018-24

The applicant and all members of the applicant's household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. (These requirements do not apply to noncitizens who do not contend eligible immigration status).

If HAMC determines that the applicant is otherwise eligible to participate in a program, the applicant may retain its place on the waiting list for the program for up to 90 days but cannot become a participant until it can provide the documentation to verify the SSN of each member of the household.

If a child under the age of 6 years was added to the applicant household within the 6-month period prior to the household's date of admission, the applicant may become a participant, so long as the documentation required is provided to the HAMC within 90 calendar days from the date of admission into the program.

The HAMC will grant an extension of one additional 90-day period if the HAMC determines that, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the applicant. If the applicant family fails to produce the documentation required within the required time period, the HAMC must follow the provisions of 24 CFR § 5.218.

Citizenship Requirements

Link: 24 CFR Part 5, Subpart E

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

HAMC will verify the citizenship/immigration status of applicants at the time other eligibility factors are determined. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance. Each family member must declare (Declaration of Section 214 Status) whether the individual is a citizen, national or an eligible noncitizen.

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors. The PHA may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

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

Prior to being admitted, all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original USCIS documentation. Upon receipt of these documents, the HAMC will proceed with the primary and secondary verification in accordance with Section 13.5.

Family members who do not claim to be citizens, nationals or eligible noncitizens, or whose status cannot be confirmed, must be listed on a statement of non-eligible members and the list must be signed by the head of household.

5.3 Family Definition

Link: 24 CFR 5.403; 24 CFR § 982.402(b)(5)

The terms family and household have different meanings in the HCV program. To be eligible for assistance, an applicant must qualify as a family.

A "Family" is defined by HUD and includes, 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, disabled person, near elderly person, or any other single person; or
   - Is an otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age.
   - Has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)); and
   - Is homeless or is at risk of becoming homeless at age 16 or older
2. A group of persons residing together 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, or
   vi. The remaining member of a tenant family.

The HAMC has the discretion to determine if any other group of persons qualifies as a family.

HAMC Policy

Each family must identify the individuals to be included in the family at the time of application and must notify the HAMC if the family's composition changes within 10 calendar days.

5.3.1 **Household**

Household is a broader term that includes additional people who, with the HAMC's permission, such as live-in aides, foster children, and foster adults live in the assisted unit.

The "Household" includes all family members. A family may have a spouse or co- head but not both. The co-head is an individual in the household who is equally responsible for the lease as the head of the household. A co-head never qualifies as a dependent. The co-head must have the legal capacity to enter into a lease.

5.3.2 **Head of Household**

The family may designate any qualified adult family member as the head of the household. The head of a household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

5.3.3 **Joint Custody**

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or participant family more than 50 percent of the time. Example: Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively.

Legal documentation must be provided for families who claim joint custody or temporary guardianship.

When more than one applicant or participant (regardless of program) is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or re- certification will be able to claim the dependents. If there is a dispute about which family should claim the dependent(s), the HAMC will make the determination based on court orders and social service agency orders showing which family has custody.

5.3.4 **Foster Adult**

In general, a foster adult is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

5.3.5 **Foster Child**

A foster child is defined as a member of the household who meets the definition of a foster child under state law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.

Family Break Up

Link 24 CFR 982.315; Notice PIH 2017-08

Except under the following conditions, the HAMC has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the PHA must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault, and stalking, see VAWA Section of this plan.)
- In accordance with Notice PIH 2017-08, for HUD–Veterans Affairs Supportive Housing, when an applicant family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open.
- If a court determines the disposition of property between members of the assisted family, the HAMC is bound by the court's determination of which family members continue to receive assistance.

HAMC Policy

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted.

In the absence of a judicial or court decision, or a joint custody agreement among the original family members, the PHA will determine which family retains their placement on the waiting list

or will continue to receive assistance. In making its determination, the HAMC will take into consideration the following factors:

- The interest of any minor children
- The interest of any ill, elderly, or disabled family members
- The interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and provides documentation in accordance with this Administrative Plan
- Any possible risks to family members as a result of criminal activity
- Recommendations for social service professionals.

Remaining Family Member

A remaining family member is defined by HUD and previously approved by HAMC to live in the unit as a household member. Live in aides, foster children and foster adults do not quality as remaining family members.

If the head of household dies or is permanently absent from the unit, continued occupancy by remaining household members is permitted only if:

- The household reports the departure (or death) of the head of household in writing within 10 calendar days of the occurrence, and
- A replacement head of household is identified and reported to HAMC in writing within 30 calendar days of the occurrence, and:
  a) The household member seeking to become the head of household must meet HAMC's eligibility requirements.
  b) An adult who becomes the guardian or other caretaker of remaining household member(s) who are minors, may apply to become head of household and must meet HAMC's eligibility criteria.

5.4 Student Head of Household

Link: 24 CFR Section 5.612

No assistance will be provided under Section 8 of the 1937 Housing Act to any individual who:

- Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)
- Is under 24 years of age
- Is not a veteran of the United States military
- Is unmarried
- Does not have a dependent child, and
- Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act.

The above restriction does not apply to a person with disabilities as such term is defined in section 3(b)(3)(E) of the 1937 Act and who was receiving Section 8 assistance on November 20, 2005.

5.5 Guests/Visitors

Guests/Visitors are permitted based on the terms in the owner's lease; the owner has provided approval for the guest/visitor; and the guest/visitor is not an unauthorized person living in the unit.

A guest can remain in the assisted unit no longer than 14 consecutive days or a total of 30 cumulative

calendar days during any 12 – month period or HAMC will consider the person(s) unauthorized persons in the unit. A family may request an exception to this policy for valid reasons (e.g. care of a relative recovering from a medical procedure is expected to last 40 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

The family must notify the HAMC in writing of the children(s) names and timeframes the children(ren) will be in the household if the participant has children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the unit more than 50 percent of the time.

In making the determination if the person is an unauthorized household member, HAMC will consider:

- Statements from neighbors and/or HAMC staff
- Vehicle license plate verification
- Post Office records
- Driver's license verification
- Law enforcement reports
- Credit reports

5.6 Eligibility Process

Families selected from the waiting list are required to submit a complete Intake Certification along with supporting documents including preferences identified at the pre-application and/or intermittent changes prior to selection. Reasonable Accommodations requested received prior to the due date of the online intake certification workflow may be sent an Eligibility Packet to their last known address or email address provided by the family. Eligibility Packets and all supporting documents must be submitted by the due date of the online intake certification. The family must provide the information necessary to establish the family's eligibility, including criminal background consent, and family income and assets to determine income eligibility.

HAMC Policy

After receiving applicant's completed Intake Certification and supporting documents, HAMC will make a final determination of eligibility. This decision is based upon information provided by the application due date from the applicant, the verification completed by HAMC, and the current eligibility criteria in effect. If the applicant is determined to be eligible, HAMC will notify the applicant of their eligibility and invite the applicant to a briefing for the issuance of a voucher and the applicant's orientation to the housing program.

If HAMC determines that the applicant is not eligible, the HAMC will send written notification of the ineligibility determination. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal review and rights under the Violence Against Women's Act (VAWA).

HAMC Policy

Intake Certifications are processed based on due date completion. Incomplete packets will not be accepted. Prior to the due date, applicants will be given two (2) reminder emails to complete the certification process and/or provide missing documents before the original due date. If the documents are not returned or completed within the time specified, HAMC will send a notice of

removal determining that the applicant will be removed from the waiting list for failing to provide required documentation and/or completed application.

Applicants are responsible to review all documentation submitted prior to the due date of the intake certification this includes but not limited to duplication of documents, missing documentation and/or insufficient documents (current or consecutive number of documents).

Extensions to the timeframe may be allowed based on documented and verified extenuating circumstances (illness, hospitalization, etc.) and reasonable accommodations. An advocate, interpreter, or other assistant may assist the family with the Intake Certification Process.

5.7 **Criminal Background Policy**

Links: 24 CFR 5.903; 24 CFR 5.905(d)

The HAMC is authorized to obtain criminal background information to screen applicants for admission to the HCV program. The HAMC will perform criminal records checks at application for all adult household members (defined as 18 years of age or older), and when:

- Adding an adult member to the household
- There are credible allegations of drug-related or violent criminal activity

The HAMC will conduct criminal records checks that will include a National Criminal History Check. Local/State checks will be conducted as needed. Checks will also include a sex offender registration information. In order to obtain such information, all adult household members must sign consent forms for release of criminal conviction and sex offender registration records at application (for all states where residency was held) and on an annual basis for all new household members.

If the HAMC proposes to deny assistance based on a criminal record or on lifetime sex offender registration information, the HAMC will notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the reporting agency and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission.

The HAMC will ensure that any criminal record received is maintained confidentially, not misused, or improperly disseminated.

Drug Abuse Treatment Information

Links: 24 CFR 960.205(f)

The HAMC may obtain information from drug abuse treatment facilities to determine whether any applicant family's household members are currently engaging in illegal drug activity only when the HAMC has determined that the family will be denied admission based on a family member's drug- related criminal activity, and the family claims that the culpable family member has successfully completed a supervised drug or alcohol rehabilitation program. The HAMC will require the proposed family member to sign a consent form for the drug abuse treatment facility to release information.

5.8 Duplicative Assistance

Link: 24 CFR 982.352(c)

A family may not receive HCV assistance while receiving housing assistance of any of the following assistance types, for the same unit or for a different unit:

- Public or Indian housing assistance
- Other Section 8 assistance (including other participant-based assistance)
- Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974)Section 101 rent supplements
- Section 236 rental assistance payments
- Participant-based assistance under the HOME Program
- Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration)
- Any local or State rent subsidy
- Section 202 supportive housing for the elderly
- Section 811 supportive housing for persons with disabilities; (11) Section 202 projects for non- elderly persons with disabilities (Section 162 assistance)
- Any other duplicative federal, State, or local housing subsidy, as determined by HUD. For this purpose, 'housing subsidy' does not include the housing component of a welfare payment, a social security payment received by the family, or a rent reduction because of a tax credit.

5.9 Absences from the Unit

Link: 24 CFR 982.312

Absent Family Member

The HAMC will compute all applicable income of every family member who is on the lease, including those who are temporarily absent. It is the responsibility of the head of the household to report changes in family composition and absences of family members.

The income of persons permanently absent will not be counted.

Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment, illness, incarceration, and court order.

HAMC Policy

Generally, an individual who is or is expected to be absent from the assisted unit for more than 90 consecutive days is considered permanently absent and no longer a family member. A person with a disability may request an extension of time up to a total of 180 days in a 12-month period as reasonable accommodation.

The family must request HAMC approval for the return of any adult family members that the HAMC has determined to be permanently absent. The individual is subject to the eligibility requirements stated in this Administrative Plan.

Absence of Entire Family
Notice is required when all family members will be absent from the unit for an extended period of time (greater than 30 calendar days). Families are required to give HAMC 30 days' notice before moving out of a unit. Absence means that no family member is residing in the unit. In order to determine if the family is absent from the unit, the HAMC may:

- Conduct a special inspection
- Post letters on exterior door
- Telephone the family at the unit
- Interview neighbors or landlord/property owner
- Verify if utilities are in service
- Check with the Post Office for forwarding address
- Contact the emergency contact

The family must supply any information or certification requested by the HAMC to verify that the family is living in the unit or relating to family absence from the unit.

If a family is absent from the unit for more than 30 consecutive days without advance notice and approval, the HAMC will terminate assistance.

Absent Student
When minors and college students who have been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the HAMC indicating that the student has established a separate household, or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care
If a child has been placed in foster care, the HAMC will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member. If the child(ren) are removed from the home permanently, the unit size will be reduced in accordance with the HAMC's occupancy guidelines.

Caretaker for a Child
If neither a parent nor a designated guardian remains in a household receiving assistance, the HAMC will take the following actions:

- If a responsible agency has determined that another adult is to be brought into the unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.
- If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 consecutive days. After 90 consecutive days have elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases the HAMC will extend the caretaker's status as an eligible visitor.
- During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify for any deductions from income.

- If the caretaker is considered a family member, the caretaker must submit an eligibility application, pass all eligibility criteria, and his/her income will be counted as part of the household. Once eligibility is passed, the lease will be transferred to the caretaker as head of household.

Absent Head or Spouse Due to Employment

If an employed head, spouse, or co-head is absent from the unit more than 180 consecutive days due to employment, she/he will continue to be considered a family member.

Individuals Absent (Confined) for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member. If there is a question about the status of a family member, the HAMC will request verification from a responsible medical professional if the member will be gone less than 90 consecutive days (and up to 180 days after approval of the Section 8 Manager or authorized designee) and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

Moves with continued tenant-based assistance

Link: 24 CFR 982.1(b)(2)

HUD lists five regulatory conditions and the statutory condition under VAWA in which an assisted family is allowed to move to a new unit with continued assistance. Permission to move is subject to the restrictions set forth in section 11.5.

HAMC Policy

Families will not be permitted to move during the initial year of occupancy. Assisted families must lease the unit for at least one year before a voluntary move will be permitted. A family may be required to complete a current family composition before a voucher will be issued. The following exceptions may permit a move within the initial year of occupancy:

1. A household member is newly diagnosed with a disability, which requires a reasonable accommodation.
2. A family is requesting protections under VAWA

Families will be required to move for the following reasons:

1. The Housing Assistance Payment Contract is terminated by HAMC for the owner's failure to comply with HQS or other terms of the contract.
    - Owner caused abatement for HQS violation(s)
2. The owner has given the family a notice to vacate or has commenced an action to evict the family through no fault of the family.

HAMC requires a minimum of a 30-Day Notification of the family's intent to move or provide a non-renewal notice from the owner. Participants must review their current lease for any vacate requirements. Prior to voucher issuance and required moving documents (i.e. RFTA, Client Acknowledgement, HAMC jurisdiction, etc.) the family must present the Intent to Vacate form or non-renewal notice signed by the owner indicating:

1. The family is current with all rent payments,
2. Has caused no damages beyond normal wear and tear and is otherwise in compliance with all terms and conditions of the lease agreement.

CHAPTER 6: TENANT RENT AND HOUSING ASSISTANCE PAYMENT CALCULATION

6.1 Definition of Income

Link: 24 CR 5.609(b)

HAMC uses HUD's definition of Annual Income. Should this definition be revised, the current HUD definition will be used. Annual income includes "all amounts received," not the amount that a family may be legally entitled to receive but did not.

Annual income is the total income from all sources, including net income derived from assets received by the household head and spouse (even if temporarily absent) and by each additional household member including all net income from assets for the 12 month period following the effective date of initial determination or re-certification of income, exclusive of income that is temporary, non-recurring or sporadic as defined below, or is specifically excluded from income by other federal statute. Annual income includes but is not limited to:

- The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services
- The net income from the operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness will not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the household for cash or assets invested in the business.
- Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness will not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used.
- The full number of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts.
- Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay.
- All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any household member
- Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of household members; and
- All regular pay, special pay, and allowances of a household member in the Armed Forces.

HAMC Policy

HAMC will calculate annual income based on projected future income that is anticipated to be received in the twelve-month period following the effective date following the admission or the re-exam.

HAMC will conduct streamlined recertification of income for elderly and disabled families when 100 percent of the household income consists of fixed income. In this streamlined process, HAMC will recalculate family income by applying any published cost of living adjustments to the previously verified income.

For purposes of this section, the term "fixed income" includes income from:

1. Social Security payments include Supplemental Security Income (SSI) and Supplemental Security Disability Income (SSDI).
2. Federal, state, local or private pension plans; and
3. Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits and other similar types of periodic receipts that are of substantially the same amounts for year to year.

Seasonal occupations where it is normal for employees to work less than twelve (12) months per year such as school employees, agricultural workers, or the construction trades, HAMC will use one of the following methods:

- Method 1 – annualize current income and conduct an interim reexamination with the income changes.
- Method 2 – Calculate the actual anticipated income from all known sources for the entire year. This means there will be no interim reexamination when the income changes as already anticipated. However, to use Method 2, a history of the individual's income from past years is needed. This method cannot be used when the future income source is "unknown" or "none."

Example: A teacher's assistant works nine (9) months annually and receives $1,300 per month. During the summer recess, the teacher's assistant works for the Parks and Recreation Department for $600 per month.

In Method 1, multiply current income times 12 months.
$1,300 a month x 12 months = $15,600

When school ends, HAMC will conduct an interim reexamination, multiplying the new current income times 12 months.
$600 a month x 12 months = $6,000

In Method 2, HAMC will anticipate income from all known sources for the entire year.
$1,300 a month x 9 months = $11,700
$600 a month x 3 months = $1,800
Total $13,500 per year

6.1.1. **Earned Income**

Link: 24 CFR § 5.100

Earned Income is defined as income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare assistance, Social Security, and other governmental subsidies/benefits), or any cash or in-kind benefits.

Alimony and Child Support

The HAMC will count court-awarded amounts for alimony and child support unless the HAMC verifies that:

1. The payments are not being made and
2. The family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments.

If the amount of child support or alimony received is less than the amount awarded by the court, HAMC will use the amount that is received by the family. HAMC will accept as verification that the family is receiving an amount less than the award if one of the following:

1. HAMC receives verification from the agency responsible for enforcement or collection
2. The family furnishes documentation of child support or alimony collection action filed through a child support enforcement collection agency
3. Or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply documentation and a copy of the divorce decree. Income will be projected by averaging the most current three consecutive month's payment to project income for twelve (12) months.

Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

Day Laborer

A day laborer is defined as an individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future.

Income earned as a day laborer is not considered nonrecurring income and must be included, unless specifically excluded in 24 CFR § 5.609(b) (e.g., earnings of full-time students in excess of the dependent deduction (24 CFR §§ 5.609(b)(3), (b)(14), etc.).

Sporadic income

Sporadic income is income that is not received regularly and cannot be reliably predicted. Sporadic income will be determined by a review on a case-by-case basis.

Independent Contractor

An independent contractor is an individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code federal income tax requirements and whose earnings are consequently subject to the self-employment tax.

In general, an individual is an independent contractor if they have the right to control or direct only the conduct of the work. For example, while instructions and route information are generally provided, third-party delivery and transportation service providers are considered independent contractors unless state law dictates otherwise.

In addition, individuals considered "gig workers," such as babysitters, landscapers, rideshare drivers, and house cleaners, typically fall into the category of independent contractor.

Income earned as an independent contractor is not considered nonrecurring income and must be included unless specifically excluded in 24 CFR § 5.609(b) (e.g., 24 CFR §§ 5.609(b)(3), (b)(14), etc.).

Seasonal Worker

A seasonal worker is defined as an individual who is:

- Hired into a short-term position (e.g., for which the customary employment period for the position is 6 months or fewer); and
- Employment begins about the same time each year (such as summer or winter).

Typically, the individual is hired to address seasonal demands that arise for the employer or industry. Some examples of seasonal work include employment limited to holidays or agricultural seasons. Seasonal work may include but is not limited to employment as a lifeguard, ballpark vendor, or snowplow driver.

Income earned as a seasonal worker is not considered nonrecurring income and must be included unless specifically excluded in 24 CFR § 5.609(b) (e.g., 24 CFR §§ 5.609(b)(3), (b)(14), etc.).

Regular Contributions and Gifts

Examples of regular contributions are considered income include but not limited to:

1. Regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments)
2. Cash or other liquid assets provided to any family member on a regular basis
3. "In-kind" contributions such as groceries and clothing provided to a family on a regular basis
4. Any contribution of gift received every 3 months or more frequently will be considered a "regular" contribution or gift, unless the amount is less than $100 per year

Non-monetary contributions will be valued at the cost of purchasing the items, as determined by the HAMC. For contributions that may vary from month to month (e.g., utility payments), the HAMC will include an average amount based upon past history. Regular financial support from parents or guardians to students for food, clothing personal items, and entertainment is not considered student financial assistance and is included in annual income.

Incremental Earnings

Incremental earnings and benefits to any family member resulting from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program [24 CFR 5.609(c)(8)(v)].

HAMC Policy

The HAMC defines incremental earnings and benefits as the difference between:

- The total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and
- The total amount of welfare assistance and earnings of the family member after enrollment in the program.

In calculating the incremental difference, the HAMC will use as the pre-enrollment income the total annualized amount of the family member's welfare assistance and earnings reported on the family's most recently completed HUD-50058.

6.1.2 Unearned Income

Unearned income means any annual income, as calculated under 24 CFR § 5.609, that is not earned income.

6.2 Nonrecurring Income

Link: 24 CFR §§ 5.609(b)(24) and CFR 891.105

Income that will not be repeated beyond the coming year (i.e., the 12 months following the effective date of the certification), based on information provided by the family, is considered nonrecurring income and is excluded from annual income. However, income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under § 5.609(b)(24), even if the source, date, or amount of the income varies.

Income that has a discrete end date and will not be repeated beyond the coming year during the family's upcoming annual reexamination period will be excluded from a family's annual income as nonrecurring income. This does not include unemployment income and other types of periodic payments that are received at regular intervals (such as weekly, monthly, or yearly) for a period of greater than one year that can be extended.

Income amounts excluded under this category may include, but are not limited to, nonrecurring payments made to the family or to a third party on behalf of the family to assist with utilities, eviction prevention, security deposits to secure housing, payments for participation in research studies depending on the duration, and general one-time payments received by or on behalf of the family.
The following list of exclusions is codified at 24 CFR § 5.609(b)(24) as nonrecurring income. Please note that the list is not exhaustive:

- Payments from the U.S. Census Bureau for employment lasting no longer than 180 days and not culminating in permanent employment.
- Direct federal or state economic stimulus payments.
- Amounts directly received by the family as a result of state refundable tax credits or state tax refunds at the time they are received.
- Amounts directly received by the family as a result of federal refundable tax credits or federal tax refunds at the time they are received.
- Gifts for holidays, birthdays, or other significant life events or milestones (e.g., wedding, baby shower, or anniversary gifts).

- In-kind donations (e.g., food, clothing, or toiletries received from a food bank or similar organization); and
- Lump-sum additions to net family assets (e.g., lottery winnings, contest winnings, etc.).

HAMC Policy

HAMC may accept a self-certification from the family stating that the income will not be repeated in the coming year.

6.3 Business Income

Link: 24 CFR 5.609(b)(2)

To determine business expenses that may be deducted from gross income, the HAMC will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses (IRS Publication 535), unless a topic is addressed by HUD regulations or guidance.

Business Expansion

Any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations.

Capital Indebtedness

Capital Indebtedness is the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means the HAMC will allow as a business expense interest, but not principal, paid on capital indebtedness

Acceptable Investments

Acceptable investments in a business include cash loans and contributions of assets or equipment.

Asset owned by business entity

If a business entity (e.g., limited liability company or limited partnership) owns the asset, then the family's asset is their ownership stake in the business, not some portion of the business's assets.
However, if the family holds the assets in their own name (e.g., they own one-third of a restaurant) rather than in the name of a business entity, then the percentage value of the asset owned by the family is what is counted toward net family assets (e.g., one-third of the value of the restaurant).

Co-Owned Businesses

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

6.4 Net Family Assets

Link: 24 CFR 5.609(b) and (c); 24 CFR 5.603

Net family assets are defined as the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of investment, except as excluded.

Assets with negative equity. The cash value of real property or other assets with negative equity would be considered $0 for the purposes of calculating net family assets. Negative equity in real property or

other investments does not prohibit the family from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.

Assets disposed of for less than fair market value. In determining the value of net family assets, PHAs/MFH Owners must include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received.

6.4.1 Exclusions from Net Family Assets

See Appendix C for listing of excluded net family assets

6.5 Asset Limitations

Link: 24 CFR 5.100; 5.603; and 5.618

In accordance with Housing Opportunity Through Modernization Act of 2016 (HOTMA) sections 102 and 104 and detailed in the final rule published in Federal Register Notice 88 FR 9600 on February 14, 2023 (PIH Notice 2023-27), a family is out of program compliance with the asset limitation if they have either of the following:

- Net family assets exceed $100,000, as adjusted annually for inflation.
- Real property that is suitable for occupancy. Families are out of compliance if they have a present ownership interest in, a legal right to reside in, and the effective legal authority to sell a property (based on laws of the state or locality in which the property is located) that is suitable for occupancy by the family as a residence.

See Section 6.15 for Exemptions to the Real Property Restriction in the Asset Limitation

6.6 Valuing Assets

The calculation of asset income sometimes requires the PHA to make a distinction between an asset's market value and its cash value.

- The market value of an asset is its worth in the market (e.g., the amount a buyer would pay for real estate or the total value of an investment account).
- The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash.

6.6.1 Actual Income

Actual income from assets is always included in a family's annual income, regardless of the total value of net family assets or whether the asset itself is included or excluded from net family assets, unless that income is specifically excluded by 24 CFR § 5.609(b). Income or returns from assets are generally considered to be interest, dividend payments, and other actual income earned on the asset, and not the increase in market value of the asset. The increase in market value is relevant to the cash value of the asset for the purpose of determining total net family assets and imputing income.

The following examples illustrate how to calculate actual income from assets.

Example – Actual Asset Income form an Asset Excluded from Net Family Assets

Background: Eugene Park owns a checking account with $3,500 that earns 0 percent interest. He also has a savings account with a balance of $10,000 for which he expects to earn $300 in annual interest. Mr. Park has no other assets. Because those assets are classified as non-necessary personal property, and their combined value of $13,500 does not exceed $50,000, the combined value of all non-necessary personal property is excluded from the calculation of net family assets. The total value of Eugene Park's net family assets is $0, and $300 is included in annual income.
Scenario Total value of assets: $3,500 + $10,000 = $13,500 Net family assets: $0.00 (total value of assets is less than $50,000, therefore the value is excluded from net family assets)
Result: Actual income from assets (must be included in the calculation of annual income for Eugene Park): $300 ($0 from checking account + $300 from savings account)

Example –Calculating Net Family Assets and Actual Asset Income when Net Family Assets Exceed $50,000 (As Adjusted)

Background: Sherry McNeil received a federal tax refund of $1,200 and deposited the refund into her checking account. At the time of her annual reexamination six months later, the account had a balance of $10,000 and earns 0-percent interest. Sherry also owns a stock portfolio with a verified value of $45,000. The stocks earned $405 in cash dividends last year, which Sherry expects to earn again in the coming year.
Scenario Total value of assets: $55,000 ($10,000 + $45,000) Net family assets: $53,800 ($55,000 – $1200) (tax refund received in the last 12 months is excluded from net family assets under § 5.603(b)(3)(xi).) Because the total value of Sherry's non-excluded assets exceeds $50,000, this value ($53,800) is included as net family assets and must be confirmed via third-party verification. Actual Income from Checking Account: $0 earned ($10,000 x 0 percent) Actual Income from Stock Portfolio: $405 earned in dividends last year on $45,000
Result: Total actual income from assets (must be included in the calculation of annual income for Sherry McNeil): $405 ($0 + $405)

6.7 Imputing Income from Assets

Link: (PIH Notice 2023-27)

Imputed income from assets is no longer determined based on the greater of actual or imputed income from the assets. Instead, imputed asset income must be calculated for specific assets when three conditions are met:

- The value of net family assets exceeds $50,000 (as adjusted for inflation).
- The specific asset is included in net family assets; and
- Actual asset income cannot be calculated for the specific asset.

Imputed asset income is calculated by multiplying the net cash value of the asset, after deducting reasonable costs that would be incurred in disposing of the asset, by the HUD-published passbook rate. If the actual income from assets can be computed for some assets but not all assets, then PHAs/MFH Owners must add up the actual income from the assets, where actual income can be calculated, then calculate the imputed income for the assets where actual income could not be calculated. After the HAMC has calculated both the actual income and imputed income, the housing provider must combine both amounts to account for income on net family assets with a combined value of over $50,000.

When the family's net family assets do not exceed $50,000 (as adjusted for inflation), imputed income is not calculated. Imputed asset income is never calculated on assets that are excluded from net family assets. When actual income for an asset — which can equal $0 — can be calculated, imputed income is not calculated for that asset.

HAMC was previously permitted to set their own passbook rates within a HUD-published range; effective with the HOTMA final rule (PIH Notice 2023-27), however, HAMC will be required to use the HUD-published passbook rate.

6.7.1 Passbook Rate

HUD will annually publish a passbook rate based on the Federal Deposit Insurance Corporation (FDIC) National Deposit Rate for savings accounts, which is an average of national savings rates published on a monthly basis. HAMC must use the HUD-published passbook rate when calculating imputed asset income for net family assets that exceed $50,000 (a figure that is annually adjusted for inflation). The HUD-published passbook rate will be posted to a dataset on the HUD User Web site, alongside annual inflationary adjustments.

For 2024, the passbook rate will be 0.40 percent. Below is an explanation of how the passbook rate was calculated for 2024. For reexaminations that occur after January 1, 2024, but before the date on which the HAMC implements the new passbook rate, HAMC may continue to set their own passbook rates.

6.8 Determining Actual Anticipated Income from Assets

It may or may not be necessary for the PHA to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property's market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

6.9 Withdrawal of Cash or Liquidation of Investments

Any withdrawal of cash or assets from an investment will be included in the income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement investment plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement investment plan.

6.10 Jointly Owned Assets

For assets jointly owned by the family and one or more individuals outside of the assisted family, PHAs/MFH Owners must include the total value of the asset in the calculation of net family assets, unless the asset is otherwise excluded (see Section 6.7) or unless the assisted family can demonstrate that the asset is inaccessible to them, or that they cannot dispose of any portion of the asset without the consent of another owner who refuses to comply.

If the family demonstrates that they can only access a portion of an asset, then only that portion's value shall be included in the calculation of net family assets for the family. Likewise, any income from a jointly owned asset must be included in annual income, unless that income is specifically excluded (see Section 6.7), or unless the family demonstrates that they do not have access to the income from that asset, or that they only have access to a portion of the income from that asset.

If an individual is a beneficiary who is entitled to access the account's funds only upon the death of the account's owner, and may not otherwise withdraw funds from an account, then the account is not an asset to the assisted family, and the family should provide proper documentation demonstrating that they are only a beneficiary on the account.

6.11 **Disposed Assets**

The HAMC will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than $5,000.00. Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual re-certifications, the family may request an interim re-certification to eliminate consideration of the asset(s).

Assets placed by the family in non-revocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments. All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Families must sign a declaration form at initial certification and each annual re- certification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value.

6.12 **Checking and Savings Accounts**

Assets are verified upon admission to the program. HAMC will verify the value of household assets annually if the total household value is over $5,000.00 or every third year if the value is $5,000 or less.

In determining the value of a checking account, the HAMC will use the average monthly balance for the last two months. In determining the value of a savings account, the HAMC will use the current balance. In determining the anticipated income from an interest-bearing checking or savings account, the HAMC will multiply the value of the account by the current rate of interest paid on the account.

6.13 **Self-Certification of Assets**

When HUD requires third-party verification, self-certification, or "tenant declaration," is used as a last resort when the HAMC is unable to obtain third-party verification. Self-certification, however, is an acceptable form of verification when:

1. A source of income is fully excluded
2. Net family assets total $5,000 or less and the PHA has adopted a policy to accept self-certification at annual recertification, when applicable
3. The HAMC has adopted a policy to implement streamlined annual recertifications for fixed sources of income

6.14 **Investments**

In determining the market value of an investment account, the HAMC will use the value of the account in the most recent investment report. How anticipated income from an investment account will be calculated depends on whether the rate of return is known.

1. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings).
2. When the anticipated rate of return is not known (e.g., stocks), the HAMC will calculate asset income based on the earnings for the most recent reporting period.

In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless the HAMC determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

6.15 **Real Property, Personal Property, Other Capital Investments**

In determining the value of personal property held as an investment, the HAMC will use the family's estimate of the value.

For Real Property, HAMC will use the payoff amount for the mortgage to calculate equity. If the payoff amount is not available, HAMC will use the loan balance.

Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary personal property consists of only those items not held as an investment. It may include clothing, furniture, household furnishings, jewelry, and vehicles, including those specially equipped for persons with disabilities.

6.15.1 Trusts

Whether the value of a trust counts as a net family asset and whether distributions from the trust count as annual income to the family depends on the following three factors:

- Whether the trust is under the control of the family.
- Whether distributions are made from the trust's principal; and
- The purpose of the distribution, if the distribution is made from income earned on the trust's principal.

6.15.2 Trusts as Net Family Assets

The value of irrevocable trusts and revocable trusts that are not under the control of the family are both excluded from net family assets.

The distinguishing feature of a revocable trust is that the grantor can terminate and/or amend the trust at any time for any reason before his or her death. In circumstances when a member of the assisted family is the beneficiary of a revocable trust, but the grantor is not a member of the assisted family, the beneficiary does not "own" the revocable trust, and the value of the trust is excluded from net family assets. For the revocable trust to be considered excluded from net family assets, no family or household member may be the account's trustee.

A revocable trust that is under the control of the family or household e.g., the grantor is a member of the assisted family or household) is included in net family assets, and, therefore, income earned on the trust is included in the family's income from assets.

6.15.3 Actual Income from a Trust

If the HAMC determines that the revocable trust is included in the calculation of net family assets, then the actual income earned by the revocable trust is also included in the family's income. Where an irrevocable trust is excluded from net family assets, the HAMC must not consider actual income earned by the trust (e.g., interest earned, rental income if property is held in the trust) for so long as the income from the trust is not distributed.

6.15.4 Trust Distributions and Annual Income

- Revocable trust considered part of net family assets: If the value of the trust is considered part of the family's net assets, then distributions from the trust are not considered income to the family.
- Revocable or irrevocable trust not considered part of net family assets: If the value of the trust is not considered part of the family's net assets, then distributions from the trust are treated as follows:
  - All distributions from the trust's principal are excluded from income.
  - Distributions of income earned by the trust (i.e., interest, dividends, realized gains, or other earnings on the trust's principle), are included as income unless the distribution is used to pay for the health and medical expenses for a minor.

6.16 **Exemptions to the Real Property Restriction in the Asset Limitation**

The real property restriction does not apply to the following:

1. Any property for which the family is receiving assistance under 24 CFR § 982.620 (i.e., a manufactured home owned by a family who receives assistance to lease the space or lot in which it is located). Likewise, any property for which the family is receiving assistance is under the Homeownership Option in 24 CFR Part 982. See 24 CFR § 5.618(a)(1)(ii)(A).
2. Any property jointly owned by a family member and another individual who does not live with the family but who resides at the jointly owned property. See 24 CFR § 5.618(a)(1)(ii)(B).

3. Any property owned by a family that includes a person who is a victim of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in 24 CFR Part 5 (Subpart L). For example, if the victim is a minor, the real property limitation does not apply to any property owned by the victim's parent or guardian. When a family requests an exemption from the real property limitation on this basis, the HAMC must accept self-certification and follow the confidentiality and documentation-request requirements established at 24 CFR § 5.2007. See 24 CFR § 5.618(a)(1)(ii)(C).
4. Any property that the family is offering for sale. Documentary evidence of the sales process could include, for example, a contract with a real estate agent or a current real estate listing. See 24 CFR § 5.618(a)(1)(ii)(D).

Legal Right to Reside in the Real Property

The real property restriction applies only when the family has the legal right to reside in the real property. Whether a family has the legal right to reside in a property may be dependent on state and local law. The family may own real property that legally they may not reside in. For example, the family may own a commercial property, such as a convenience store or other retail establishment, which cannot be occupied as a place of residence by the family. Families who claim they lack the legal right to reside in real property must provide evidence to support their claim(s). What constitutes sufficient evidence will vary by circumstance.

Effective Legal Authority to Sell the Real Property

The real property restriction applies only when the family has the effective legal authority to sell the real property, based on the laws of the state or locality in which the property is located. There may be multiple reasons why a family does not have such legal authority. For example, when families are contesting ownership of a property in court, or an individual is in divorce proceedings, they may be unable to sell the property until the completion of those proceedings. Someone who owns heirs' property may not have the authority to sell until others' claims to fractional ownership have been settled. Families who claim they lack the legal authority to sell the real property must provide evidence to support their claim(s). What constitutes sufficient evidence will vary by circumstance. For example, a divorce pleading or complaint may demonstrate that there are actual divorce proceedings occurring.

6.17 Suitability of Real Property for Occupancy

A property will be considered suitable for occupancy unless the family demonstrates that the real property meets one of the following five conditions (24 CFR § 5.618(a)(2)):

1. The property is not capable of meeting the disability-related needs of all members of the family (e.g., does not meet physical accessibility requirements, family has disability-related need for additional bedrooms, family needs proximity to accessible transportation). Documentary requirements to establish disability-related needs must comply with applicable fair housing and civil rights requirements.
2. The property is not sufficient for the size of the family.

   HAMC Policy

   The HAMC occupancy standards will be used for such a determination.

3. The property is geographically located so that it creates a hardship for the family (e.g., the distance or commuting time between the property and the family's place of work or school would place a hardship on the family, as determined by the HAMC.
   HAMC Policy
   To be considered a hardship under this category, the property must be more than 100 miles away from the family's rental unit, but will consider the specific circumstances of the family, including information provided by the family, in making a determination. Distance or commute time to school/work are illustrative, but not exhaustive, examples of geographic hardships.

4. The property is not safe to reside in because of its physical condition (e.g., the property's physical condition poses a risk to the family's health and safety and the condition of the property cannot be easily remedied). Unsafe property conditions could include external circumstances or environmental factors outside the control of the family. The property may be deemed not suitable for occupancy if the alterations that would be needed to make it safe to live in are cost prohibitive.
5. The family does not have the legal right to reside on the property.

6.18 Necessary and Non-Necessary Personal Property

Necessary personal property is excluded from net family assets. Non-necessary personal property with a combined value greater than $50,000, as adjusted by inflation, is considered part of net family assets. When the combined value of all non-necessary personal property does not exceed $50,000, as adjusted by inflation, all non-necessary personal property is excluded from net family assets.

All assets are categorized as either real property (e.g., land, a home) or personal property. Personal property includes tangible items, like boats, as well as intangible items, like bank accounts. For example, a family could have non-necessary personal property with a combined value that does not exceed $50,000 but also own real property such as a parcel of land. Even though the non-necessary personal property would be excluded from net family assets, the real property would be included in net family assets regardless of its value unless the real property meets a different exclusion under 24 CFR § 5.603.

Necessary personal property are items essential to the family for the maintenance, use, and occupancy of the premises as a home; or they are necessary for employment, education, or health and wellness. Necessary personal property includes more than merely items that are indispensable to the bare existence of the family. It may include personal effects (such as items that are ordinarily worn or utilized by the individual), items that are convenient or useful to a reasonable existence, and items that support and facilitate daily life within the family's home. Necessary personal property also includes items that assist a household member with a disability, including any items related to disability-related needs, or that may be required for reasonable accommodation for a person with a disability. Necessary personal property does not include bank accounts, other financial investments, or luxury items.

Determining what is a necessary item of personal property is a highly fact-specific determination, and therefore it is incumbent on HAMC to gather enough facts to qualify whether an asset is necessary or non-necessary personal property.

Items of personal property that do not qualify as necessary personal property will be classified as non-necessary personal property.

The following table lists examples of necessary and non-necessary personal property. This is not an exhaustive list.

Examples of Necessary and Non-Necessary Personal Property

Necessary Personal Property	Non-Necessary Personal Property
• Car(s)/vehicle(s) that a family relies on for transportation for personal or business use (e.g., bike, motorcycle, skateboard, scooter) • Furniture, carpets, linens, kitchenware • Common appliances • Common electronics (e.g., radio, television, DVD player, gaming system) • Clothing • Personal effects that are not luxury items (e.g., toys, books) • Wedding and engagement rings • Jewelry used in religious/cultural celebrations and ceremonies. • Religious and cultural items • Medical equipment and supplies • Health care–related supplies • Musical instruments used by the family. • Personal computers, phones, tablets, and related • equipment • Professional tools of trade of the family, for example professional books • Educational materials and equipment used by the family, including equipment to accommodate persons with disabilities. • Equipment used for exercising (e.g., treadmill, stationary bike, kayak, paddleboard, ski equipment)	• Recreational car/vehicle not needed for day-today transportation (campers, motorhomes, travel trailers, all-terrain vehicles (ATVs)) • Bank accounts or other financial investments (e.g., checking account, savings account, stocks/bonds) • Recreational boat/watercraft • Expensive jewelry without religious or cultural value, or which does not hold family significance • Collectibles (e.g., coins/stamps) • Equipment/machinery that is not used to generate income for a business • Items such as gems/precious metals, antique cars, artwork, etc.

Calculation example of Necessary and Non-Necessary Personal Property

The Cross family owns three items of personal property. The family has a checking account valued at $5,000, a $15,000 recreational boat, and Ms. Cross's $3,000 engagement ring.

The checking account and recreational boat are both considered non-necessary personal property. They are worth a combined $20,000. The engagement ring is considered necessary personal property, because it is jewelry used in a religious/cultural celebration or ceremony. Since the total value of non-necessary personal property is less than $50,000, the family's non-necessary personal property will not be considered when calculating the Cross-family's net family assets.

Cross Family's Personal Property

Item	***Estimated Value***	***Type***	***Amount to be considered as non-necessary personal property***
Checking account	$5,000	Non-Necessary Personal Property	$5,000
Ring (engagement)	$3,000	Necessary Personal Property	$0
Recreational boat	#15,000	Non-Necessary Personal Property	$15,000
Total Non-Necessary Personal Property			$20,000

Calculation of Cross Family's Total Net Assets

Asset	**Total to be Considered in Net Family Assets**
Non-Necessary Personal Property	$0
Real Property	$0
Total	$0

The Cross family's total net family assets are $0.

6.19 Assets with negative equity

The cash value of real property or other assets with negative equity would be considered $0 for the purposes of calculating net family assets. Negative equity in real property or other investments does not prohibit the family from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.

Lump Sum Payments

Prospective Calculation Methodology

If the payment is reported on a timely basis, (as required under interim reporting requirements) the calculation will be done prospectively and will result in an interim adjustment calculated as follows: the entire lump-sum payment will be added to the annual income at the time of the interim and total tenant payment and tenant rent will be calculated accordingly.

Retroactive Calculation Methodology

If the payment is not reported on a timely basis, HAMC will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer and determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due to HAMC. The family will then be required to pay this amount to HAMC in full of the lump sum proceeds. Failure to make payment will result in termination of assistance.

Attorney Fees

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees. Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included in income but are included as assets. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset.

6.20 **Excluded Income**

Link: 24 CFR 5.609(c)

The following are types of excluded income:

1. Income from employment of children (including foster children) under the age of 18 years
2. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the participant family, who are unable to live alone).
3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
5. Income of a live-in aide, as defined in 24 CFR §5.403;
6. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
7. Amounts received in the following circumstances:
8. From training programs funded by HUD.
9. Amounts received by a person with a disability 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).
10. 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, childcare, etc.) and which are made solely to allow participation in a specific program.
11. Amounts received under a participant service stipend; and
12. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as participant management staff.
13. Income that will not be repeated beyond the coming year (i.e., the 12 months following the effective date of the certification), based on information provided by the family, is considered nonrecurring income and is excluded from annual income.
14. Reparation payments paid by a foreign government pursuant to claims filed under the laws of That government by persons who were persecuted during the Nazi era.
15. Earned Income in excess of $480 for each full-time student 18 years old or older (excluding the head of household and spouse).
16. Adoption assistance payments in excess of $480 per adopted child (This amount will be adjusted annually in accordance with the CPI–W), all dependents, including adopted family members, are eligible to receive the $480 (as adjusted for inflation) dependent deduction and the exclusion as described.

17. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts.
18. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit.
19. Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
20. 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 any program to which the exclusions set forth in 24 CFR 5.609(c) apply.
21. The portion of education grants that include tuition and required fees and other charges.
22. Nutrition Assistance (formerly the Food Stamp Program). Nutrition Assistance provides eligible households with monthly benefits they can use to purchase nutritious food.
23. Replacement Housing Gap Payments

HAMC Policy

For fully excluded income, the HAMC is not required to follow the verification hierarchy, document the reason why third-party verification is not available, or report the income on 50058. Fully excluded income is defined as income that is entirely excluded from the annual income determination (for example, food stamps, earned income of a minor, or foster care funds) Notice PIH 2013-04.

Excluded Periodic Payment

The HAMC will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency.

Income from Training Programs

HAMC defines training program as: a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual's ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to:

1. Classroom training in a specific occupational skill
2. On-the-job training with wages subsidized by the program
3. Basic education

6.21 Excluded Assets

Link: 24 CFR § 5.603(b)(3)–(b)(4)

The following are required exclusions from net family assets:

1. The value of necessary items of personal property. (See Section 6.5 Necessary and Non-necessary personal property)
2. The value of all non-necessary items of personal property with a total combined value of $50,000 or less, annually adjusted for inflation. (See Section 6.5 Necessary and Non-necessary personal property)
3. The value of any account under a retirement plan recognized as such by the Internal Revenue

Service, including Individual Retirement Accounts (IRAs), employer retirement plans (e.g., 401(k), 403(b)), and retirement plans for self-employed individuals.

4. The value of real property is that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located. Examples of this include but are not limited to co-ownership situations (including situations where one owner is a victim of domestic violence), where one party cannot unilaterally sell the real property; property that is tied up in litigation; inherited property in dispute.
5. Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law that resulted in a member of the family being a person with disabilities.
6. The value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986; the value of any qualified tuition program under section 529 of such Code; and the amounts in, contributions to, and distributions from any Achieving a Better Life Experience (ABLE) account authorized under section 529A of such code.
7. The value of any "baby bond" account created, authorized, or funded by the federal, state, or local government (money held in trust by the government for children until they are adults).
8. Interests in Indian trust land.
9. Equity in a manufactured home where the family receives assistance under 24 CFR Part 982.
10. Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR Part 982.
11. Family Self-Sufficiency accounts.
12. Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family.
13. The full amount of assets held in an irrevocable trust. (Notice PIH 2023-27)
14. The full amount of assets is held in a revocable trust where a member of the family is the beneficiary, but the grantor/owner and trustee of the trust is not a member of the participant family or household. (Notice PIH 2023-27)

6.22 **Deductions from Income**

Link: 24 CFR 5.611

Consumer Price Index–Urban Wage Earners and Clerical Workers (CPI–W)

HUD will publish the Consumer Price Index–Urban Wage Earners and Clerical Workers (CPI–W) Inflation Factor that must be applied to various income calculations and deductions, including both the dependent deduction and elderly/disabled family deduction.

Unreimbursed Health and Medical Care Expenses and Reasonable Attendant Care and Auxiliary Apparatus Expenses Deduction

Health and medical care expenses, as defined in 24 CFR § 5.603, include costs incurred for the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed. Medical insurance premiums continue to be eligible for health and medical care expenses. However, health and medical care expenses may be deducted from annual income only if they are eligible and not otherwise reimbursed and may only be deducted for elderly or disabled families.

HAMC must review each expense to determine whether it is eligible in accordance with HUD's definition of health and medical care expenses.

The sum of unreimbursed health and medical care and reasonable attendant care and auxiliary expenses that exceed 10 percent of the family's annual income can be deducted from annual income.

Unreimbursed Reasonable Attendant Care and Auxiliary Apparatus Expenses

Auxiliary apparatus items can include, for example, expenses for wheelchairs, ramps, adaptations to vehicles, guide dogs, assistance animals, or special equipment to enable a person who is blind or has low vision to read, or type or special equipment to assist a person who is deaf or hard of hearing. Some examples of attendant care expenses can include teaching a person with disabilities how to perform day-to-day tasks independently like cleaning, bathing, doing laundry, and cooking. Attendant care can be 24-hour care, or care during sporadic periods throughout the day.

In order to claim the deduction for the cost of unreimbursed reasonable attendant care and auxiliary apparatus expenses, the family must include a person with a disability, and the expenses must enable any member of the family (including the member who is a person with a disability) to be employed. If the unreimbursed reasonable attendant care and auxiliary apparatus expense exceeds the amount earned by the person who was enabled to work, the deduction will be capped at the amount earned by that individual.

Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense.

However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, the HAMC will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent on each activity and/or the number of persons under care.

HAMC Policy

The HAMC determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, the HAMC will review the reputable information from organizations that provide services and support to persons with disabilities. A family may present, and the HAMC will consider, the family's justification for costs that exceed typical costs in the area.

Both Medical and Disability Expenses

This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities. When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the HAMC will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family's request, the HAMC will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work. When the HAMC determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members' incomes.

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost-of-service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

Phased-In Relief

The statutory increase in the threshold to receive unreimbursed health and medical care and reasonable attendant care and auxiliary apparatus expense deductions from annual income. All families who received a deduction for unreimbursed health and medical care and/or reasonable attendant care or auxiliary apparatus expenses based on their most recent income review prior to January 1, 2024, will begin receiving the 24-month phased-in relief at their next annual reexamination or interim reexamination, whichever occurs first after the date on which HAMC implements the phased-in relief.

Families who receive phased-in relief will have eligible expenses deducted that exceed 5 percent of annual income for 12 months. Twelve months after the 5 percent phase-in began, families will have eligible expenses deducted that exceed 7.5 percent of annual income for the immediately following 12 months. After the family has completed the 24 months phase-in at the lower thresholds, as described above, the family will remain at the 10 percent threshold, unless the family qualifies for relief under the general hardship relief provision.

When an eligible family's phased-in relief begins at an interim reexamination, the HAMC will need to process another transaction one year later to move the family along to the next phase. The transaction can be either an interim reexamination if triggered, or a non-interim reexamination transaction. The following table demonstrates when the phased-in relief will begin and increase every 12 months during the 24-month phase-in period.

Phased-in Relief Timing Table

Phased-in Relief Timing	In Excess Threshold Percentage for Families Receiving the Health and Medical Expenses and Reasonable Attendant Care and Auxiliary Apparatus Expense Deduction as of 1/1/2024	Reexamination Type
First annual reexamination or interim reexamination, whichever occurs first on or after the date on which the HAMC implements the phased-in relief	5 percent	Annual or Interim Re-examination
Twelve months after the 5-percent phase-in began	7.5 percent	Annual or Interim Re-examination. If no, Interim Reexamination is triggered, HAMC will process a non-interim transaction
Twelve months after the 7.5-percent phase-in began	10 percent	Annual or Interim Re-examination If no, Interim Reexamination is triggered, HAMC will process a non-interim reexamination transaction

HAMC will track the 24-month phase-period for each eligible family, even if a family's expenses go below the appropriate phase-in percentage, during the first or second 12-month phase-in period. The phase-in must continue for families who move with continued assistance in the HCV program or port to another PHA. The phase-in must also continue for families who transfer internally to another unit within the same Multi-family housing property. The family must receive phased-in relief if they are determined to be eligible as of January 1, 2024.

The table on the following page describes the potential phased-in relief outcomes based on a family's status in PIH and MFH programs:

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Phased-in Relief Outcomes According to Family's Status in Program for Multifamily Housing Program

Family's Status in Program	Is Family Receiving Phased-in Relief?	Outcome of Phased-in Relief	Required Documentation
Family's assistance is terminated in any program.	Yes	Phased-in relief ends upon termination. When readmitted, family's expense deduction will be calculated using the 10-percent threshold unless request for general relief is approved by the HAMC.	N/A. No documentation of phased-in relief is needed
Housing Choice Voucher: Family moves with continued assistance in the HCV program with the same PHA or ports to a new PHA. MFH: Family transfers units within the same MFH property and are not treated as a new admission.	Yes	Families must continue to receive the phased-in relief. The family will receive the remaining calendar months of the percentage phase-in in their new unit.	The HAMC will use the existing phase-in documentation to determine the remaining calendar months of the percentage phase-in.
Family is treated as a new admission under a different property/program (e.g., family moves from one MFH property to another MFH property, etc.).	Yes	Unless the HAMC has a written policy to continue the phased-in relief upon admission, the family's expense deduction will be calculated using the 10-percent threshold unless request for general relief is approved by HAMC.	If the HAMC elects to continue the phased-in hardship relief, then the following documentation is required: Copy of forms HUD–50058 or 50059 from the family showing phased-in relief. If the forms are unavailable, then the HAMC may obtain self-certification from family declaring effective date of 5-percent or 7.5-percent phase-in. The HAMC must document in the file the reason that the forms HUD-50058 or 50059 were unavailable.
Unit in which family resides converts to PBV or PBRA funding under the Rental Assistance Demonstration.	Yes	Families must continue to receive the phased-in relief. The family will receive the remaining calendar months of the percentage phase-in in their new unit.	Copy of forms HUD–50058 from the family showing phased-in relief. If the forms are unavailable, then the HAMC may obtain self-certification from family declaring effective date of 5-percent or 7.5-percent phase-in. The HAMC must document in the file the reason that the forms HUD-50058 or 50059 were unavailable.

HAMC Policy

HAMC will continue the phased-in hardship relief for participant families who were eligible for relief as of January 1, 2024, and who are treated as new admissions under a different program (i.e. Admitted from RAD-PBRA to HCV). As a result, the family's expense deduction will be calculated at the 10-percent threshold unless general relief is requested and approved by HAMC.

General Relief
To receive general relief, a family must demonstrate that the family's unreimbursed health and medical care expenses or unreimbursed reasonable attendant care and auxiliary apparatus expenses increased, or the family's financial hardship is a result of a change in circumstances that would not otherwise trigger an interim reexamination.

Relief is available regardless of whether the family previously received an unreimbursed health and medical care expense deduction, unreimbursed reasonable attendant care and auxiliary apparatus expense deduction, are currently receiving phased-in hardship relief, or were previously eligible for either this general relief or the phased-in relief.

If HAMC determines that a family is eligible for general relief, the family will receive a deduction for the sum of the eligible expenses that exceed 5 percent of annual income. The family's hardship relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after 90 days, whichever comes earlier. However, HAMC may, pursuant to their own discretionary policy, extend the relief for one or more additional 90-day periods while the family's hardship condition continues.

HAMC Policy
With regard to General Relief, HAMC may consider the following circumstances for a family's request for financial hardship and when such deductions may be eligible for additional 90-day extensions:

- The family is awaiting an eligibility determination for a federal, state, or local assistance program, such as a determination for unemployment compensation or disability benefits.
- The family's income decreased because of a loss of employment, death of a member, or due to a natural or federal/state declared disaster.

HAMC will not conduct an interim reexamination to add, remove, or to extend a hardship exemption, unless another change experienced by the family triggers an interim reexamination under the applicable regulation or as listed above (General Relief) on conducting interim reexaminations for adjusted income decreases that are less than ten percent. Instead, the HAMC will process and submit a non-interim reexamination transaction

In accordance with Section 11.3 Interim Certifications, all families must notify the HAMC of any changes within 10 calendar days of changes including but not limited to family size or composition, income (e.g., Employment, other income), assets (e.g., checking and savings accounts) contact information (phone number, email address). This reporting deadline includes families reporting circumstances that made the family eligible for the hardship exemption are no longer applicable.

Implementation of Hardship Exemption

Child-Care Expenses Deduction and Hardship Exemption to Continue Child-Care Expenses Deduction
Under 24 CFR § 5.611(d), any reasonable child-care expenses necessary to enable a member of the family to be employed or to further their education are deducted from income. Reasonable child-care expenses are defined in 24 CFR § 5.603(a) and are expenses for the care of children (including foster children if the unreimbursed child-care expenses are paid from the family's annual income and not from another source, such as a stipend from the child welfare agency), under 13 years of age, when all the following statements are true:

- The care is necessary to enable a family member to be employed or to further his or her education (e.g., work, look for work, or further their education (academic or vocational)); and
- The expense is not reimbursed by an agency or individual outside the household.

The amount deducted must not exceed the amount of employment income that is included in the annual income.

A family whose eligibility for the child-care expense deduction **is ending** may receive a hardship exemption to continue receiving a child-care expense deduction in certain circumstances when the family no longer has a member that is working, looking for work, or seeking to further their education, and the deduction is necessary because the family is unable to pay their rent.

When a family requests a hardship exemption to continue receiving a child-care expense deduction that is ending, the HAMC must recalculate the family's adjusted income and continue the child-care deduction if the family demonstrates to the HAMC's satisfaction that the family is unable to pay their rent (Policy for Determination of the Family's Inability to Pay Rent) because of loss of the child-care expense deduction and the child-care expense is still necessary even though the family member is no longer working, looking for work, or furthering their education. The hardship exemption and the resulting alternative adjusted income calculation must remain in place for a period of up to 90 days. The HAMC, at their discretion, may extend such hardship exemptions for additional 90-day periods based on family circumstances.

To initiate, extend or conclude a hardship exemption, HAMC will submit a non-interim transaction code on form HUD–50058/HUD–50059, unless there is an accompanying event that triggers an interim reexamination.

HAMC Policy

In accordance with Section 11.3 Interim Certifications, all families must notify the HAMC of any changes within 10 calendar days of changes including but not limited to reporting deadline includes families reporting circumstances that made the family eligible for the hardship exemption are no longer applicable.

Policy for Determination of the Family's Inability to Pay Rent

A "hardship" means a family is unable to pay rent, and as a result triggering eligibility for a hardship exemption.

HAMC Policy

HAMC defines the following as an eligible hardship for families that have a tenant portion:

- HAMC determines that the rent, utility payment, and applicable expenses (childcare expenses or health and medical expenses) is more than 45 percent of the family's adjusted income.
- 3rd Party Verification was provided that demonstrate the household has experienced unanticipated expenses, such as the following that have affected their ability to pay their rent:
    - The family's sole source of income is earned income from employment and the recipient is either terminated/furloughed or placed on unpaid medical leave for more than 30 days.
    - Large, excessive medical bills
    - Large, excessive funeral costs for household family members

Family Notification of Hardship Exemption
HAMC will provide 60-Day notification to families in writing of the change in the determination of adjusted income and the family's rent resulting from the application of the hardship exemption. The written notice will also inform the family of the dates that the hardship exemption will begin and expire and the requirement for the family to report to the HAMC if the circumstances that made the family eligible for relief are no longer applicable. Finally, the notice will also state that the family's adjusted income and tenant rent will be recalculated upon expiration of the hardship exemption.

Family Notification of Hardship Exemption Denial
HAMC will promptly notify families in writing if they are denied either an initial hardship exemption or an additional 90-day extension of the exemption. The notification will specifically state the reason for the denial.

Family Notification of Hardship Exemption Termination
HAMC will notify the family if the hardship exemption is no longer necessary and will be terminated because the circumstances that made the family eligible for the exemption are no longer applicable. The notice will state the termination date and provide 30 days' notice of a rent increase, if applicable.

Extension of Hardship Exemption for Additional 90-Day Period(s)
HAMC may at their discretion extend hardship exemptions for additional 90-day periods if the hardship continues pursuant to the HAMC's hardship policies. This provision applies to families receiving hardship exemptions for the child-care expense deduction and general hardship relief for health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses.

HAMC will obtain third-party verification of the family's inability to pay rent or must document in the file the reason that third-party verification was not available. HAMC will attempt to obtain third-party verification prior to the end of the 90-day period.

HAMC Policy
HAMC will only consider the following as an eligible hardship exemption extended event:

- The family's sole source of income is earned income from employment and the recipient is either terminated/furloughed or placed on unpaid medical leave for more than 30 days.

HAMC will not consider the following as an eligible hardship exemption extended event:

- Large, excessive medical bills
- Large, excessive funeral costs for household family members

If the family can demonstrate that a hardship exists beyond 90 days, the family must:

1. Notify HAMC within 30 days of the hardship exemption termination date and provide verification of the same.
2. If the extension is verified HAMC will provide notification to the family as listed in this section.

Additional (Permissive) Deduction
HAMC does not have additional permissive deductions.

Allowable Childcare Activities and Expenses

The definition of Childcare Expense means: any reasonable child-care expense necessary to enable a member of the family to be employed or further their education.

For school-age children under 13 years of age, costs attributable to public or private school activities during standard school hours are not considered allowable childcare expenses. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of childcare.

The costs of general housekeeping and personal services are not eligible. Childcare expenses paid to a family member who lives in the family's unit are not eligible; however, payments for childcare to relatives who do not live in the unit are eligible.

If a childcare provider also renders other services to a family or childcare is used to enable a family member to conduct activities that are not eligible for consideration, the HAMC will prorate the costs and allow only that portion of the expenses that is attributable to childcare for eligible activities. Unless otherwise specified by the childcare provider, the calculation will be based upon the number of hours spent on each activity and/or the number of persons under care.

Childcare expenses will be considered for the time required for the eligible activity.

For childcare that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

To establish the reasonableness of childcare costs, the HAMC will use the schedule of childcare costs from the local welfare agency. Families may present, and the HAMC will consider, justification for costs that exceed typical costs in the area.

HAMC Policy

Only the following verification of childcare expenses will be accepted by HAMC:

1. Invoice/Ledger on company letterhead documenting the family's portion for childcare expense for each household member. Invoice/ledgers provided to HAMC must be within the last 30 days of request.
2. All childcare letters/notifications must include the following:
    - Age of each child, if the document does not list names and ages of child, the HAMC will pro-rate the expense based upon eligible children in the household.
    - Printed name and signature of service provider.

HAMC will use the non-certified relative providers (NCRP) rate as established in the Maximum Reimbursement Rates for Childcare" published by the Arizona Department of Economic Security (AZDES) for Non-licensed childcare. This rate will be reviewed annually when published by AZDES.

Licensed childcare centers will be capped at the "Maximum Reimbursement Rates for Childcare" published by the Arizona Department of Economic Security (https://des.az.gov/documents-center). This rate will be reviewed annually when published by AZDES.

Furthering Education
If the childcare expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the childcare claimed.

Being Gainfully Employed
If the childcare expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that childcare is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

When the childcare expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time.

When more than one family member works during a given period, the HAMC generally will limit allowable childcare expenses to the earned income of the

lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

6.23 **Anticipating Income**
When the HAMC cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the HAMC will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income. The family file will be documented with a clear record of the reason for the decision, and how the HAMC anticipated income.

Any time current circumstances are not used to project annual income, the decision will be documented in the file. In all such cases the family may present information and documentation to the HAMC to show why the historic pattern does not represent the family's anticipated income.

HAMC Policy
HAMC will calculate annual income based on projected future income that is anticipated to be received in the twelve-month period following the effective date following the admission or the re-exam.

HAMC will conduct streamlined recertification of income for elderly and disabled families when 100 percent of the household income consists of fixed income. In this streamlined process, HAMC will recalculate family income by applying any published cost of living adjustments to the previously verified income. For purposes of this section, the term "fixed income" includes income from:

1. Social Security payments include Supplemental Security Income (SSI) and Supplemental Security Disability Income (SSDI).

2. Federal, state, local or private pension plans; and
3. Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits and other similar types of periodic receipts that are of substantially the same amounts for year to year.

Seasonal occupations where it is normal for employees to work less than twelve (12) months per year such as school employees, agricultural workers, or the construction trades, HAMC will use one of the following methods:

- Method 1 – annualize current income and conduct an interim reexamination with the income changes.
- Method 2 – Calculate the actual anticipated income from all known sources for the entire year. This means there will be no interim reexamination when the income changes as already anticipated. However, to use Method 2, a history of the individual's income from past years is needed. This method cannot be used when the future income source is "unknown" or "none."

  Example: A teacher's assistant works nine (9) months annually and receives $1,300 per month. During the summer recess, the teacher's assistant works for the Parks and Recreation Department for $600 per month.

  In Method 1, multiply current income times 12 months.
  $1,300 a month x 12 months = $15,600

  When school ends, HAMC will conduct an interim reexamination, multiplying the new current income times 12 months.
  $600 a month x 12 months = $6,000

  In Method 2, HAMC will anticipate income from all known sources for the entire year.

$1,300 a month x 9 months =	$11,700
$600 a month x 3 months =	$1,800
Total	$13,500 per year

6.24 **Future Changes**

If the HAMC verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period. The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family.

In such cases the HAMC will calculate annual income using current circumstances and then require an interim re-certification when the change actually occurs. This requirement will be imposed even if the HAMC's policy on re- certifications does not require interim re-certifications for other types of changes.

When participant-provided third-party documents are used to anticipate annual income, they will be dated within 60 days of the HAMC's request.

6.25 **Total Tenant Rent and HAP**

Links: 24 CFR 5.628; 5.630; 5.634

HAMC follows HUD regulations for determining the family's portion of rent and the HAP subsidy to the owner.

Total Tenant Payment is the higher of:

1. 30% of adjusted monthly income; or
2. 10% of monthly income.
3. Not less than the Minimum Rent of $50

Tenant Rent

4. Tenant rent is calculated by subtracting the utility allowance for participant supplied utilities (if applicable) from the Total Tenant Payment
5. Where the owner pays for all utilities and provides the stove and refrigerator, Tenant Rent equals Total Tenant Payment.

Rent to Owner

Rent to owner is the greater of:

6. The Payment Standard less the Housing Assistance Payment; or
7. The Gross Rent less the Housing Assistance Payment
8. Minimum rent

6.26 **Payment Standards**

Link: 24 CFR 982.505

The payment standard is used in the calculation of the housing assistance payment for a family. The payment standard for the family is the lower of:

1. The unit size shown on the voucher, or
2. The size of the actual unit is selected by the family.

Establishment of Payment Standards

Link: 24 CFR 982.503(b),(c),(g)

The payment standard is set by HAMC between 90% and 110% of the HUD published Fair Market Rent (which may include HUD Small Area FMR). HAMC will review the payment standard at least annually to determine whether an adjustment should be made. The HAMC may establish an exception payment standard of not more than 120% of the published FMR if required as reasonable accommodation in accordance with 24 CFR part 8 for a family that includes a person with a disability.

Changes in Payment Standards

When the HAMC revises its payment standards during the term of the HAP contract for a family's unit, it will apply the new payment standards in accordance with HUD regulations.

Decreases in Payment Standards

If a PHA changes its payment standard schedule, resulting in a lower payment standard amount, during the term of a HAP contract, the PHA is not required to reduce the payment standard used to calculate subsidy for families under HAP contract as long as the HAP contract remains in effect (FR Notice 11/16/16).

However, if the PHA does choose to reduce the payment standard for families currently under HAP contract, the initial reduction to the payment standard may not be applied any earlier than the effective date of the family's second regular reexamination following the effective date of the decrease in the payment standard amount. At that point, the PHA may either reduce the payment standard to the current amount in effect on the PHA's payment standard schedule or may reduce the payment standard to another amount that is higher than the normally applicable amount on the schedule.

In any case, the PHA must provide the family with at least 12 months' notice that the payment standard is being reduced before the effective date of the change. The PHA's policy on decreases in the payment standard during the term of the HAP contract applies to all families under HAP contract at the time of the effective date of the decrease in the payment standard within the designated area.

HAMC Policy

If HAMC changes its payment standard schedule during the term of a HAP contract, resulting in a lower payment standard amount, the HAMC will not reduce the payment standard used to calculate subsidy for families under HAP contract as long as the HAP contract remains in effect.

The HAMC will not establish different policies for decreases in the payment standard for designated areas within their jurisdiction.

Increases in Payment Standards

If the payment standard is increased during the term of the HAP contract, the increased payment standard will be used to calculate the monthly housing assistance payment for the family beginning on the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard.

Families requiring or requesting interim reexaminations will not have their HAP payments calculated using the higher payment standard until their next annual reexamination [HCV GB, p. 7- 8].

Utility Allowances and Utility Reimbursements

Link: 24 CFR 982.517; Notice PIH 2016-05

HAMC maintains a Utility Allowance Schedule which is used in the housing assistance payment calculation to assist with the cost of utilities not included in the rent. The utility allowance calculation is based on the lower of:

3. The voucher unit size based on HAMC subsidy standards
4. The size of the actual unit leased by the family
5. In the case of reasonable accommodation, HAMC may use utility allowance for the unit size actually leased by the family.

When the utility allowance exceeds the family's Total Participant Payment, HAMC will provide the family a utility reimbursement payment.

An allowance for participant paid air conditioning will be calculated when central air-conditioning or a portable air conditioner is present in the unit.

HAMC will review the utility allowance schedule annually and revise it when needed. Revised utility allowances will be applied in a family's rent calculation at the next transaction.

HAMC may make reimbursement payments retroactively or prospectively. In the event that HAMC chooses to make the reimbursement payments retroactively, HAMC will allow a family to request a hardship exemption from the quarterly payments if it results in a financial hardship for the family.

If a family receives a hardship exemption, then the HAMC may either reimburse the family on a monthly basis or it may make prospective payments to the family, on a quarterly basis.

HAMC also has the option to provide the utility reimbursement payment directly to the utility company on behalf of the family.

Welfare Rent Welfare Rent does not apply.

6.27 Minimum Rent and Hardship Exemptions

Link: 24 CFR 5.630

If the PHA establishes a minimum rent greater than zero, the PHA must grant an exemption from the minimum rent if a family is unable to pay the minimum rent because of financial hardship. The financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If the PHA determines that a hardship exists, the family share is the highest of the remaining components of the family's calculated TTP.

HAMC Policy

The financial hardship rules described below do apply in this jurisdiction because the PHA has established a minimum rent of $50.00.

HUD-Defined Financial Hardship

Financial hardship includes the following situations:

(1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.

HAMC Policy

A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent. For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following:

(1) implementation of federal, state or local assistance (such as TANF, Cash Assistance, etc.), if approved, or

(2) the decision to deny federal, state or local assistance (such as TANF, Cash Assistance, etc.) assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

(2) The family would be evicted because it is unable to pay the minimum rent.

HAMC Policy

For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent to the owner or tenant-paid utilities because of circumstances in which the family is getting admission to the program and is currently homeless with no household income.

(3) Family income has decreased because of changed family circumstances, including the loss of employment.

(4) A death has occurred in the family.

HAMC Policy

In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income).

(5) The family has experienced other circumstances determined by the PHA.

HAMC Policy

The PHA has not established any additional hardship criteria

Hardship Exemptions for Health and Medical Care Expenses and Reasonable Attendant Care and Auxiliary Apparatus Expenses

The threshold to deduct health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses is an excess of 10 percent of annual income. A family will benefit from this hardship exemption only if the family has eligible expenses that can be deducted in excess of 5 percent of annual income. In order to claim unreimbursed health and medical care expenses, the family must have a head, co-head, or spouse that is elderly or a person with a disability. In order to claim unreimbursed reasonable attendant care and auxiliary apparatus expenses, the family must include a person with a disability, and the expenses must enable any member of the family (including the member who is a person with a disability) to be employed.

To initiate, extend, or conclude a hardship exemption only, HAMC will process and submit a non-interim reexamination transaction. Families may be eligible for relief under one of two categories; phased-in relief or general relief. A family receiving phased-in relief may request to receive general hardship relief instead; once a family chooses to obtain general relief, a family may no longer receive the phased-in relief.

Determination of Hardship

When a family requests a financial hardship exemption, the HAMC must suspend the minimum rent requirement beginning the first of the month following the family's request.

HAMC Policy

The HAMC defines temporary hardship as a hardship expected to last 90 days or less. Long term hardship is defined as a hardship expected to last more than 90 days. Assistance that would qualify for a hardship exemption or minimum rent waiver include federal, state or local assistance (such as TANF, Cash Assistance, etc.).

When the minimum rent is suspended, the family share reverts to the highest of the remaining components of the calculated TTP. The example below demonstrates the effect of the minimum rent exemption.

Example: Impact of Minimum Rent Exemption Assume the PHA has established a minimum rent of $50.			
Family Share – No Hardship		Family Share – With Hardship	
$0…… $15…… N/A…. $50….	30% of monthly adjusted income 10% of monthly gross income Welfare Rent Minimum Rent	$0…… $15…… N/A…. $50….	30% of monthly adjusted income 10% of monthly gross income Welfare Rent Minimum Rent
Minimum rent applies. TTP = $50		Hardship exemption granted. TTP = $15	

HAMC Policy

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent.

The HAMC will make the determination of hardship within 30 calendar days.

No Financial Hardship

If the HAMC determines there is no financial hardship, the HAMC will reinstate the minimum rent and require the family to repay the amounts suspended.

PHA Policy

The HAMC will require the family to repay the suspended amount within 30 calendar days of the HAMC's notice that a hardship exemption has not been granted.

Temporary Hardship

If the HAMC determines that a qualifying financial hardship is temporary, the HAMC must suspend the minimum rent for the 90-day period beginning the first of the month following the date of the family's request for a hardship exemption.

At the end of the 90-day suspension period, the family must resume payment of the minimum rent and must repay the PHA the amounts suspended. HUD requires the PHA to offer a reasonable repayment agreement, on terms and conditions established by the PHA. The PHA also may determine that circumstances have changed, and the hardship is now a long-term hardship.

HAMC Policy

The HAMC will enter into a repayment agreement in accordance with the procedures found in Chapter 12.10 of this plan.

Long-Term Hardship

If the HAMC determines that the financial hardship is long-term, the HAMC must exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family's request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

HAMC Policy

The hardship period ends when any of the following circumstances apply:

(1) At an interim or annual reexamination, the family's calculated TTP is greater than the minimum rent.

(2) For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a $60/month child support payment, the hardship will continue to exist until the family receives at least $60/month in income from another source or once again begins to receive the child support.

(3) For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

CHAPTER 7: REQUEST FOR TENANCY APPROVAL AND LEASING

After families are issued a voucher, they may search for a unit within the jurisdiction of HAMC, or outside of HAMC's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments (HAP) contract with HAMC within the time frame listed on the voucher.

7.1 Voucher Briefing

When eligibility has been determined, the HAMC will conduct a mandatory briefing to ensure that families understand how the program works. The briefing will provide a broad description of owner and family responsibilities, HAMC procedures and how to lease a unit. The family will also receive a briefing packet, which provides more detailed information about the program, including the benefits of moving outside areas of poverty and minority concentration.

The HAMC may conduct briefings telephonically, via video-teleconferencing, or through other virtual platforms provided that the family has not requested in-person briefing. Prior to scheduling a remote program briefing, the HAMC will survey the family to determine if technology barriers exist that would limit the family's ability to participate in the briefing. If the participant does not have proper technology access, then the remote briefing will either be postponed until the HAMC can resolve the access issue(s), or an in-person alternative will be provided.

If the family cannot attend the originally scheduled briefing the family must notify the HAMC before the scheduled briefing. If the family fails to attend a briefing twice without good cause, they will be denied admission to the Section 8 Housing Choice Voucher Program. Families unable to attend a briefing due to a disability may request reasonable accommodation.

Briefings will be conducted in English. For Limited English proficient (LEP) applicants, the HAMC will provide translation services in accordance with the LEP Access Guide as needed. HAMC follows HUD regulations 24 CFR 982.301 regarding information presented at the briefing and information.

7.2 Voucher Term

Link: 24 CFR 982.303(a)

HAMC Policy

The initial voucher term is 90 calendar days. The family must submit a Request for Tenancy Approval that is complete and a proposed blank lease within the 90-calendar day period unless the HAMC grants an extension.

The program exceptions to the initial 90 calendar day voucher term are the Emergency Housing Voucher (EHV), Mainstream Program, Family Unification Program and Veteran Affairs Supportive Housing (VASH) programs which both have an initial 120-day voucher term. See Chapter 23 for more information.

Port-In Families will receive an additional 30 calendar days starting after the IHA's (Initial Housing Authority) Voucher expiration date. The Initial PHA's voucher must have at least 30 calendar days remaining in order for a family to port into HAMC's jurisdiction. For more details on portability see Chapter 11.4.

Voucher Extensions

Link: 24 CFR 982.303(b)

HAMC Policy

An additional one (1) 90-Day extension is permissible in the following circumstances:

- Complete and submit a Contact Log prior to initial voucher term expiration.

Port-in Families that need an extension must contact the IHA to receive a voucher extension. For more details on portability see Chapter 11.4.

An additional one (1) 30-Day extension, resulting in a maximum 210-Day voucher term is permissible in the following extenuating circumstances:

- Approved Reasonable Accommodation Request
- Violence Against Women's Act (VAWA) accommodation to find new housing when an assisted household has to be divided

VASH and EHV participants have a voucher maximum of 240-Day voucher term in the above circumstances.

The HAMC will promptly notify the family of its decision and notate the extension date in the applicant/participant file within 10 calendar days of the family's written request.

Voucher Suspension

HAMC Policy

The HAMC only accepts, and processes completed Request for Tenancy Approvals (RFTA). The time between the HAMC receiving a completed Request for Tenancy Approval (RFTA) and proposed lease until the date the HAMC makes a final determination with respect to that Request for Tenancy Approval is considered "tolling". Tolling means suspending the family's voucher when a family submits the RFTA until the time HAMC approves or denies the unit or the family cancels the RFTA.

If the family chooses to cancel the RFTA, the term of the voucher will be reinstated the date the HAMC receives the written notice the RFTA is cancelled by the family.

If the HAMC denies the RFTA, the term of the voucher will be reinstated the date the HAMC sends the written notice of the denial of the RFTA to the family.

For more details on portability voucher information, see Chapter 11.4.

7.3 Subsidy Standards

Link: 24 CFR 982.401(d)

The subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines. The standards in this section relate to the number of bedrooms for which the subsidy will be paid, not the family's actual living arrangements.

HAMC Policy

HAMC will allocate the voucher size based on one bedroom for each two persons in the family, except:

1. A one bedroom will be allocated for the Head of Household and spouse/cohabitant.
2. A one bedroom will be allocated for the Head of Household if no spouse or cohabitant exists.
3. A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.

HAMC will use the following policy for voucher size determinations for household members:

1. Live-in aides must be allocated a separate bedroom unless the family unit size consists of a single person.
    a. No additional bedrooms will be provided for the live-in aide's family

Subsidy Standards Chart

Link: 24 CFR 982.402

The Housing Department will issue a voucher for a particular bedroom size. The bedroom size is a factor in determining the family's level of assistance. The following guidelines will determine each family's unit size without overcrowding or over- housing.

The living room may be used for sleeping quarters and room additions may be used as sleeping quarters per HUD Housing Quality Standard (HQS) regulations.

Voucher Unit Size	Persons in Household Minimum Number	Persons in Household Maximum Number
0-BR	1	1
1-BR	1	3
2-BR	2	6
3-BR	3	8
4-BR	6	10
5-BR	8	12
6-BR	10	14

Exceptions to Subsidy Standards

HAMC Policy

HAMC shall consider requests for exceptions from the subsidy standards for any of the reasons specified in the regulations: age, sex, health, handicap, relationship or other personal circumstances.

The family must request the exception in writing within 10 days from the date the voucher was issued, and if petitioning for a larger unit size, must provide sufficient justification for a larger unit size which includes supporting documentation.

Requests based on the health or disability of family members, or other individual circumstances, must be verified by a knowledgeable professional source such as a doctor or medical professional, unless the request for accommodation is readily apparent. The family must also provide written documentation justifying an additional bedroom for special medical equipment at the time of each subsequent annual re-certification.

HAMC will notify the family within 10 calendar days of receiving the family's information of its decision to grant the exception to the subsidy or occupancy standards. If the request is denied, the notice will inform the family of its right to request a review of the decision.

Occupancy Standards not Subsidy standards do not apply to PBV (See Chapter 19.3).

Unit Size Selected by Family

The family may lease a unit that is **only one-bedroom larger than their voucher size** listed on the voucher; however, the unit must meet housing quality standards, have a reasonable rent, and the rent must be less than 40% of the family's adjusted income at initial leasing. **When calculating the Housing Assistance Payment (HAP), HAMC will apply** the payment standard and utility allowance for the lower of:

- The unit size shown on the voucher, or
- The size of the actual unit is selected by the family.

Under-Housed and Over-Housed Families

If a unit does not meet HQS space standards due to an increase in family size or change in family composition, HAMC will issue the family a voucher to move to an appropriately sized unit. HQS requirements permit a maximum of two persons per living or sleeping room in the units.

Families will not be required to use rooms other than bedrooms for sleeping purposes in the subsidy voucher size determination. Participants may elect to use other areas of the unit as living/sleeping areas in determining the total number of persons eligible to live in the unit as a result of the family's request to add legally documented custody and as reasonable accommodation.

7.4 Allowable Housing Types

Link: 24 CFR 982.601(b)(2)

The following types of rental units may be leased in the Housing Choice Voucher program, unless designated otherwise:

- Single family detached homes
- Duplexes
- Multi-plexus
- Garden apartments
- Condominiums, townhouses, rowhouse
- Low-rise
- High-rises

- Manufactured homes where the tenant leases the mobile home and the pad
- Manufactured homes where the tenant owns the mobile home and leases the pad
- Other multi-family rental housing structures

The following types of housing are not permitted in the HCV program:

- Hotels
- Motels
- Nursing homes
- College or school dormitories
- Other types disallowed by HUD regulations
- Unit occupied by its owner or a person with any interest in the dwelling unit

The following are defined by HUD as special housing types:

- Single room occupancy (SRO) housing.
- Congregate housing;
- Group home;
- Shared housing;
- Manufactured home;
- Cooperative housing (excluding families that are not cooperative members); and
- Homeownership option.
- Accessory Dwelling Units (ADU)

HAMC may permit use of any of the special housing types, as defined by HUD, if needed as reasonable accommodation for a person with disabilities.

7.5 Single Room Occupancy (SRO)

Link 24 CFR 982.604; 24 CFR 982.605

A single room occupancy (SRO) unit provides living and sleeping space for the exclusive use of the occupant but requires the occupant to share sanitary and/or food preparation facilities with others. More than one person may not occupy an SRO unit. HCV regulations do not limit the number of units in an SRO facility, but the size of a facility may be limited by local ordinances.

When providing HCV assistance in an SRO unit, a separate lease and HAP contract are executed for each assisted person, and the standard form of the HAP contract is used.

7.6 SRO Payment Standard, Utility Allowance and HAP Calculation

The payment standard for SRO housing is 75 percent of the zero-bedroom payment standard amount on the HAMC's payment standard schedule. The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero-bedroom utility allowance. The HAP for an assisted occupant in an SRO facility is the lower of the SRO payment standard amount minus the TTP or the gross rent for the unit minus the TTP.

7.7 SRO Housing Quality Standards (HQS)

HQS requirements described in Chapter 8 apply to SRO housing except as modified below.

- **Access**: Access doors to the SRO unit must have working locks for privacy. The occupant must be able to access the unit without going through any other unit. Each unit must have immediate access to two or more approved means of exit from the building, appropriately marked and leading to a safe and open space at ground level. The SRO unit must also have any other means of exit required by State or local law.

- **Fire Safety**: All SRO facilities must have a sprinkler system that protects major spaces. "Major spaces" are defined as hallways, common areas, and any other areas specified in local fire, building, or safety codes. SROs must also have hard-wired smoke detectors, and any other fire and safety equipment required by state or local law. Sanitary facilities and space and security standards must meet local code requirements for SRO housing. In the absence of local code standards, the requirements discussed below apply [24 CFR 982.605].

- **Sanitary Facilities**: At least one flush toilet that can be used in privacy, a lavatory basin, and a bathtub or shower in proper operating condition must be provided for each six persons (or fewer) residing in the SRO facility. If the SRO units are leased only to men, flush urinals may be substituted for up to one half of the required number of toilets. Sanitary facilities must be reasonably accessible from a common hall or passageway and may not be located more than one floor above or below the SRO unit. They may not be located below grade unless the SRO units are located on that level.

- **Space and Security**: An SRO unit must contain at least 110 square feet of floor space, and at least four-square feet of closet space with an unobstructed height of at least five feet, for use by the occupant. If the closet space is less than four square feet, the habitable floor space in the SRO unit must be increased by the amount of deficiency. Exterior doors and windows accessible from outside the SRO unit must be lockable.

  Because no children live in SRO housing, the housing quality standards applicable to lead based paint do not apply

7.8 Congregate Housing

Link 24 CFR 982.606; 982.607; 982.608; 982.609

Congregate housing is intended for use by elderly persons or persons with disabilities. A congregate housing facility contains a shared central kitchen and dining area and a private living area for the individual household that includes at least a living room, bedroom and bathroom. Food service for residents must be provided.

If approved by the HAMC, a family member or live-in aide may reside with the elderly person or person with disabilities. The PHA must approve live-in aid if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

When providing HCV assistance in congregate housing, a separate lease and HAP contract are executed for each assisted family, and the standard form of the HAP contract is used.

7.9 Congregate Housing Payment Standard, Utility Allowance and HAP Calculation

The payment standard for an individual unit in a congregate housing facility is based on the number of rooms in the private living area. If there is only one room in the unit (not including the bathroom or the kitchen, if a kitchen is provided), the PHA must use the payment standard for a zero-bedroom unit. If the unit has two or more rooms (other than the bathroom and the kitchen), the PHA must use the one-bedroom payment standard.

The HAP for an assisted occupant in a congregate housing facility is the lower of the applicable payment standard minus TTP or the gross rent for the unit minus TTP.

The gross rent for the unit for the purpose of calculating HCV assistance is the shelter portion (including utilities) of the resident's monthly housing expense only. The residents' costs for food service should not be included in the rent for a congregate housing unit

7.10 **Congregate Housing Quality Standards (HQS)**

HQS requirements as described in Chapter 8 apply to congregate housing except for the requirements stated below.

Congregate housing must have (1) a refrigerator of appropriate size in the private living area of each resident; (2) a central kitchen and dining facilities located within the premises and accessible to the residents, and (3) food service for the residents, which is not provided by the residents themselves. The housing quality standards applicable to lead-based paint do not apply.

7.11 **Group Home**

Link: 24 CFR 982.610 through 982.614 and HCV GB p. 7-4

A group home is a state-licensed facility intended for occupancy by elderly persons and/or persons with disabilities. Except for live-in aides, all persons living in a group home, whether assisted or not, must be elderly persons or persons with disabilities. Persons living in a group home must not require continuous medical or nursing care.

A group home consists of bedrooms for residents, which can be shared by no more than two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents.

No more than 12 persons may reside in a group home including assisted and unassisted residents and any live-in aides.

If approved by the HAMC, a live-in aide may live in the group home with a person with disabilities. The HAMC must approve live-in aid if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. When providing HCV assistance in a group home, a separate lease and HAP contract is executed for each assisted family, and the standard form of the HAP contract is used.

7.12 **Group Home Payment Standard, Utility Allowance and HAP Calculation**

Unless there is a live-in aide, the family unit size for an assisted occupant of a group home must be zero- or one-bedroom, depending on the HAMC's subsidy standard. If there is a live-in aide, the aide must be counted in determining the household's unit size.

The payment standard used to calculate the HAP is the lower of the payment standard for the family unit size or the prorata share of the payment standard for the group home size. The prorata share is calculated by dividing the number of persons in the assisted household by the number of persons (assisted and unassisted) living in the group home.

The HAP for an assisted occupant in a group home is the lower of the payment standard minus the TTP or the gross rent minus the TTP.

The utility allowance for an assisted occupant in a group home is the prorata share of the utility allowance for the group home.

The rents paid for participants residing in group homes are subject to generally applicable standards for rent reasonableness. The rent for an assisted person must not exceed the prorata portion of the reasonable rent for the group home. In determining reasonable rent, the HAMC may consider whether sanitary facilities and facilities for food preparation and service are common facilities or private facilities.

7.13 **Group Home Housing Quality Standards (HQS)**

HQS requirements described in Chapter 8 apply to group homes except for the requirements stated below.

- **Sanitary Facilities**: A group home must have at least one bathroom in the facility, with a flush toilet that can be used in privacy, a fixed basin with hot and cold running water, and a shower or bathtub with hot and cold running water. A group home may contain private or common bathrooms. However, no more than four residents can be required to share a bathroom.
- **Food Preparation and Service**: Group home units must contain a kitchen and dining area with adequate space to store, prepare, and serve food. The facilities for food preparation and service may be private or may be shared by the residents. The kitchen must contain a range, an oven, a refrigerator, and a sink with hot and cold running water. The sink must drain into an approvable public or private disposal system.
- **Space and Security**: Group homes must contain at least one bedroom of appropriate size for every two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents.
- **Structure and Material**: To avoid any threat to the health and safety of the residents, group homes must be structurally sound. Elevators must be in good condition. Group homes must be accessible to and usable by residents with disabilities.
- **Site and Neighborhood**: Group homes must be located in a residential setting. The site and neighborhood should be reasonably free from hazards to the health, safety, and general welfare of the residents, and should not be subject to serious adverse conditions, such as:
  - Dangerous walks or steps
  - Instability
  - Flooding, poor drainage
  - Septic tank back-ups
  - Sewage hazards
  - Mud slides
  - Abnormal air pollution
  - Smoke or dust
  - Excessive noise
  - Vibrations or vehicular traffic
  - Excessive accumulations of trash
  - Vermin or rodent infestation, and
  - Fire hazards.

The housing quality standards applicable to lead-based paint do not apply.

7.14 **Shared Housing**

Link 24 CFR 982.615; 982.618

Shared housing is a single housing unit occupied by an assisted family and another resident or residents. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family.

An assisted family may share a unit with other persons assisted under the HCV program or with other unassisted persons. The owner of a shared housing unit may reside in the unit, but housing

assistance may not be paid on behalf of the owner. The resident owner may not be related by blood or marriage to the assisted family.

If approved by the PHA, a live-in aide may reside with the family to care for a person with disabilities. The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

When providing HCV assistance in shared housing, a separate lease and HAP contract are executed for each assisted family, and the standard form of the HAP contract is used.

7.15 **Shared Housing Payment Standard, Utility Allowance and HAP Calculation**

The payment standard for a family in shared housing is the lower of the payment standard for the family unit size or the prorata share of the payment standard for the shared housing unit size.

The prorata share is calculated by dividing the number of bedrooms available for occupancy by the assisted family in the private space by the total number of bedrooms in the unit.

The HAP for a family in shared housing is the lower of the payment standard minus the TTP or the gross rent minus the TTP. The utility allowance for an assisted family living in shared housing is lower than the utility allowance for the family unit size (voucher size) or the prorata share of the utility allowance for the shared housing unit.

Example: A family holds a 2-bedroom voucher. The family decides to occupy 3 out of 4 bedrooms available in the unit.
The utility allowance for a 4-bedroom unit equals $200
The utility allowance for a 2-bedroom unit equals $100
The prorata share of the utility allowance is $150 (3/4 of $200)
The PHA will use the 2-bedroom utility allowance of $100.

The rents paid for families living in shared housing are subject to generally applicable standards for rent reasonableness. The rent paid to the owner for the assisted family must not exceed the pro-rata portion of the reasonable rent for the shared unit. In determining reasonable rent, the PHA should consider whether sanitary and food preparation areas are private or shared.

7.16 **Shared Housing – Housing Quality Standards (HQS)**

The HAMC may not give approval to reside in shared housing unless the entire unit, including the portion of the unit available for use by the assisted family under its lease, meets the housing quality standards.

HQS requirements described in Chapter 8 apply to shared housing except for the requirements stated below.

- **Facilities Available for the Family**: Facilities available to the assisted family, whether shared or private, must include a living room, a bathroom, and food preparation and refuse disposal facilities.
- **Space and Security**: The entire unit must provide adequate space and security for all assisted and unassisted residents. The private space for each assisted family must contain at least one bedroom for each two persons in the family. The number of bedrooms in the private space of an

assisted family must not be less than the family unit size. A zero-bedroom or one-bedroom unit may not be used for shared housing.

7.17 Cooperative Housing

Link 24 CFR 982.619;

This part applies to rental assistance for a cooperative member residing in cooperative housing. It does not apply to assistance for a cooperative member who has purchased membership under the HCV homeownership option, or to rental assistance for a family that leases a cooperative housing unit from a cooperative member. A cooperative is a form of ownership (nonprofit corporation or association) in which the residents purchase memberships in the ownership entity. Rather than being charged "rent" a cooperative member is charged a "carrying charge." When providing HCV assistance in cooperative housing, the standard form of the HAP contract is used.

7.18 Cooperative Housing Payment Standard, Utility Allowance and HAP Calculation

The payment standard and utility allowance are determined according to regular HCV program requirements.

The HAP for a cooperative housing unit is the lower of the payment standard minus the TTP or the monthly carrying charge for the unit, plus any utility allowance, minus the TTP. The monthly carrying charge includes the member's share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. The carrying charge does not include down payments or other payments to purchase the cooperative unit or to amortize a loan made to the family for this purpose.

7.19 Cooperative Housing - Housing Quality Standards (HQS)

All standard HQS requirements apply to cooperative housing units. There are no additional HQS requirements.

7.20 Manufactured Homes

Link 24 CFR 982.620; 982.624; FR Notice 1/18/2017

A manufactured home is a manufactured structure, transportable in one or more parts, which is built on a permanent chassis, and designed for use as a principal place of residence. HCV assisted families may occupy manufactured homes in two different ways.

1) A family can choose to rent a manufactured home already installed on a space and the PHA must permit it. In this instance program rules are the same as when a family rents any other residential housing, except that there are special HQS requirements as provided in 15-VI.D below.

2) HUD also permits an otherwise eligible family that owns a manufactured home to rent a space for the manufactured home and receive HCV assistance with the rent for the space as well as certain other housing expenses. PHAs may, but are not required to, provide assistance for such families.

7.21 Special Policy for Manufactured Homes Owners Who Lease A Space

In determining the annual income of families leasing manufactured home spaces, the value of the family's equity in the manufactured home in which the family resides is not counted as a family asset.

Lease and HAP Contract There is a separate Tenancy Addendum (Form 52642-a) and separate HAP Contract (Form 52642) for this special housing type.

7.22 Manufactured Homes Payment Standard, Utility Allowance and HAP Calculation

Payment Standards .

The PHA payment standard for manufactured homes is determined in accordance with 24 CFR 982.505 and is the payment standard used for the PHA's HCV program. It is based on the applicable FMR for the area in which the manufactured home space is located.

The payment standard for the family is the lower of the family unit size (voucher size) or the payment standard for the number of bedrooms in the manufactured home.

Utility Allowance

The PHA must establish utility allowances for manufactured home space rental. For the first 12 months of the initial lease term only, the allowance must include an amount for a utility hook-up charge if the family actually incurred a hook-up charge because of a move. This allowance will not be given to a family that leases in place. Utility allowances for manufactured home space must not include the costs of digging a well or installing a septic system. If the amount of the monthly assistance payment for a family exceeds the monthly rent for the manufacture home space (including the owner's monthly management and maintenance charges), the PHA may pay the remainder to the family, lender, or utility company.

Space Rent

The rent for the manufactured home space (including other eligible housing expenses) is the total of:
The rent charged for the manufactured home space.

- Owner maintenance and management charges for the space.
- The monthly payments made by the family to amortize the cost of purchasing the manufactured home, including any required insurance and property taxes; and
- The applicable allowance for tenant-paid unities.

Amortization Costs

The monthly payment made by the family to amortize the cost of purchasing the manufactured home is the debt service established at the time of application to a lender for financing the purchase of the manufactured home if monthly payments are still being made. Any increase in debt service due to refinancing after purchase of the home may not be included in the amortization cost. Debt service for set-up charges incurred by a family may be included in the monthly amortization payments made by the family. In addition, set-up charges incurred before the family became an assisted family may be included in the amortization cost if monthly payments are still being made to amortize the charges.

Housing Assistance Payment

The HAP for a manufactured home space under the housing choice voucher program is the lower of the payment standard minus the TTP or the manufactured home space rent (including other eligible housing expenses) minus the TTP.

Rent Reasonableness

Initially, and annually thereafter the PHA must determine that the rent for the manufactured home

space is reasonable based on rents for comparable manufactured home spaces. The PHA must consider the location and size of the space, and any services and maintenance to be provided by the owner. By accepting the monthly HAP check, the owner certifies that the rent does not exceed rents charged by the owner for comparable unassisted spaces in the manufactured home park or elsewhere.

7.23 Manufactured Homes Housing Quality Standards (HQS)

Under either type of occupancy described in 7.20 above, the manufactured home must meet all HQS performance requirements and acceptability criteria discussed in Chapter 8 of this plan. In addition, the following requirement applies:

Manufactured Home Tie-Down A manufactured home must be placed on the site in a stable manner and must be free from hazards such as sliding or wind damage. The home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist overturning and sliding.

7.24 Request for Tenancy Approval (RFTA)

Link 24 CFR 982.352(2); 982.305 & 308 & 309; 982.401; 982.507 & 508; 982 Subpart M; Form HUD-52517

Before a family leases a unit, HAMC must approve the unit selected by the family. The voucher holder and the owner/landlord must submit the following:

- Complete RFTA, signed by both the family and the owner, including:
  - Dwelling lease
  - Proof of ownership of the unit to be leased (e.g. deed of trust, most recent year tax statement, warranty deed and management agreement, if applicable).
  - The Owner's EIN or social security number.
  - A W-9 form completed by the owner.
  - If the property is in a corporation, the names of all parties
  - Current street mailing address, Post Office Box addresses will not be accepted
  - Business and home telephone number
  - For units constructed prior to 1978, owners must either 1) certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspector; or 2) attach a lead-based paint disclosure statement.

The RFTA and all associated documents must be submitted in-person, by mail, by fax, or email. The family may submit only one RFTA at a time. When the family submits the RFTA the HAMC will review the RFTA for completeness. If the RFTA is incomplete (including lack of signature by family, owner, or both), or if the dwelling lease is not submitted with the RFTA, the HAMC will notify the family and the owner. The owner must submit an approvable RFTA by the date specified on the notification or the RFTA will be denied.

Tenancy Addendum

Link: 24 CFR 982.308; HUD Form 52641

The owner must use the HUD Tenancy Addendum or all provisions in the HUD- required Tenancy Addendum must be added to the owner's lease. If there is a conflict between the owner's lease and the Tenancy Addendum, the terms of the Tenancy Addendum will prevail over any other provisions of the lease.

Dwelling Lease

Link: 24 CFR 982.308(d)

When the RFTA and proposed lease are submitted, the HAMC will review the terms of the RFTA for consistency with the terms of the proposed lease. If the terms of the RFTA are not consistent with the terms of the proposed lease, the HAMC will notify the family and the owner of the discrepancies. The proposed lease must comply with HUD requirements, as well as State and local law. The HAMC does not provide a model or standard dwelling lease for owners to use in the HCV program.

- Owners that use a standard lease for units rented to unassisted families must use the same lease, plus the HUD prescribed tenancy addendum for HCV assisted families.
- HAMC will review the owner's lease, any optional charges, compliance with regulations, and any house rules.
- Responsibility for utilities, appliances and optional services must correspond to those provided on the RFTA.
- The initial lease term must be for one year.
- The owner must be approved of and there must be no conflicts of interest (e.g. the owner may not be a relative, etc.).

New Lease Required

- If there are any changes in lease requirements governing tenant or owner responsibilities for utilities or appliances.
- If there are any changes in lease provisions governing the term of the lease.
- If the family moves to a new unit, even if the unit is in the same building or complex.

7.25 Approval and Disapproval of RFTA

The HAMC will approve a lease if all of the following conditions are met:

- The unit is eligible
- The unit is inspected and passes HQS
- The lease includes the attachment Tenancy Addendum
- The rent to owner is reasonable
- The family's share of rent does not exceed 40% of their monthly adjusted income if the initial rent exceeds the Payment Standard
- The owner has not been found to be debarred, suspended or subject to a limited denial of participation by HUD or the HAMC
- The family continues to meet all eligibility and screening criteria.
- The lease term may begin when all of the following conditions are met:
    - The unit passes the HQS inspection
    - The family's initial share of rent does not exceed 40% of their monthly adjusted income if the initial rent exceeds the Payment Standard
    - The landlord and tenant sign the lease to include the HUD required Tenancy Addendum

The HAMC will prepare a Housing Assistance Payment (HAP) contract for landlord signature upon receipt of the executed lease. The HAMC will not pay any housing assistance to the owner until a

HAP contract is executed.

If HAMC determines that the Request for Tenancy Approval cannot be approved for any reason the owner and the family will be notified. HAMC will instruct the family of the steps that are necessary to approve the RFTA.

If an RFTA is not approved and the voucher has not expired, HAMC will furnish another RFTA to the family to continue searching for eligible housing within the time remaining on the voucher.

7.26 **Information to Owners**

Link: 24 CFR 982.307(a)(112); (b)(1)

It is the responsibility of the owner to determine the suitability of prospective families as the HAMC does not screen for suitability as participants. Owners are encouraged to screen applicants for rent payment and eviction history, credit history, prior rental references and damage to units, and other factors related to the family's suitability as a renter. Owners may not discriminate on the basis of race, religion, sex, color, national origin, disability, sexual orientation, gender identity or familial status.

If requested by an owner, HAMC will provide any of the following information in writing regarding a family's tenancy history, based on existing documentation relating to:

- Previous owner name, address and phone number
- Current owner name, address and phone number

HAMC's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners. HAMC will make an exception to this policy if the family's whereabouts must be protected due to domestic abuse or witness protection, and the protection requirements are documented.

7.27 **Security Deposit**

Links: 24 CFR 982.313 (a) and (b)

The owner may collect a security deposit from the participant. The deposit must be reasonable based on local security deposits charged and those charged by the owner for other assisted and non-assisted units.

7.28 **Separate Agreements**

Links: 24 CFR 982.451(b)(4); 24 CFR 982.510(c)

Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited.

7.29 **Initial Rent Burden**

At the time the HAMC approves a tenancy for initial occupancy of a dwelling unit, the family's rent cannot be more than 40% of the family's adjusted income. At the family's request, HAMC will negotiate with the owner to reduce the rent. If the rent is not lowered to at or below 40% of the adjusted income, the family may not lease the unit.

After the initial occupancy, the 40% maximum family share of rent does not apply.

7.30 **Owner Disapproval**

Links: 24 CFR 982.54d(8); 982.306;982.161(a)

HAMC may disapprove the owner for any of the following reasons:

- The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program
- The owner has engaged in any drug-related criminal activity or any violent criminal activity
- The owner has a history or practice of non-compliance with the HQS for units leased under the participant-based programs, or with applicable housing standards for units leased with project- based Section 8 assistance or leased under any other federal housing program
- The owner has a history or practice of failing to terminate tenancy of participants of units assisted under Section 8 or any other federally assisted housing program for activity engaged in by the participant, any member of the household, a guest or another person under the control of any member of the household that: (i) Threatens the right to peaceful enjoyment of the premises by other participants; (ii) Threatens the health or safety of other participants, of employees of the HAMC, or of owner employees or other persons engaged in management of the housing; (iii) Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or (iv) Is drug- related criminal activity or violent criminal activity
- The owner has a history or practice of renting units that fail to meet state or local housing codes
- The owner has not paid state or local real estate taxes, fines, or assessment

When HUD has informed HAMC that disapproval is required because:

- Owner has been disbarred, suspended, or subject to a limited denial of participation
- The Federal government has instituted an administrative or judicial action against the owner for violating the Fair Housing Act or other federal equal opportunity requirements and such action is pending.
- Court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements

Before imposing any penalty against an owner, HAMC will review all relevant factors pertaining to the case and will consider such factors as the owner's record of compliance and the number of violations.

If an owner commits fraud or abuse or is guilty of frequent or serious contract violations, HAMC may debar or suspend the owner from future participation in the. HAMC may terminate some or all contracts with the owner.

The HAMC must not approve a tenancy in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:

- Any present or former member or officer of the HAMC (except a participant commissioner)
- Any employee of the HAMC, or any contractor, subcontractor or agent of the HAMC, who formulates policy or who influences decisions with respect to the programs
- Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs

- Any member of the Congress of the United States

HUD may waive the conflict-of-interest requirements, except for members of Congress, for good cause. The HAMC must submit a waiver request to the appropriate HUD Field Office for determination. Any waiver request submitted by the HAMC must include the following:

- Complete statement of the facts of the case
- Analysis of the specific conflict of interest provision of the HAP contract and justification as to why the provision should be waived
- Analysis of and statement of consistency with state and local laws. The local HUD office, the HAMC, or both parties may conduct this analysis. Where appropriate, an opinion by the state's attorney general should be obtained
- Opinion by the local HUD office as to whether there would be an appearance of impropriety if the waiver were granted
- Statement regarding alternative existing housing available for lease under the HCV program or other assisted housing if the waiver is denied
- If the case involves a hardship for a particular family, statement of the circumstances and discussion of possible alternatives
- If the case involves a public official or member of the governing body, explanation of his/her duties under state or local law, including reference to any responsibilities involving the HCV program
- If the case involves employment of a family member by the HAMC or assistance under the HCV program for an eligible HAMC employee, explanation of the responsibilities and duties of the position, including any related to the HCV program
- If the case involves an investment on the part of a member, officer, or employee of the HAMC, description of the nature of the investment, including disclosure/divestiture plans.

In considering whether to request a conflict of interest waiver from HUD, the HAMC will consider certain factors such as consistency of the waiver with state and local laws, the existence of alternative housing available to families, the individual circumstances of a particular family, the specific duties of individuals whose positions present a possible conflict of interest, the nature of any financial investment in the property and plans for disclosure/divestiture, and the possible appearance of impropriety. Where the HAMC has requested a conflict-of-interest waiver, the HAMC may not execute the HAP contract until HUD has made a decision on the waiver request.

CHAPTER 8: HOUSING QUALITY STANDARDS AND INSPECTIONS AND RENT REASONABLENESS

Links: 24 CFR 982.305; 982.401; 982.405(b); HOTMA §101(a)(1)

HAMC performs four types of inspections:

- Initial Inspections
- Annual / Biennial Inspections
- Special/Complaint Inspections
- Quality Control Inspections

HAMC adheres to Housing Quality Standards (HQS) standards as established in 24 CFR 982.401 to perform all required inspections.

HAMC may rely on an alternative inspection (an inspection conducted for another housing program) provided HAMC obtains the results of the alternative inspection and if HCV units are included in the population of that housing program's unit population. Alternative housing program inspections include:

- HOME Investment Partnerships
- Low-Income Housing Tax Credits housing
- Inspections performed by HUD

Units in mixed-finance properties assisted with project-based vouchers will be inspected at least biennially. HAMC will maintain reports for inspections conducted using an alternative inspection method for at least three years from the date of the latest inspection.

8.1 Initial Inspections

The owner or owner's representative should be present at the initial inspection and any re-inspection. If the owner is unable to be present at the initial inspection or re- inspection and has provided HAMC with a lock box code and email authorization to enter the unit, the unit may be inspected. The applicant is permitted but not required to be present. All utilities must be in service at the initial inspection, or the inspection will fail. For the re-inspection, the utilities must be turned on.

The unit must have an operating oven, a stove or range, and refrigerator, which may be supplied by the owner or family. If the participant is responsible for providing the stove and/or refrigerator, HAMC will allow the stove and/or refrigerator to be placed in the unit after the passed inspection. The HAMC will only execute the HAP contract following receipt of a signed certification from the family that the appliances are in the unit and working. HAMC may conduct a confirmatory inspection to check the appliances.

HAMC will conduct the initial inspection generally within 15 calendars after receiving a completed RFTA from the family and the unit is ready for inspection.

If the unit fails the initial HQS inspection, the owner will be notified of the deficiencies. The owner is required to contact HAMC within 10 days of the initial inspection to advise them that the repairs have been made. If the unit fails the re- inspection, the family must select another unit. HAMC may agree to conduct a second re-inspection when requested by both family and owner and there is good cause to grant the request.

Initial occupancy of unit prior to HQS

Link PIH Notice 2017-20

The HAMC may approve the assisted tenancy and begin paying housing assistance payments (HAP) on a unit that fails to meet the HQS, provided the deficiencies are not life-threatening. The HAMC will ensure that the unit does not have any life- threatening deficiencies before approving the unit and executing the HAP contract (or, in the case of PBV, approves occupancy and the execution of a lease).

The HAMC will document that the unit passes all components of the inspection that relate to any life- threatening conditions identified below (including those on HUD's list) before approving the assisted tenancy and executing the HAP contract. If a unit's completed inspection form has no noted life- threatening conditions, the HAMC will certify that the unit was free of life-threatening deficiencies at the time of the initial inspection.

The HAMC will notify the owner and the family of any HQS deficiencies that are non- life threatening at the time of the inspection. If the non-life-threatening conditions are not corrected within 30 days of the HAMC notifying the owner of the unit's failure of HQS, the HAMC will withhold any further HAPs until those conditions are addressed and the unit complies with HQS.

Definition of Non-Life-Threatening Conditions.

A non-life-threatening condition is defined as any condition that would fail to meet the housing quality standards under 24CFR 982.401 and is not a life-threatening condition as defined by HUD.

Definition of Life-Threatening Conditions. The following are considered life threatening conditions. The HAMC will apply the list of life-threatening conditions to all HQS inspections (e.g. initial, annual, biennial, interim, special):

1) Gas (natural or liquid petroleum) leaks or fumes
   a) A fuel storage vessel, fluid line, valve, or connection that supplies fuel to a HVAC unit is leaking
   b) A strong odor is detected with potential for explosion or fire or that results in a health risk if inhaled

2) Electrical hazards that could result in shock or fire
   a) light fixture is readily accessible, is not securely mounted to the ceiling or wall, and electrical connections or wires are exposed
   b) A light fixture is hanging by its wires
   c) A light fixture has a missing or broken bulb, and the open socket is readily accessible to the tenant during the day-to-day use of the unit
   d) A receptacle (outlet) or switch is missing or broken, and electrical connections or wires are exposed
   e) A receptacle (outlet) or switch has a missing or damaged cover plate, and electrical connections or wires are exposed

f) An open circuit breaker position is not appropriately blanked off in a panel board, main panel board, or other electrical box that contains circuit breakers or fuses
g) A cover is missing from an electrical device box, panel box, switch gear box, control panel, etc., and there are exposed electrical connections
h) Any nicks, abrasions, or fraying of the insulation that exposes conducting wire
i) Exposed bare wires or electrical connections
j) Any condition that results in openings in electrical panels or electrical control device enclosures
k) Water leaking or ponding near any electrical device
l) Any condition that poses a serious risk of electrocution or fire and poses an immediate life- threatening condition

3) Inoperable or missing smoke detectors
a) The smoke detector is missing
b) The smoke detector does not function as it should

4) Interior air quality
a) The carbon monoxide detector does not function as it should

b) Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit.

5) Gas/oil-fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney venting
a) The chimney or venting system on a fuel-fired water heater is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting or gases
b) A gas dryer vent is missing, damaged, or is visually determined to be inoperable, or the dryer exhaust is not vented to the outside
c) A fuel-fired space heater is not properly vented or lacks available combustion air
d) A non-vented space heater is present
e) Safety devices on a fuel-fired space heater are missing or damaged
f) The Chimney or venting system on a fuel-fired heating, ventilation, or cooling system is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting of gases

6) Lack of alternative means of exit in case of fire or blocked egress.
a) Any of the components that affect the function of the fire escape are missing or damaged
b) Stored items or other barriers restrict or prevent the use of the fire escape in the event of an emergency
c) The building's emergency exit is blocked or impeded, thus limiting the ability of occupants to exit in a fire or other emergency

7) Other interior hazards.
a) A fire extinguisher (where required) that is missing, damaged, discharged, overcharged, or expired

8) Deteriorating point as defined at 24 CFR 35.110 in a unit built before 1978 that is to be occupied by a family with a child under six years of age if it would prevent the family from moving into the unit. All lead hazard reduction requirements in 24 CFR part 35, including the timeline for lead hazard reduction procedures, still apply.

9) Any other condition subsequently identified by HUS as life threatening in a notice published in the Federal Register.

10) Any other condition identified by the PHA as life-threatening

a) Any condition that jeopardized the security of the unit
b) Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling
c) Utilities not in service, including hot water heater not working
d) Conditions that present the imminent possibility of injury
e) Absence of a functioning toilet in the unit

8.2 **Biennial HQS Inspections**

Link: 24 CFR 982.405(a)

HAMC will inspect the unit no less often than biennially. The HAMC may determine that a unit with a history of failed HQS inspections may be inspected annually. An adult family member must be present at the inspection. If an adult family member cannot be present on the scheduled date, the family must contact HAMC to reschedule the inspection. Inspections may be rescheduled once.

If the family misses the first scheduled appointment without notifying the HAMC before the inspection, the HAMC will automatically schedule a second inspection. If the family misses two scheduled inspections without HAMC approval, the HAMC will consider the family to have violated its obligation to make the unit available for inspection and proceed with intent to terminate assistance.

8.3 **Special Inspections**

The HAMC will conduct a special inspection if the owner, family, or another source reports HQS violations in the unit. An adult family member must be present for the inspection. During a special inspection, HAMC generally will inspect only those deficiencies that were reported. However, the inspector will record any additional HQS deficiencies that are observed and will require the responsible party to make the necessary repairs.

If the biennial inspection has been scheduled or is due within 90 days of the date the special inspection is scheduled the HAMC may elect to conduct a full inspection.

8.4 Quality Control Inspections

Link: 24 CFR 982.405(b)

HAMC will conduct quality control inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in the application of the HQS. An adult family member must be present for the inspection.

8.5 Scheduling Inspections and Family Attendance

Link: 24 CFR 982.551(d)

The family must allow the HAMC to inspect the unit at reasonable times with reasonable notice. The family and owner will be given reasonable notice of all inspections. Except in the case of a life-threatening emergency, reasonable notice is considered to be not less than 48 hours. Inspections may be scheduled between 8:00 a.m. and 5:00 p.m., Monday through Friday. In the case of a life-threatening emergency, the HAMC will give as much notice as possible, depending on the nature of the emergency.

Missed and Rescheduled Inspections

An owner is not allowed to cancel an annual, special or quality control inspection. The family may only request to cancel and reschedule the annual inspection for good cause: e.g. unavoidable conflict, which seriously affects the health, safety or welfare of the family. HAMC may require the family to provide documentation in support of the request. The family may only cancel and reschedule the annual inspection and/or any subsequent re-inspections once.

HAMC will process termination of family program assistance and inform the owner of contract unit termination when the following occurs:

- The family cancels do not allow entry or fails to have an adult present on two consecutive scheduled inspections.
- The family cancels or fails to be present at the first scheduled inspection and fails to reschedule the inspection.
- If the family does not allow entry, is not present for the inspection, or fails to have an adult present, the attempted inspection is considered a failed inspection.

8.6 Emergency Inspections

If a participant or government official reports a condition that is life-threatening, HAMC will inspect the unit within 24 hours.

The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies HQS failures, the HAMC will determine if the failure is a life-threatening condition. Items considered life threatening or of an emergency nature include but are not limited to the following:

- Any condition that jeopardizes the security of the unit
- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling
- Natural or LP gas or fuel oil leaks
- Any electrical problem or condition that could result in shock or fire

- Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit.
- Utilities not in service, including hot water heater not working
- Conditions that present the imminent possibility of injury
- Obstacles that prevent safe entrance or exit from the unit
- Absence of a functioning toilet in the unit
- Inoperable smoke detectors

When life-threatening conditions are identified, the HAMC will immediately notify both parties by telephone, fax or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within 24 hours of the HAMC's notice.

When failures that are not life-threatening are identified, the HAMC will send the owner and the family a written notification of the inspection results. The written notice will state the day and timeframe the re-inspection will occur.

8.7 **Abatements**

Failure to pass a unit under contract to pass a re-inspection will result in abatement of the Housing Assistance Payment. Abatement means that a daily pro-ration of the Housing Assistance Payment will be deducted from any future payments for each day that the unit is not in compliance with the HQS standards beginning the day following the failed re- inspection and continuing until the owner submits notification in writing to HAMC that the repairs have been completed. A notice of abatement will be sent to the owner within 2 business days of the re-inspection. The abatement period will not extend beyond 30 days. HAMC will not charge a reinspection fee.

If the owner has not made the required repairs during the abatement period, the Housing Assistance Payments Contract will be terminated in accordance with the provisions in the contract. The assisted family will be notified of the termination and will be advised to secure program move documents to commence search for a new housing unit. Once a termination notice has been issued, the HAP Contract will not be re-instated (except as a reasonable accommodation) even if the landlord proceeds to make repairs.

8.8 **HQS Certifications**

Link: 24 CFR 982.404(a)(3); Notice PIH 2011-29

At HAMC's sole discretion, HAMC will either complete a re-inspection or allow the owner and participant to submit a Certification of Work Completed Notice.

If the owner is eligible to submit a Certification of Work Completed Notice and will contain the participant's signature. The HAMC may require documentation of the completed work be attached to the Certification, i.e. receipts, pictures, etc.

It is the owner's responsibility to obtain the participant's signature on the Certification and to submit the form to HAMC within 30 days of the date of the first inspection, unless an extension is granted.

HAMC may utilize a Certification of Work Completed Notice when the repairs required are minor. The unit is not eligible for a Certification and must be re- inspected in the following circumstances:

- Initial Inspection
- The unit has numerous failed items
- The failure is an emergency, 24-hour repair item
- The failed item(s) are of a serious or suspicious nature

8.9 **Extensions**

Link: 24 CFR 982.404

HAMC will not grant extensions for life-threatening conditions. For conditions that are not life-threatening, the HAMC may grant an exception for correcting the failed item(s), if the HAMC determines that an extension is appropriate.

Extensions will be granted in cases where the HAMC has determined that the owner has made a good faith effort to correct the deficiencies and is unable to for reasons beyond the owner's control. Reasons may include, but are not limited to:

- A repair cannot be completed because required parts or services are not available.
- A repair cannot be completed because of weather conditions.
- Reasonable accommodation is needed because the family includes a person with disabilities.

The length of the extension will be determined on a case-by-case basis in the case of delays caused by weather conditions or other extreme situations

8.10 **Family Responsibilities**

Link: 24 CFR 982.551(d), 24 CFR 982.404(b)

The family is responsible for correcting inspection failures caused by:

- Family-paid utilities not in service
- Failure to provide or maintain family-supplied appliances
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear.
- Infestation and damage to the unit caused by infestation due to housekeeping.

HAMC will terminate the family's assistance if the family:

- Fails to correct a violation within the period allowed by the HAMC (and any extensions).
- Fails to allow the owner entry into the unit to complete repairs.

8.11 **Owner Responsibilities**

Link: CFR 985.3(f)

The owner is responsible for all HQS violations not listed as a family responsibility above. In order for a unit that has failed two consecutive inspections to be scheduled for a third inspection the owner must provide HAMC with written/email certification that all deficiencies have been corrected. Only upon receipt of this certification will additional inspections be scheduled.

When inspection deficiencies are the Owner's responsibility, the HAMC will charge the Owner a non-refundable reasonable fee of $100.00 for conducting a third re-inspection. A reasonable fee must be paid to HAMC prior to scheduling the third re-inspection and any other inspections after that inspection. HAMC requires that the Owner or an authorized representative of the Owner participate in such re-inspections.

Lead Safe Homes Rule

Link: HUD PIH Notice 2017-13

For Housing Choice Voucher (HCV) units, when a child under 6 is identified with an elevated blood lead level (EBLL), the Owner is responsible for:

- Initial notification of a confirmed case to HUD: In the event that the owner becomes aware of the above, the Owner must notify HAMC, who will collaborate with notification to the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes of the case – that is, the child's address – within 5 business days.
- Initial notification of the public health department, when necessary: When the Owner is notified of the case by any medical health care professional other than the public health department, the owner will notify HAMC, who will notify the public health department of the name and address of the child within 5 business days.
- Verification of the case, when necessary: When the Owner receives information from a person who is not a medical health care provider that a case may have occurred, the owner should immediately convey the information to HAMC so the HAMC may notify the public health department, if HAMC has indicated, or indicates at this time, that it wishes to collaborate with the owner on implementation of the rule, as described in PIH Notice 2017-13 and as follows.
- Control of lead-based paint hazards: Completing the reduction of lead-based paint hazards in the index unit and common areas servicing that unit that were identified by the environmental investigation conducted by the PHA within 30 calendar days, using a certified lead-based paint abatement firm or certified lead renovation firm. Work will include occupant protection, and clearance of the unit and common areas servicing that unit by an independent certified risk assessor or a trained dust sampling technician working under the risk assessor.
- Notification to other residents: As already required by the LSHR, in a multiunit property, the owner must notify all residents of lead evaluation and hazard control activities.
- Ongoing maintenance: Maintaining covered housing without deteriorated paint if there is child under 6 in the family.

8.12 Rent Reasonableness

Link: 24 CFR 982.507; 982.305(a); 982.505 9(c)(3)

At all times during the assisted tenancy, the rent to Owner may not exceed the reasonable rent determined by HAMC. Rent reasonableness determinations may be completed by HAMC at any time and will be completed:

- At initial lease up
- When an owner requests a rent increase.
- If the FMR is decreased by 10%
- When directed by HUD

HAMC will determine and document on a case-by-case basis that the approved rent:

- Is reasonable in comparison to rent for other comparable, unassisted units in the market, and
- Does not exceed rents currently charged by the same owner for an equivalent assisted or unassisted unit in the same building or complex.

All rent increases are subject to available funding. HAMC may deny any request for a rent increase if it is determined that there are insufficient funds available to support the requested rent increase.

Initial Rent Determination

The HAMC must make a rent reasonableness determination at initial occupancy and whenever the owner requests a rent adjustment. The owner and family first negotiate the rent for a unit. The HAMC (or independent agency in the case of HAMC-owned units) will assist the family with the negotiations on request.

At initial occupancy the HAMC must determine whether the proposed rent is reasonable before a HAP Contract is signed. The owner must not change the rent during the initial lease term. Subsequent requests for rent adjustments must be consistent with the lease between the owner and the family. Rent increases will not be approved unless all failed items identified by the most recent HQS inspection have been corrected.

Owner-Initiated Rent Determination

HAMC Policy

After the initial occupancy period, the owner may request a rent adjustment in accordance with the owner's lease meaning rent increases to owners will only be considered at the time of annual re-certification. Owners must issue a notice to the tenant a minimum of 60 days prior to the lease end date with a copy to HAMC for any requested rent increase. HAMC will conduct a rent reasonableness analysis and advise the owner if the rent increase can be approved or negotiate a different rent if applicable.

HAMC-owned Units

Link: 24 CFR 982.352(b)

In cases where an HCV family is receiving assistance in a HAMC-owned unit, the HAMC must obtain the services of an independent entity to determine rent reasonableness in accordance with program requirements, and to assist the family in negotiating the contract rent when the family requests assistance. A HAMC-owned unit is defined as a unit that is owned by the HAMC that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by the HAMC). The independent agency must communicate the results of the rent reasonableness determination to the family and the HAMC. The independent agency must be approved by HUD and may be the unit of general local government for the HAMC jurisdiction (unless the PHA is itself the unit of general local government or an agency of such government).

Decreases in the Fair Market Rent

Link: PIH Notice 2018-01

HUD requires the HAMC to make a determination of rent reasonableness (even if the owner has not requested a change) if there is a 10 percent decrease in the fair market rent that goes into effect at least 60

days before the contract anniversary date. HUD also may direct the HAMC to make a determination at any other time. The HAMC may decide that a new determination of rent reasonableness is needed at any time.

HAMC Policy

This provision is designed to ensure that when the market goes down by a significant amount (i.e., a 10 percent or more reduction in FMR) the PHA must reexamine rent reasonableness at the contract anniversary date, even if the owner does not propose a rent increase. When determining if this provision applies, the HAMC must compare the FMR in effect 60 days prior to the upcoming HAP contract anniversary date with the FMR in effect one year before the upcoming anniversary date HCV Program Guidebook 7420.1.

PIH Notice 2018-01 provides guidance on the regulatory provisions implemented under the Small Area FMR (SAFMR) Final rule (FR-5855-F-03), published in the Federal Register on November 16, 2016. The effective date of the Final rule is January 17, 2017.

The final rule changes the percentage decrease in FMRs that triggers the need for a rent reasonableness determination from 5 to 10 percent.

A rent reasonableness determination will be required only when the decrease in the FMRs from the previous year is exactly 10 percent. (An FMR will never decrease by more than 10 percent from the previous year's FMR, regardless of whether a PHA is voluntarily using SAFMRs, is operating in a designated SAFMR area, or is not using SAFMRs.) (PIH Notice 2018-01)

The HAMC is still required to redetermine rent reasonableness before any increase in rent to owner and/or if directed by HUD

10 PERCENT DECREASE IN FMR

HAP Contract Anniversary Date:	12/01/01
New FMR Effective Date:	10/01/01
Old FMR:	$ 500
New FMR:	$ 450

Is Effective Date of new FMR 60 days or more before the contract anniversary date?
Yes. 31 days October + 30 days November = 61 days

Is the decrease in the FMR equal to or greater than 10 percent?
Yes. $500 – $ 450= $50 (500 x .10) = $50

In this example, the decrease from $500 to $450 represents a 10 percent decrease and would activate the provision. If the FMR decreased from $500 to $480, no rent reasonableness determination would be required. The HAMC could choose, however, to initiate a review of rent reasonableness.

HAMC Policy

In the event that HUD SAFMRs' decrease, HAMC will allow families that are currently under a HAP contract to continue to use the payment standard in effect for two years after the effective date of HAMC's Payment Standard Schedule that resulted in a 10% reduction in SAFMRs.

Upon proper notification to the family, the HAMC will reduce the payment standard amount on the recertification date to calculate such a family's subsidy no earlier than two years following the effective date of the decrease in the payment standard.

However, in the event that the family moves to a new unit, the new or current payment standard will be applied to the voucher.

Rent Reasonable Methodology

The HAMC contracts with a third party to conduct rent reasonableness. The computer-based system has a database that contains real-time data based on housing searches and lease-ups within the system. Based on rental lease-up activity, housing surveys are conducted to verify and collect details of lease-up information, including how much a unit was actually leased for. Based on the date it was rented, the data remains in the system for a year in order to be used for rent reasonableness determinations. The system does conduct surveys on units approaching expiration to see if the data can be updated and be used for another year. For units that cannot be updated, they expire out of the system and are no longer used in rent reasonableness determinations for other units. There is also a system research team that does rental unit research and populates the system based on the results.

The information entered ultimately helps to identify and consider the following information of the unit, which is required for rent reasonableness determinations: location, quality, size, unit amenities, housing services, age, unit type, maintenance, and utility responsibilities. Subject units will be compared to the most reasonable units in the system within a local range. A minimum of three similar units will be identified and the corresponding data will be reflected on the automated rent reasonableness form.

The rent for a unit proposed for HCV assistance will be compared to the rent charged for comparable unassisted units in the same market area.

If the requested rent is greater than the comparable units selected, HAMC will negotiate with the owner to reach an agreed upon rent amount that meets the rent reasonable test. If the rent is less than the comparable units, HAMC will approve the rent or rent increase.

The HAMC will notify the owner of the unit's rent reasonableness amount. The owner may submit information about other comparable units in the market area. The HAMC will consider this additional information when making final rent reasonableness determinations.

By signing the HAP contract and accepting each monthly HAP payment, the owner certifies that the rent to the owner is not more than the rent charged by the owner for comparable unassisted units on the premises. HAMC will not consider rent increase requests until after the initial occupancy period and only if the unit is not in failed HQS status.

Rents Charged for Other Units on the Premises

The Request for Tenancy Approval (HUD-52517) requires owners to provide information, on the form itself, about the rent charged for other unassisted comparable units on the premises if the premises include more than 4 units. By accepting the HAMC payment each month the owner certifies that the rent is not more than the rent charged for comparable unassisted units on the premises. If asked to do so, the owner must give the HAMC information regarding rents charged for other units on the premises

How Rents Are Determined

HAMC Policy

The rent for a unit proposed for HCV assistance will be compared to the rent charged for comparable units in the same market area or range. The computer-based program develops a range of prices for comparable units by bedroom size within defined market areas. Units proposed for HCV assistance will be compared to the units within this rent range. Because units may be similar, but not exactly like the unit proposed for HCV assistance, adjustments may be made to the range of prices to account for these differences.

The adjustment must reflect the local market. Not all differences in units require adjustments (e.g., the presence or absence of a garbage disposal may not affect the rent in some market areas).

Adjustments may vary by unit type (e.g., a second bathroom may be more valuable in a three-bedroom unit than in a two-bedroom).

The adjustment must reflect the rental value of the difference – not its construction costs (e.g., it might cost $20,000 to put on a new roof, but the new roof might not make any difference in what a tenant would be willing to pay because rents units are presumed to have functioning roofs).

The HAMC will notify the owner of the rent the HAMC can approve based upon its analysis of rents for comparable units. The owner may submit information about other comparable units in the market area. The HAMC will confirm the accuracy of the information provided and consider this additional information when making rent determinations. The owner must submit any additional information within 5 business days of the HAMC's request for information or the owner's request to submit information.

CHAPTER 9: HOUSING ASSISTANCE PAYMENT CONTRACT

Link: Form HUD 52641-a

HAMC makes every effort to execute the HAP contract with the owner as quickly as possible on or after the date the unit passes inspection and all required documents have been submitted. Required documents include:

- Executed lease between the owner and the participant
- Ownership and tax documents stated in the RFTA section of this Plan

9.1 **HAP Payments**

Link: 24 CFR 982.451(a)(5)

Once the HAP Contract is executed, HAMC will process housing assistance payments to the owner. The earliest the HAP contract can be effective is the day the unit has passed HQS. HAMC is not responsible for any part of the rent prior to the date the unit passes inspection, and the HAP contract is fully executed.

HAMC will make Housing Assistance Payments to the owner in accordance with the HAP Contract, as long as the family continues to occupy the unit and the contract is not in violation. By accepting the monthly HAP payment, the owner certifies that: the family still resides in the unit, the owner is in compliance with the contract, the unit is HQS compliant, and that the rent to the owner is not more than the rent charged by the owner for comparable unassisted units.

The Housing Assistance Payment to the owner may never exceed the rent charged by the owner, and is the lower of the:

- Payment Standard minus the Total Participant Payment, or
- Gross rent minus the Total Participant Payment.

Late payment of HAP, not to exceed $50.00 to the owner is subject to the late fees specified in the owner's lease. HAMC is not responsible for payment of late fees caused by:

- The participant's late payment of rent
- Late HUD fund transfer
- HAP payments on hold (HQS, etc.)
- Any other HUD allowed reason and circumstances beyond HAMC control.

Owner payments will be placed on hold if:

- Ownership of the unit has changed
- Unit ownership is in question
- Any other reason HAMC determines that the HAP contract may have been breached

9.2 **Owner Rent Increases**

Link: 24 CFR 982.308(g)(4); 982.309(a)(3)

After the initial lease period, the owner may request a rent increase according to the terms in the lease. All rent increases must be submitted in writing to HAMC by the owner, along with a copy of the rent increase notice to the participant. The owner must provide 60 days advance notice to the participant and the HAMC, and the rent increase must be requested on the HAMC Rent Increase Form.

If approved, the rent adjustment will be effective on the first day of the month on or after the contract anniversary date or 60 days following receipt of the owner request on the first of that month, whichever is later. If the rent is not reasonable and the owner is unwilling to negotiate an approvable rent amount, the participant will be issued a voucher to move, and the HAP contract will be terminated.

HAMC may, due to HUD funding constraints, limit and/or suspend rent increases.

9.3 **Unit Ownership Changes**

HAMC must receive a written request from the initial owner in order to change the HAP Contract payee and/or the address to which payment is to be sent. HAMC will process a change of ownership provided the following documents are received from the new owner:

- Proof of ownership, i.e. copy of escrow statement, deed of trust, or other document showing the transfer of title.
- Completed W9 with Social Security, Tax Identification, or Employee Identification Number
- In cases where the owner has elected to utilize the services of a property management company or has otherwise designated an agent to act on his/her behalf, HAMC will require a copy of the management or agent agreement, a statement from the owner identifying the individual/s authorized to execute HAP Contracts on his/her behalf in addition to proof of ownership documentation.
- HAMC utilizes direct deposit as the method of payment of HAP obligations. Owners are required to provide a Tax Identification Number (TIN) or a Social Security Number that matches their banking information. HAMC will not enter into a contract where the owner is unable to establish a TIN/SSN that matches names or entities identified on ownership documents or where the owner elects not to accept direct deposit.
- The following documents are required with an owner change request:
    - Owner Certification
    - The effective date of the HAP contract assignment
    - A written agreement to comply with the terms of the HAP contract
    - A certification that the new owner is not a prohibited relative.
    - When a change in ownership occurs, the new owner legally assumes the current lease and the current HAP contract. At HAMC's or the new owner's request a new HAP contract may be executed, however the lease terms remain the same and the new HAP term matches the existing lease.

9.4 **HAP Contract Terminations**

Link: 24 CFR 982.311(b)

All terminations of a HAP contract initiated by HAMC will be sent in writing to the owner and family. Automatic termination of HAP payments will result when:

- A family vacates the unit either in violation of the lease or by mutual agreement with the owner before termination of the lease/contact
- The lease is terminated by the owner or the family
- The owner will not renew the HAP contract or extend the current lease

- The sole participant dies
- There has been no HAP for 180 calendar days
- HAMC terminates assistance for the family
- HQS space requirements are not met, or the unit failed HQS and has not been repaired in the required timeframe
- Owner violations of the HAP contract
- Family obligation violations

HAMC may terminate the HAP contract when HUD funding is insufficient. See Section 13.7 "Insufficient Funding Determinations" for how insufficient funds are determined.

9.4.1 **Processing Termination of HAP Contracts as a result of insufficient funding from HUD**
HAMC can terminate Housing Assistance Payments (HAP) contracts due to a shortfall only after it has exhausted all available cost-saving measures and confirmed with HUD that it lacks sufficient funding. If a funding shortfall still exists after HUD confirms a shortfall exists, cost-saving measures are taken, the HAMC can then terminate HAP contracts.

HAMC Policy
If a New Calendar Year is within 45 days of zero program funding availability and it is determined that there will be sufficient Annual Budget Authority allocated to HAMC from HUD for Program Participants, HAMC will delay HAP Contract Terminations as long as it is financially and operationally feasible.

When HUD confirms that a program funding shortfall still exists after cost-saving measures have been taken and the above 45 day threshold cannot be met, HAMC will terminate HAP Contracts in the following order until sufficient funding is available to support remaining program participants**:**

1. Program Participants that are calculated to received zero HAP at their next certification (annual or interim).
2. Program Participants that are at zero HAP assistance but have not yet reached their 180 day threshold (Sees Section 14.7 for more information).
3. Program Participants that are paying 90-100% of contract rent to Landlord.
4. Program Participants that are paying 80-90% of contract rent to Landlord.

No future subsidy payments on behalf of the family will be made by HAMC to the owner after the month in which the Contract is terminated. The owner must reimburse HAMC for any subsidies paid by HAMC for any period after the contract termination date. If any subsidies are paid by HAMC for any period after contract termination date, and the owner has other participants on the program, HAMC will collect the overpaid HAP amounts.

If the family continues to occupy the unit after the HAP contract is terminated, the family is responsible for the total amount of rent due to the owner.

The owner may terminate the lease at the end of the lease term or at any time for lease violations.

The owner must use the termination proceedings as prescribed in the lease and contract; the owner may:

- Institute court action, using the grounds for eviction cited in the lease
- Try to obtain a mutual rescission of the lease with the participant. The mutual rescission must be signed by both parties and indicate the reason for the rescission
- Issue proper notice not to renew the Lease Agreement

If the owner has begun eviction and the family continues to reside in the unit, HAMC will continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the family. HAP payment will stop the first of the month following the legal eviction or the date the family moves from the unit whichever is earlier.

If an eviction is due to other than lease violations and if HAMC has no other grounds for the family's termination of assistance, and if the family is eligible to move; HAMC may issue a new voucher to the family.

The owner may not terminate tenancy for the HAMC's failure to pay the housing assistance payment.

CHAPTER 10: VERIFICATIONS

Links: 24 CFR 982.516, 24 CFR 982.551, 24 CFR 5.230, 24 CFR 5.609(d); Notice PIH 2010-19; Notice PIH 2018-18; HCV GB p5-17,

10.1 Authorization for the Release of Information (Form HUD–9886)

The family must supply any information that HAMC or HUD determines necessary to the administration of the program and must consent to the HAMC verification of that information. All adult applicants and participants must sign the HUD-9886, Authorization for Release of Information. Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Failure to sign consent forms will result in denial of admission for applicants and lease termination for participants. The family will be informed of the denial or termination in accordance with HAMC policies and will be provided information on requesting an informal hearing.

In accordance with PIH Notice 2023-27, after an applicant or participant has signed and submitted a consent form either on or after January 1, 2024, they do not need to sign and submit subsequent consent forms at the next interim or regularly scheduled income examination except under the following circumstances:

- When any person 18 years or older becomes a member of the family.
- When a member of the family turns 18 years of age; and
- As required by HUD or the PHA in administrative instructions

10.1.1 Timing of Completing Form HUD–9886

Family members that turn 18 between reexaminations must sign required (HUD form 9886) forms at the households next reexamination following the members 18th birthday. If all adult household members 18 years of age and older do not sign the required release of information forms, the family will be ineligible for assistance until cured.

10.1.2 Revocation of Consent

Families have the right to revoke consent by providing written notice to the HAMC but must be forwarded to the local HUD field office.

HAMC Policy

Participating and applicant families that revoke their consent will result in termination of assistance or denial of admission, respectively.

10.2 Methods of Verification

Link: Notice PIH 2018-18,

HAMC uses HUD's hierarchy of verifications, in the following order:

- Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system
- Up-front Income Verification (UIV) using a non-HUD system
- Written Third Party Verification provided by applicant or participant
- Written Third-party Verification Form
- Oral Third-party Verification
- Self-Certification

Requirements for Acceptable Documents

HAMC Policy

Any HCV documents used for verification must be the original (not photocopies) and generally must be dated within 60 days of the HAMC's request. The documents must not be damaged, altered or in any way illegible. Print-outs from Web pages are considered original documents. The HAMC staff member who views the original document must make a photocopy. Any family self-certifications must be made in a format acceptable to the HAMC.

EIV Verification Process

Link: 24 CFR 5.233; PIH Notice 2018-18

The HAMC uses HUD's Enterprise Income Verification (EIV) system to verify participant employment, earned income, unemployment benefits, and social security (SS), and supplement security income (SS) benefits information at annual and interim re-certifications. The HAMC will also use HUD's EIV system to monitor potential duplicate subsidies, deceased individuals, household member identity, under and non-reported income, and immigration status. family composition and income. However, per PIH Notice 2023-27, HAMC is no longer required to use EIV to verify tenant employment and income information during an interim reexamination of family composition and income.

The HAMC will inform all applicants and participants of its use of the following Up Front Income Verification resources during the admission and reexamination process: HUD's EIV system.

Mandatory and Discretionary Use of EIV

Report Title	Report Description	Frequency of Use
Debts Owed to PHAs & Terminations	Allows users to access information concerning former tenants who left owing a debt to a PHA or who had their voucher terminated for cause.	At the time of processing an applicant family for admission, and to enter debt information or terminations for families who have ended program participation.
Deceased Tenants Report	Identifies tenants reported by Social Security Administration (SSA) as being deceased.	At least quarterly
Existing Tenant Search	Identifies applicants who may be receiving assistance at another Multifamily project or PIH location.	At the time of processing an applicant family for admission
Failed EIV Prescreening Report	Identifies tenants who have missing or invalid personal identifiers (last name, date of birth, SSN) in HIP/TRACS. These tenants will not be sent to SSA from EIV for the SSA identity test.	Monthly
Failed Verification Report	Identifies tenants whose personal identifiers (last name, date of birth, SSN) do not match the SSA database.	Monthly
SSA Identity Test	PHAs that admit families using a self-certification of SSN must review the Failed SSN Verification Report monthly to identify and follow up on new issues.	
Identity Verification Report	Identifies tenants that, failed SSA verification, and failed EIV pre-screening.	Monthly

Requirements for Non-EIV Verifications

The HAMC's requirements for non-EIV verifications provided by the applicant or participant are:

- Any third-party documents supplied by the applicant or participant used for verification must be original or authentic documents and must be dated within 60 days of the request date. The documents must not be damaged, altered or in any way illegible.
- Print-outs from web pages are considered acceptable documents.
- The HAMC staff member who views the document will make a photocopy, note the copy with the name of the person who provided the document and the date the original was viewed, and sign the copy.

Third Party Written Verifications

Third-party verification forms will be sent when third-party verification documents are unavailable or are rejected by the HAMC and will be sent directly to the third party.

The HAMC will use review of documents in lieu of requesting third-party verification when the market value of an individual asset or an expense is less than $5,000 annually.

The HAMC also will determine that third-party verification for an asset or expense over $5,000 is not available when there is a service charge for verifying an asset or expense and the family has documents that provide the necessary information.

Third Party Oral Verifications

HAMC staff will record in the family's file: the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, the facts provided, and the HAMC staff person's name taking the oral verification.

Family Self-Certifications

Link: Notice PIH 2013-03

The documents in the application packet and annual re-certification packet serve as the family's self-certifications. When the HAMC is unable to obtain third-party verification, the HAMC will document in the family file the reason that third-party verification was not available. When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the HAMC. HAMC may require the family to certify that a family member does not receive a particular type of income or benefit. The self-certification must be made in a format acceptable to the HAMC and must be signed by the family member whose information or status is being verified.

10.3 Eligibility Verifications

Third-party documentation which represents family income must be within the 60-day period prior to admission or voucher issuance and dated within 60 days of the PHA's request.

The following information will be verified to determine qualification for admission and continued occupancy to HAMC's housing:

- Household composition, demographics, and type (Elderly/Disabled/Non- elderly)
- Annual Income
- Assets and Asset Income
- Deductions from Income
- Social Security Numbers of all household members
    - Pending disclosure and documentation of social security numbers, the HAMC will allow the family to retain its place on the waiting list for 90 days. If not, all household members have disclosed their SSNs at the next time a voucher becomes available, the HAMC will offer a voucher to the next eligible applicant family on the waiting list. Citizens and lawfully present noncitizens who state that they have not been assigned an SSN by the SSA will make such declaration in writing and under penalties of perjury to HAMC.
    - If the family provides an unacceptable document, the HAMC will explain to the applicant or participant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the HAMC within 60 days.
    - If the family certifies that the required evidence is temporarily unavailable and it needs more time, the HAMC may provide an extension of up to 30 days to submit evidence of eligible status, if the family has submitted the required declaration of eligible immigration status. To obtain an extension, the family must also certify that prompt and diligent efforts will be undertaken to obtain the evidence.
    - Once an individual's status is classified as "verified" in HUD's EIV system, the HAMC may remove and destroy copies of documentation accepted as evidence of social security numbers.
- Applicant Criminal History Information
- Citizenship or eligible immigration status

10.3.1 **Lack of Social Security Documentation**

Applicants who have not disclosed and/or provided verification of SSNs for all non-exempt household members, HAMC will continue to process the application. Vouchers may be issued to households who have not disclosed SSN for all household members but may not lease a unit until all SSN are provided to HAMC. As a result, applicants and vouchers holders have 90 days from the date of voucher issuance to provide HAMC with verification of SSNs. During this 90-day period, the applicant may, at its discretion, retain their place on the waiting list. After 90 days, if the applicant is unable to disclose and/or verify the SSNs of all non-exempt household members, the applicant will be determined ineligible and removed from the waiting list. An extension will not be granted beyond the initial 90 days provided to the applicant family. The initial 90 days is in addition to the time the family previously received while on a HAMC waiting list.

10.4 Legal Identity Verification

The HAMC will require families to furnish verification of legal identity for each household member. A photo ID is required for each adult family member. Legal identity will be verified at application and on an as needed basis. Only the following identify documents are acceptable, in addition to the photo ID for each adult:

- Adults: Driver's license or State identification card
- Children: Birth Certificate, Adoption Papers, Court Award documents, Social Service Agency Award documents

Marriage Verification

A marriage certificate is required to verify that a couple is married. In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (filing joint income tax returns, joint bank statements, etc.).

Separation or Divorce Verification

A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced.

A copy of a court-ordered maintenance or other court record is required to document a separation. If no court document is available, documentation from a community-based agency will be accepted.

Adult Member Absence Verification

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., lease at another address or utility bill).

Foster Children and Foster Adults Verification

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

Student Status Verification

The HAMC requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

- The family claims full-time student status for an adult other than the head, spouse, or co-head; or
- The family claims a childcare deduction to enable a family member to further his or her education; or
- The family includes a student enrolled in an institution of higher education.

Student Heads of Household

Link: Eligibility of Independent Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937

HAMC may provide housing assistance to Independent Student Head of Households who are defined by meeting one of the following characteristics:

- The individual is 24 years of age or older.
- The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older.
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence.
- The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes.
- The individual is a graduate or professional student.
- The individual is a married individual
- The individual has legal dependents other than a spouse.
- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act)(42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by-a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act; t director of a program funded under the Runaway and Homeless Youth Act or a designee of the director; the director of a program funded under subtitle B of title IV of the McKinney- Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or a financial aid administrator; or the individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances HAMC will verify the Student Head of Household using the following:
    - Previous address information to determine evidence of a separate household, or verifying the student meets the U.S. Department of Education's definition of ''independent student'.
    - Reviewing a student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of ''independent student''; and
    - Written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income. (Except if the student meets the Department of Education's definition of ''independent student.

Disabled Status Verification

For family members claiming disability who receive disability payments from the SSA, the HAMC will use HUD's EIV system to verify the disability. If documentation from HUD's EIV System is not available, the HAMC will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), the HAMC

will ask the family to request a benefit verification letter by either calling the SSA at 1-800-772-1213, or by requesting it from www.ssa.gov.

For family members claiming disability who do not receive SSI or other disability payments from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability.

US Citizens and Nationals
Family members who claim US citizenship or national status will be required to provide additional documentation such as a birth certificate.

10.5 Verification of Income

Link: 24 CFR 960.259, 982.516

All third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance must be dated within 60 days of the PHA's request.

Wage Verification
The HAMC requires five (5) current and consecutive paystubs for determining annual income from wages. If paystubs are not available, the HAMC will accept an authentic document on employer letter head that states wages for previous 60 days, or an employer payroll print out.

Tip Income Verification
Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certification of tips received for the prior year and estimated tips anticipated to be received in the coming year.

Bonus Income Verification
For persons who regularly receive bonuses or commissions, the HAMC will verify, and then average amounts received for one-year preceding admission or re- certification. The HAMC will consider justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, the HAMC will count only the amount estimated by the employer.

Business and Self Employment Income Verification
Business owners and self-employed persons will be required to provide:

- An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted, and the business owner or self-employed person must certify its accuracy.
- All schedules completed for filing federal and local taxes in the preceding year. If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.
- The HAMC will provide a format for any person who is unable to provide such a statement

to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify its accuracy at all future reexaminations.

- At any re-certification the HAMC may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.
- If a family member has been self-employed less than three months, the HAMC will accept the family member's certified estimate of income and schedule an interim reexamination in three months.
- If the family member has been self-employed for three to twelve months, the HAMC will require the family to provide documentation of income and expenses for this period and use that information to project income.

Social Security and SSI Benefits Verification

To verify the SS/SSI benefits of participants, the HAMC will obtain information about social security/SSI benefits through HUD's EIV system. If the participant disputes the EIV-reported benefit amount, or if benefit information is not available in HUD systems, the HAMC will request a current SSA benefit verification letter from each family member that receives social security benefits.

If a family member is unable to provide the document, the HAMC may help the participant request a benefit verification letter from SSA's Web site at www.socialsecurity.gov or ask the family to request one by calling SSA at 1-800- 772-1213. Once the family has received the benefit verification letter, it will be required to provide the letter to the HAMC.

Alimony and Child Support Verification

HAMC verifies alimony and child support differently depending on whether the family declares that it receives regular payments. If the family declares that it receives regular payments, verification will be sought in the following order.

- If payments are made through a state or local entity, HAMC will request a copy of the payments.
- Copy of the latest check and/or payment stubs
- Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
- Third-party verification form from the person paying the support
- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received

If the family declares that it receives irregular or no payments, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

- A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts
- If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts.

Zero Income Verification

To manage the risk of unreported income, HAMC will ask families to complete a zero-income packet for any household member over the age of 18 that is reporting zero income. The HAMC will check EIV to determine zero income. Families who begin receiving income which does not trigger an interim reexamination may no longer be considered zero income even though the family's income is not reflected on the form HUD–50058.

HAMC will require all adult family members to execute verification forms to determine that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household. HAMC may also require all adults residing in the household to sign a release allowing HAMC to obtain a certified copy of any tax return submitted to the IRS.

Student Financial Assistance

Link: 24 CFR 5.609(b)(9)

For a student subject to having a portion of his/her student financial assistance included in annual income, the HAMC will request written third-party verification of both the source and the amount. Documents requested include:

- Family provided documents from the educational institution attended by the student
- Documents generated by any other person or entity providing such assistance, as reported by the student.
- Written verification of the student's tuition amount.

Verification of Parental Income of Students Subject to Eligibility Restrictions

If the HAMC is required to determine the income eligibility of a student's parents, the HAMC will request an income declaration and certification of income from the appropriate parent(s). The HAMC will send the request directly to the parents, who will be required to certify their income under penalty of perjury. The parents will be required to submit the information directly to the HAMC. The required information must be postmarked within the time period specified in HAMC's request or within any extended timeframe approved by the HAMC.

The HAMC reserves the right to request and review supporting documentation at any time if it questions the declaration or certification. Supporting documentation may include but is not limited to Internal Revenue Service tax returns, consecutive and original pay stubs, bank statements, pension benefit statements, benefit award letters and other official and authentic documents from a federal, state, or local agency.

10.6 Verification of Assets

Link: 24 CFR 960.259, 982.516,

The HAMC will verify asset value every year and will not use a family's self-certification of family net assets of any amount.

Assets Disposed of for Less Than Fair Market Value Verification.
HAMC requires the family to provide 3rd party verification of any assets that have been disposed of for less than fair market value in the past two years. The HAMC needs to verify only those certifications that warrant documentation. The HAMC will verify the value of assets disposed of only if:

- The HAMC does not already have a reasonable estimation of its value from previously collected information, or
- The amount reported by the family in the certification appears obviously in error.

Income from Rental Verification The family must provide:

- A current executed lease for the property that shows the rental amount or certification from the current participant
- A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, the HAMC will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

Retirement Account Verifications
The HAMC will accept written third-party documents supplied by the family as evidence of the status of retirement accounts.

Before retirement, the HAMC will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than 6 months from the effective date of the examination.

Upon retirement, the HAMC will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.

After retirement, the HAMC will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

10.7 Verification of Expenses

Medical Expenses
Medical expenses will be verified by written third-party documents provided by the family, such as pharmacy printouts or receipts. The HAMC will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The HAMC will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

HAMC will also accept written third-party verification forms. The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source.

When anticipated costs are related to on-going payment of medical bills incurred in past years, the HAMC will verify:

- The anticipated repayment schedule
- The amounts paid in the past, and
- Whether the amounts to be repaid have been deducted from the family's annual income in past years.

Disability Assistance Expenses

Expenses for attendant care will be verified through:

- Written third-party documents provided by the family, such as receipts or cancelled checks.
- Third-party verification form signed by the provider, if family-provided documents are not available.

Expenses for auxiliary apparatus will be verified through:

- Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.
- Third-party verification form signed by the provider, if family-provided documents are not available.

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

To verify the family member enabled to work, the HAMC will verify that the expenses claimed enable a family member, or members, (including the person with disabilities) to work. HAMC will request third- party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member(s) to work. To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

Childcare Expense Verification

The family is required to certify that the childcare expenses are not paid by or reimbursed to the family from any source. The HAMC will verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are pursuing those activities.

If a family member is seeking work, HAMC will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment) or the HAMC will request

family- provided verification from the agency of the member's job seeking efforts to date and require the family to submit to the HAMC any reports provided to that agency.

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

If the family member is furthering education, the HAMC will request third-party documentation to verify that the person permitted to further his or her education by the childcare is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.

The HAMC will seek third-party verification of the work schedule of the person who is permitted to work by the childcare. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the family.

The type of care to be provided is determined by the family but must fall within certain guidelines.

- The HAMC will verify that the type of childcare selected by the family is allowable.
- The HAMC will verify that the fees paid to the childcare provider cover only childcare costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).
- The HAMC will verify that the childcare provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.
- The actual costs the family incurs will be compared with the HAMC's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable. If the family presents a justification for costs that exceed typical costs in the area, the HAMC will request additional documentation to support a determination that the higher cost is appropriate.

CHAPTER 11: ONGOING PROGRAM OPERATIONS

11.1 Annual Re-Examination

Links:24 CFR 982.516; 24 CFR 5.612

The HAMC will conduct a re-certification of income and family composition annually. The HAMC may conduct biennial re-certifications as allowed by HUD regulations. The HAMC will begin the annual re- certification process approximately 120 days in advance of the scheduled effective date. If the family size has changed, HAMC will increase or decrease the voucher size as appropriate at the annual re- certification. The annual re-certification will be effective on the first of the month.

HAMC conducts re-certifications by mail or electronically. As needed for reasonable accommodation, a re-certification may also be completed in person. HAMC will provide the participant with all required certification materials to be completed within the specified time period. The participant and all adult family members must complete and submit all the required documents within the specified period of time.

The current utility allowance schedule will be used to complete the annual re- certification.

If any documents are missing from the file (social security cards, birth certificates, citizen declaration forms, etc.) the participant is required to provide the documents upon request within the required timeframe (at annual re-certification, interim certification, or at any time requested by HAMC).

The annual re-certification will not re-verify eligibility income limits except where the Head of Household is a full-time student.

HAMC may follow up by telephone, email and/or require in-person appointments with participants, as needed to request additional information, seek clarification, review reexamination documents, and/or conduct quality control.

Participants will be provided with up to two opportunities to complete the re-examination requirements within the prescribed timeframes. Persons with disabilities who require assistance completing required documents will be granted reasonable accommodation to complete documents within prescribed timeframes. If all documents and information are not submitted to HAMC within the timeframe, and any allowed extensions, the voucher will be terminated.

HAMC Policy

At annual reexamination, HAMC will adopt a “Enforcement” policy for asset limitation (see Section 6.5 Asset Limitations), this means that HAMC will initiate termination or eviction proceedings within six (6) months of the income examination that determined the family was out of compliance.

HAMC may delay the initiation of termination or eviction proceedings for noncompliant families for up to but no longer than six months of the income examination. See Section 6.5 that determines whether owned real property renders the family out of compliance with the asset limitation.

HAMC Policy

When a Payment Standard decrease occurs, HAMC will apply the reduced amount using HUD's permissive "Two Years After Effective Date" option. After proper notification, the reduced Payment Standard will be applied at the family's second regular recertification following the effective date of the decrease. "Two Years After Effective Date" means that upon proper notification to the family, the HAMC will reduce the payment standard amount on the recertification date to calculate such a family's subsidy two years following the effective date of the decrease in the payment standard. This means that once a Payment Standard decrease is in effect, at the family's second regular recertification date, HAMC will use the most current payment standard to calculate the family's Housing Assistance payment.

Example:

The Perez family lives in a mandatory SAFMR area. The family has a current payment standard of $2,050. Their PHA chooses the delay at second reexamination option to implement the SAFMRs. **The family is due for their annual recertification.**

HCV Program Action	Effective Date	Payment Standard
SAFMR Implementation	10/1/2024	$1,900
Family's Annual Re-Examination	8/1/2025	$2,050
PHA Sends 1-Year Notice That Lower SAFMR Will Be Used at Second Reexam		
Family's Annual Re-Examination	8/1/2026	$1,900 (if still < $2,050)

NOTE: If the family has a change in household composition or moves, the lower SAFMR will be used and does not require a year's notice.

Streamlined Income Determinations

Link: Notice PIH 2016-05

For any family member with a fixed source of income, the HAMC may determine that family member's income using a streamlined income determination by applying, for each fixed-income source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.

A family member with a fixed source of income is a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources: Social Security, Supplemental Security Income, Supplemental Disability Insurance; federal, state, local, or private pension plans; annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts; or any other source of income subject to adjustment by a verifiable COLA or current rate of interest.

HAMC will use a COLA or current rate of interest specific to the fixed source of income in order to adjust the income amount and will verify the COLA or current interest rate from a public source or through tenant-provided, third party–generated documentation. If no such verification is available, then the HAMC will obtain third-party verification of income amounts in order to calculate the change in income for the source.

For any family member whose income is determined by a streamlined income determination, the

HAMC requires participants to obtain third-party verification of all income amounts every 3 years.

Effective the day after SSA has announced the COLA, HAMC is required to factor in the COLA when determining SS and SSI annual income for all annual reexaminations and interim reexaminations that have not yet been completed and will be effective January 1 or later of the upcoming calendar year.

HAMC Policy

HAMC will first determine the family's income for the previous 12-month period and use this amount as the family income for annual reexaminations; however, adjustments to reflect current income must be made. Any change of income since the family's last annual reexamination, including those that did not meet the threshold (10% increase to the household's earned annual income) to process an interim reexamination of family income in accordance with HAMC policies and HUD Rules on family income and composition (24 CFR §§ 5.657(c), 960.257(b), or 982.516(c)), must be considered.

HAMC will calculate annual income based on projected future income that is anticipated to be received in the twelve-month period following the effective date following the admission or the re-exam.

HAMC will conduct streamlined recertification of income for elderly and disabled families when 100 percent of the household income consists of fixed income. In this streamlined process, HAMC will recalculate family income by applying any published cost of living adjustments to the previously verified income. For purposes of this section, the term "fixed income" includes income from:

1. Social Security payments include Supplemental Security Income (SSI) and Supplemental Security Disability Income (SSDI).
2. Federal, state, local or private pension plans; and
3. Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits and other similar types of periodic receipts that are of substantially the same amounts for year to year.

11.2 Overview of Calculating Annual Income at Annual Reexamination

Step 1: Determine the annual income for the previous 12-month period as defined at 24 CFR § 5.609(a) and (b). If there have been no changes to income beyond this calculation, then this is the amount that will be used to determine the family's rental assistance.
HAMC reviews the following information to determine prior-year income:

A. The EIV Income Report (must be pulled within 120 days of the effective date of the annual reexamination to be considered current).
B. The income reported on the most recent reexamination HUD–50058 and
C. What the family certified to on the PHA/MFH Owner's current annual reexamination paperwork for prior-year income, if available.

Step 2: Take into consideration any interim reexamination of family income completed since the last annual reexamination.

A. If an interim reexamination was performed within the reexamination cycle and there are no

additional changes to the reported income from the most recent interim re-exam, the HAMC will use the annual income from the interim reexamination to determine the family's rental assistance. The HAMC may use the verification obtained from the interim reexamination for this step.

B. If the HAMC did not perform an interim reexamination or if the family reports that there have been changes since the last reexamination, move to Step 3.

Step 3: If there were changes in annual income not processed by the HAMC since the last reexamination, use current income.

1. Family reports their income for the prior year and whether there have been permanent changes.

If there are no reported changes to an income source, the HAMC may use documentation of prior-year income to calculate the annual income used for the current annual reexamination HUD–50058 For example, the HAMC could use the following documentation:

- EIV + self-certification (wages, Supplemental Security Income (SSI), Social Security, and unemployment)
- Current level 4 documents verifying prior-year income that are dated within the required timeframe (120 days of receipt by HAMC), for example:
  - o Year-end statement
  - o Pay stub with year-to-date amount
  - o Tax forms (Form 1040, W2, 1099, etc.)

If there are reported changes by the family or the HAMC, HAMC notes discrepancies between EIV and what the family reports, follow the verification hierarchy (Section 10.1) to document and verify income.

11.3 Interim Reexaminations

Link: 24 CFR 960.257, 24 CFR 966.4, 24 CFR 982.505(c)(5)

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

11.3.1 Interim Reexamination for Decrease in Adjusted Income

HAMC must conduct an interim reexamination of family income when the HAMC becomes aware that a family's annual adjusted income has changed by an amount that the HAMC estimates will result in a decrease of 10 percent or more in annual adjusted income

HAMC Policy

HAMC may decline to conduct an interim reexamination of family's income if HAMC estimates that the family's adjusted income will decrease by an amount that is less than 10 percent (rounded up to the nearest unit) of the family's annual adjusted income.

11.3.2 **Interim Reexamination for Increase in Adjusted Income**

HAMC must conduct an interim reexamination of family income when the HAMC becomes aware that the family's adjusted income has changed by an amount that the HAMC estimates will result in an increase of 10 percent or more in annual adjusted income or another amount established through a HUD notice.

HAMC will **not** conduct an interim reexamination increase of a family's annual adjusted income when:

1. The calculated percentage is 10% or more to the nearest unit (e.g., a calculated decrease of 9.5 percent may be rounded up to 10 percent), **and** the family has previously received an interim reduction during the same reexamination cycle; **or**
2. The increase in income is within three months of the next annual reexamination effective date (Example: Family submits an interim change request that results in an increase to adjusted income, however, the family is scheduled to complete their annual reexamination in October, which is within the next 2 (two) months. As a result, HAMC will not complete the interim reexamination but will process the change at the October Annual Reexamination, if applicable.

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

11.3.3 **Interim Reexamination for Decrease in Family Size**

HAMC will not apply the 10-percent threshold and will process an interim reexamination when there is a decrease in family size attributed to the death or permanent move-out from the assisted unit of a family member during the period since the family's last reexamination that results in a decrease in adjusted income of any amount. (Example: A family member, who has income, permanently moves out of the household, and the family submits an interim change request. Because the 10-percent threshold does not apply per PIH 2023-27, HAMC will remove the household member and process the adjusted income change regardless of the 10-percent threshold.

11.3.4 **Non-Interim Transaction for Decrease in Family Size**

If the family reports an increase or decreases in family size, and there is no change to the family's adjusted income, then HAMC will process a Non-Interim Transaction.

If the family reports a change in family size, and as a result, the households adjusted income increases then HAMC will process the removal of the household member(s) as a non-interim reexamination transaction without making changes to the family's annual adjusted income until their next annual reexamination. (Example: A spouse's death triggers the family to report an interim change request. As a result, the living spouse is awarded survivor benefits, that increases the family's adjusted income. In this case, HAMC will only process the removal of the household member(s) as a non-interim reexamination transaction).

HAMC Policy

At interim reexamination, HAMC will adopt a "Enforcement" policy for asset limitation (see Section 6.5 Asset Limitations), this means that HAMC will initiate termination or eviction proceedings within six (6) months of the income examination that determined the family was out of compliance.

HAMC may delay the initiation of termination or eviction proceedings for noncompliant families for up to but no longer than six months of the income examination. See Section 6.5that determines whether owned real property renders the family out of compliance with the asset limitation.

Interim Changes to Family Circumstances

The family is required to report all changes in family composition. The HAMC has adopted policies prescribing when and under what conditions the family must report changes in income and family composition. However, due to family obligations under the program, the HAMC has limited discretion in this area.

HAMC Policy

All families must notify the HAMC of any changes within 10 calendar days of changes including but not limited to family size or composition, income (e.g., Employment, other income), assets (e.g., checking and savings accounts) contact information (phone number, email address).

The family must complete an "Interim Change Request" in the online portal to begin this reporting unless reasonable accommodation is requested (See Section 3.6).

In addition, the family must comply with the terms of their lease agreement with the owner. This will require the family to obtain prior written approval from the owner when there are changes in family composition other than birth, adoption or court awarded custody. The family will be required to upload all vital documents including but not limited to: Birth Certificate, Social Security, Photo Identification, and owner written approval of other persons.

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

Upon review of the documentation received, HAMC will issue a written notice of approval or disapproval to add the individual to the assisted household. If HAMC approves the addition of the family member and the owner does not, the family will need to move from the current unit following all HAMC and HUD move requirements or withdraw their request to add an additional household member.

An interim reexamination will be conducted for any additions to the household.

Reasons for Disapproval of Family Composition:

- Multiple Subsidy Report Discrepancy
- Missing Owner Written Approval for Other Persons per Tenancy Addendum HUD-52641

Form (3)(b)
- Failed Background Screening per Chapter 12 of this Plan.
- Failure to Sign Consent Forms
- Failure to provide required documents per 24 CFR 982.551(b)

A national criminal background check is required for all requests to add adult household members or live-in aides to the household.

HAMC Policy

The HAMC will not approve the addition of a foster child or foster adult if it will cause a violation of HQS space standards. To reduce overcrowding and violation of HQS the family will be required to move to another qualified unit with the addition of the other person(s) requested to be added to the household such as foster child or foster adult.

The HAMC will conduct interim re-certifications to account for any changes in household composition that occur between annual re-certifications.

Interim Changes Affecting Income or Expenses

When calculating a household's income, including asset income, during interim reexaminations, HAMC must use anticipated income (current income) (i.e., the family's estimated income for the upcoming 12-month period).

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

A family must report an increase in income/assets that occurs during the recertification period (within 120 days of the anniversary date, if the increase occurs after the family has completed the recertification packet and was not included). Increases that occur during the recertification period will be effective on the anniversary date.

Seasonal employees such as school employees, agricultural workers, or construction trades that may typically work for fewer months depending on local conditions will be required to report all changes in their income for such employment if their income calculation is not annualized.

When the existing employment ends, the tenant is required to inform the HAMC within thirty (30) days of the occurrence. The HAMC will then conduct an interim reexamination, annualizing the new current income, except in cases where a history of the individual's income from past years is known. If future income sources are unknown or none, then an interim reexamination will be conducted.

The HAMC will annualize the current income and conduct an interim reexamination when the income changes. Decreases will take effect the month following the reported change and increases will take effect the first day of the month following thirty (30) days from when the tenant is notified by an amendment to change existing and/ or lease amendment.

HAMC-Initiated Interim Re-certifications

The HAMC will conduct interim re-certifications in each of the following instances:

1. An increase in income from zero income.
2. If at the time of the annual re-certification, participant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available which changes the family income, the HAMC will conduct an interim re-certification.
3. The HAMC may conduct an interim re-certification at any time in order to correct an error in a previous re-certification, or to investigate a participant fraud complaint.

The family must complete an Interim Change form and provide necessary information within the time specified on the HAMC request.

Interim Re-certification Effective Dates

If the participant rent is to increase:

1. The income increase change generally will be effective on the first of the month following 30 days' notice to the family.
2. If a family fails to report an income decrease change within the required time frames or fails to provide all required information within the required time frames, the increase will be applied on the first of the month following 30 days' notice to the family. The family will be responsible for any underpaid rent and may be offered a repayment agreement.
3. If the family timely reports an income decrease change within the required time frames, but the HAMC does not timely process the change, the effective date for the change will be retroactive to the time of the change, if the participant rent is to decrease.

Interim Changes Not Reported Timely

All families are required to report changes in family income or composition in a "timely manner". HAMC will not retroactively apply rent decreases when a family fails to report changes in a timely manner. A rent decrease not reported timely will be applied prior to the later of either the first of the month following the date of the actual decrease in income, or the first of the month following the most recent previous income examination.

HAMC Policy

HAMC considers in a "timely manner" to mean within 10 days of the effective date of the verified change. There may be kinds of extenuating circumstances that may inhibit timely reporting that may be considered by HAMC as indicated below.

HAMC Policy

HAMC considers the following to mean "extenuating circumstances" and requires verifiable proof:

- Death of a family member
- Serious illness, or other medical emergency of a family member
- Violence Against Women's Act (VAWA) accommodation
- Natural disaster or federally declared emergency

11.4 Moving With Continued Assistance

Link: 24 CFR 982.1(b)(2)

HUD lists five regulatory conditions and the statutory condition under VAWA in which an assisted family is allowed to move to a new unit with continued assistance. Permission to move is subject

to the restrictions set forth in section 11.5.

11.5 **Allowable Moves**

Permission to move is subject to the restrictions set forth in section 11.5

1. The family has a right to terminate the lease on notice to the owner and has given a notice of termination to the owner in accordance with the lease 24 CFR 982.354(b)(3). If the family terminates the lease on notice to the owner, the family must give the HAMC a copy of the notice at the same time (24 CFR 982.354(d)(1).

2. The lease for the family's unit has been terminated by mutual agreement of the owner and the family 24 CFR 982.354(b)(1)(ii).

   HAMC Policy

   If the family and the owner mutually agree to terminate the lease for the family's unit, the family must give the HAMC a copy of the termination agreement.

3. The owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family 24 CFR 982.354(b)(2). The family must give the PHA a copy of any owner eviction notice 24 CFR 982.551(g).

4. The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member 24 CFR 982.354(b)(4). This condition applies even when the family has moved out of its unit in violation of the lease, with or without prior notification to the PHA, if the family or family member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit 24 CFR 982.354(b)(4), 24 CFR 982.353(b). The HAMC has adopted an emergency transfer plan as required by regulations at 24 CFR 5.2007(e) see Appendix A and B.

   HAMC Policy

   If a family requests permission to move with continued assistance or for an external transfer to another covered housing program operated by the HAMC based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, the HAMC will request that the resident request the emergency transfer using form HUD-5383, and the HAMC will request documentation in accordance with Appendix A and B of this plan.

   The HAMC reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the family or family member will suffice. In such cases the HAMC will document the waiver in the family's file.

   The HAMC may choose to provide a voucher to facilitate an emergency transfer of the victim without first terminating the assistance of the perpetrator.

   Before granting an emergency transfer, the HAMC will ensure the victim is eligible to receive

continued assistance based on the citizenship or immigration status of the victim.

The HAMC has adopted an emergency transfer plan, which is included as Appendix A of this plan and discusses external transfers to other covered housing programs.

5. The HAMC has terminated the HAP contract for the family's unit for the owner's breach 24 CFR 982.354(b)(1)(i).

6. The HAMC determines that the family's current unit does not meet the HQS space standards because of an increase in family size or a change in family composition. In such cases, the HAMC must issue the family a new voucher, and the family and HAMC must try to find an acceptable unit as soon as possible. If an acceptable unit is available for the family, the HAMC must terminate the HAP contract for the family's old unit in accordance with the HAP contract terms and must notify both the family and the owner of the termination. The HAP contract terminates at the end of the calendar month that follows the calendar month in which the HAMC gives notice to the owner. 24 CFR 982.403(a) and (c).

11.6 Overview of Restricted Moves

A family's right to move is generally contingent upon the family's compliance with program requirements 24 CFR 982.1(b)(2). HUD specifies two conditions under which a HAMC may deny a family permission to move and two ways in which HAMC may restrict moves by a family.

Denial of Moves

HUD regulations permit the HAMC to deny family permission to move (See Section 13.7 Insufficient Funding Determinations) under the following conditions:

Insufficient Funding

The HAMC may deny a family permission to move either within or outside the HAMC's jurisdiction if the HAMC does not have sufficient funding for continued assistance 24 CFR 982.314(e)(1). However, PIH Notice 2016-09 significantly restricts the ability of HAMC to deny permission to move due to insufficient funding and places further requirements regarding moves denied due to lack of funding. The requirements found in this notice are mandatory.

HAMC Policy

The HAMC will deny a family permission to move on grounds that the PHA does not have sufficient funding for continued assistance if (a) the move is initiated by the family, not the owner or the HAMC; (b) the HAMC can demonstrate that the move will, in fact, result in higher subsidy costs (c) the HAMC can demonstrate, in accordance with the policies in Section 13.7, that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs; and (d) for portability moves, the receiving PHA is not absorbing the voucher.

If the HAMC does not have sufficient funding for continued assistance, but the family must move from their unit (e.g., the unit failed HQS), the family may move to a higher cost unit if the move is within the HAMC's jurisdiction.

The HAMC, however, will not allow the family to move under portability in this situation if the

family wishes to move to a higher cost area.

Insufficient Funds and Portability to higher subsidy costs areas
When insufficient funding is determined by HUD or HAMC; and a request to port-out of HAMC's jurisdiction has been received; and the receiving PHA is not absorbing, HAMC will inform the family in writing that their portability move request is being denied, and a copy is being placed in their file.

If HAMC approves a family's request to move and then subsequently experiences a funding shortfall, the HAMC may only rescind the voucher if the family would be allowed to remain in its current unit. If the family cannot remain in the unit (e.g. family has already vacated the unit or family has already notified the owner of their intent to vacate, and the owner has re-let the unit to another family) the HAMC must not rescind the voucher. The family must be allowed to lease a new unit. This requirement applies to moves within HAMC's jurisdiction and to portability moves.

Changes in Insufficient Funding determinations
Once the HUD notifies HAMC or when HAMC determines sufficient funds are available to families who were previously denied requests to move due to insufficient funding, HAMC will complete the following within 30 days of notice of sufficient funding:
1) Notify all families in writing that they have 30 days from the date of HAMC's notice to resubmit their move or portability request for reconsideration.

Grounds for Denial or Termination of Assistance
The HAMC may deny a family permission to move if it has grounds for denying or terminating the family's assistance 24 CFR 982.354(e)(2).

HAMC Policy
If the HAMC has grounds for denying or terminating a family's assistance, the HAMC will act on those grounds in accordance with the regulations and policies set forth in Chapters 5 and 13, respectively. In general, it will not deny a family permission to move for this reason; however, it retains the discretion to do so under special circumstances.

11.7 Restrictions on Elective Moves

Link 24 CFR 982.354(c)
HUD regulations permit the HAMC to prohibit any elective move by a participant family during the family's initial lease term. They also permit the HAMC to prohibit more than one elective move by a participant family during any 12-month period. However, such prohibitions, if adopted, do not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member. In addition, the HAMC may not establish a policy permitting moves only at reexamination Notice PIH 2016-09.

HAMC Policy
The HAMC will deny a family permission to make an elective move during the family's initial lease term. This policy applies to moves within the HAMC's jurisdiction or outside it under portability.

The HAMC will also deny a family permission to make more than one elective move during any 12-month period. This policy applies to all assisted families residing in HAMC's jurisdiction.

The HAMC will consider exceptions to these policies for the following reasons: to protect the health or safety of a family member (e.g., lead-based paint hazards, domestic violence, witness protection programs), to accommodate a change in family circumstances (e.g., new employment, school attendance in a distant area), or to address an emergency situation over which a family has no control.

In addition, the HAMC will allow exceptions to these policies for purposes of reasonable accommodation of a family member who is a person with disabilities (See Section 3.6).

Move Process

If the HAMC has determined the family has met the conditions above, the family will be issued a voucher to move and provided any other necessary information. If the family and owner agree to extend the move date, the extension must be submitted to HAMC in writing, signed by both the family and owner, must include the new effective date of the move, and must be submitted before the original effective date of the move notice.

All actions regarding moves (Request for Tenancy Approval, owner approval, initial inspection, initial rent burden, rent reasonableness, voucher term, voucher extensions, etc.) are the same as stated elsewhere in this Plan.

Duplicate Housing Assistance Payments with a Move

Link: 24 CFR 982.311(d)

If a participant family moves from an assisted unit with continued participant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy. HAP payments to a former owner beyond the month of the move into a new unit must be recaptured by HAMC and may not be kept by the former owner.

Zero HAP Families Who Wish to Move

Link: 24 CFR 982.455

A participant who is not receiving any subsidy, but whose HAP contract is still in force, may request a voucher to move to a different unit. The PHA must issue a voucher to move unless it has grounds to deny assistance under the program regulations. However, if the PHA determines no subsidy would be paid at the new unit, the PHA may refuse to enter into a HAP contract on behalf of the family.

HAMC Policy

If a zero HAP family requests to move to a new unit, the family may request a voucher to move. However, if no subsidy is paid at the unit to which the family requests to move, the PHA will not enter into a HAP contract on behalf of the family for the new unit.

For PBV units (See Chapter 18), families who are at zero HAP who wish to move may not move to another PBV unit.

11.8 Special Considerations for Terminating Assistance or Evicting Families for Non-Compliance with the Asset Limitation

In the Housing Choice Voucher program, participants who are not compliant with the asset limitation are subject to termination of assistance, but there is no requirement that the unit owner initiate eviction because of non-compliance with the asset limitation.

HAMC Policy

When HAMC has verified non-compliance with the asset limitation requirement, HAMC will notify the family within 30 days of the same and issue a notice of termination of assistance with an effective date not to exceed 60 days of the notification.

Any proposed termination of assistance within this category is subject to informal hearing procedures requested by the family.

CHAPTER 12: PORTABILITY

A participant family or an applicant family that has been issued a voucher has the right to use tenant-based voucher assistance to lease a unit anywhere in the United States, within the limitations of the regulations and this plan, provided that the unit is located within the jurisdiction of a PHA administering a tenant-based voucher program 24 CFR 982.353(b).

The process by which a family obtains a voucher from one PHA and uses it to lease a unit in the jurisdiction of another PHA is known as portability. The PHA that issues the voucher is called the initial PHA. The PHA that has jurisdiction in the area to which the family wants to move is called the receiving PHA.

The receiving PHA has the option of administering the family's voucher for the initial PHA or absorbing the family into its own program. Under the first option, the receiving PHA provides all housing services for the family and bills the initial PHA for the family's housing assistance payments and the fees for administering the family's voucher. Under the second option, the receiving PHA pays for the family's assistance with its own program funds, and the initial PHA has no further relationship with the family. The initial PHA must contact the receiving PHA via email or other confirmed delivery method to determine whether the receiving PHA will administer or absorb the initial PHA's voucher. Based on the receiving PHA's response, the initial PHA must determine whether they will approved or deny the portability request (Notice PIH 2012-42).

PHAs commonly act as both the initial and receiving PHA because families may move into or out of their jurisdiction under portability. Each role involves different responsibilities. The PHA will follow the rules and policies in section 10-II.B when it is acting as the initial PHA for a family. It will follow the rules and policies in section 10-II.C when it is acting as the receiving PHA for a family.

In administering portability, the initial PHA and the receiving PHA must comply with financial procedures required by HUD, including the use of HUD-required forms 24 CFR 982.355(C)(5).

PHAs must also comply with billing and payment deadlines. HUD may reduce an administrative fee to an initial or receiving PHA if the PHA does not comply with HUD portability requirements 24 CFR 982.355(C) (7).

12.1 Portability

Link: 24 CFR 982.353(b)

Outgoing Portability

Link: 24 CFR 982.353(c), (d); 24 CFR 982.355(c)(1)

If the applicant did not live in HAMC's jurisdiction at the time that the family's application for assistance was submitted, the family must lease a unit within the HAMC's jurisdiction for at least 12 months before requesting portability. The HAMC will consider exceptions to this policy for purposes of reasonable accommodation, or reasons related to domestic violence, dating violence, sexual assault, or stalking.

Families must notify the HAMC when they want to move out of the HAMC's jurisdiction using the portability feature. Families that are new admissions to the HCV program must meet the income eligibility requirements both for HAMC and also in the jurisdiction where the family intends to move to (the Receiving PHA). Participant families must also meet the income eligibility requirements in the area to which the family plans to move only (they will not be required to re-verify income eligibility with HAMC). Families are informed of these requirements in the briefing session.

The HAMC will approve voucher extensions as stated in the Voucher Extension section of this Plan.

Incoming Portables

HAMC may absorb or administer some or all incoming portable vouchers based on funding available. If the HAMC decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, the HAMC will notify the initial housing authority by the initial billing deadline specified on form HUD-52665. The effective date of the HAP contract will be the effective date of the absorption. The HAMC will not change its determination to bill or to absorb a voucher after that without giving the initial PHA proper notice.

For any family moving into its jurisdiction under portability, the HAMC will not conduct a new re-certification of family income and composition but will rely on the information provided by the initial PHA.

Allowable Moves under Portability

A family may move with voucher assistance only to an area where there is at least one PHA administering a voucher program 24 CFR 982.353(b). If there is more than one PHA in the area, the initial PHA provides the family with the contact information for the receiving PHAs that serve the area, and the family selects the receiving PHA. The family must inform the initial PHA which PHA it has selected. If the family prefers not to select the receiving PHA, the initial PHA will select the receiving PHA on behalf of the family (24 CFR 982.255(b)).

Applicant families that have been issued vouchers as well as participant families may qualify to lease a unit outside the PHA's jurisdiction under portability. HUD regulations and PHA policy determine whether a family qualifies.

Applicant Families

Under HUD regulations, most applicant families qualify to lease a unit outside the HAMC's jurisdiction under portability. However, HUD gives the HAMC discretion to deny a portability move by an applicant family for the same two reasons that it may deny any move by a participant family: insufficient funding and grounds for denial or termination of assistance. If a PHA intends to deny a family permission to move under portability due to insufficient funding, the HAMC must notify HUD within 10 calendar days of the determination to deny the move 24 CFR 982.355(e).

> **HAMC Policy**
>
> In determining whether or not to deny an applicant family permission to move under portability because the HAMC lacks sufficient funding or has grounds for denying assistance to the family, the initial PHA will follow the policies established in section 7.6. If the HAMC does deny the move due to insufficient funding, the HAMC will notify HUD in writing within 10 calendar days of the HAMC's determination to deny the move.

In addition, the PHA may establish a policy denying the right to portability to nonresident applicants during the first 12 months after they are admitted to the program 24 CFR 982.353(c).

HAMC Policy

If neither the head of household nor the spouse/cohead of an applicant family had a domicile (legal residence) in the HAMC's jurisdiction at the time that the family's initial application for assistance was submitted, the family must lease a unit within the initial PHA's jurisdiction for at least 12 months before requesting portability. The HAMC will consider exceptions to this policy for purposes of reasonable accommodation, or reasons related to domestic violence, dating violence, sexual assault, or stalking.

Participant Families

The Initial PHA must not provide portable assistance for a participant if a family has moved out of its assisted unit in violation of the lease 24 CFR 982.353(b). The Violence against Women Act of 2013 (VAWA) creates an exception to this prohibition for families who are otherwise in compliance with program obligations but have moved to protect the health or safety of a family member who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if they remained in the unit 24 CFR 982.353(b).

HAMC Policy

The HAMC will determine whether a participant family may move out of the HAMC's jurisdiction with continued assistance in accordance with the regulations and policies set forth here in this chapter. The HAMC will notify the family of its determination in accordance with the approval policy set forth in this section.

Determining Income Eligibility

Applicant Families

An applicant family may lease a unit in a particular area under portability only if the family is income eligible for admission to the voucher program in that area 24 CFR 982.353(d)(1). The family must specify the area to which the family wishes to move 24 CFR 982.355(c)(1).

The initial PHA is responsible for determining whether the family is income eligible in the area to which the family wishes to move 24 CFR 982.353(d)(1), 24 CFR982.355(9). If the applicant family is not income eligible in that area, the PHA must inform the family that it may not move there and receive voucher assistance Notice PIH 2016-09.

Participant Families

The income eligibility of a participant family is not re-determined if the family moves to a new jurisdiction under portability 24 CFR 982.353(d)(2).

Reexamination of Family Income and Composition

No new reexamination of family income and composition is required for an applicant family.

HAMC Policy

For a participant family approved to move out of its jurisdiction under portability, the HAMC generally, will conduct a reexamination of family income and composition only if the family's annual reexamination must be completed on or before the initial billing deadline specified on form HUD-52665, Family Portability Information. The HAMC will make exceptions to this policy necessary to remain in compliance with HUD regulations.

HAMC will accept the most updated HUD-Form 50058 and all Declaration of Section 214 Status Forms to reflect portable family's household current eligibility.

Portability must complete signed acknowledgement forms, documents and attend required briefing prior to voucher issuance.

CHAPTER 13: PROGRAM STANDARDS AND SCHEDULES

13.1 Payment Standards

Link: 24 CFR 982.503; HCV Guidebook

The payment standard sets the maximum subsidy payment a family can receive from the HAMC each month (24 CFR 982.505(a). Payment standards are based on fair market rents (FMRs) published annually by HUD. FMRs are set at a percentile within rent distribution of standard quality rental housing units in each FMR area. For most jurisdictions FMRs are set at the 40th percentile of rents in the market area. Unless HUD grants an exception, the HAMC is required to establish a payment standard within a "basic range" established by HUD – between 90 and 110 percent of the published FMR for each unit size.

13.1.1 HAMC HUD Designated SAFMR Area

The HAMC is in a designated Small Area Fair Market Rent (SAFMR) area and is required to use SAFMRs for their tenant-based HCV program and may choose to apply SAFMRs to their Project-based Voucher (PBV) program (See Chapter 19.16.1).

13.2 Updating Payment Standards

When HUD updates its FMRs, the HAMC must update its payment standards if the standards are no longer within the basic range (24 CFR 982.503(b). HUD may require the HAMC to make further adjustments if it determines that rent burdens for assisted families in the HAMC's jurisdiction are unacceptably high 24 CFR 982.503(g)].

HAMC Policy

The HAMC will review the appropriateness of the payment standards on an annual basis when the new SAFMR is published, and at other times as determined necessary. In addition to ensuring the payment standards are always within the "basic range" the HAMC may consider the following factors when determining whether an adjustment should be made to the payment standard schedule:

- **Funding Availability**: The HAMC will review the budget to determine the impact projected subsidy adjustments will have on funding available for the program and the number of families served. The HAMC will compare the number of families who could be served under revised payment standard amounts with the number assisted under current payment standard amounts.
- **Rent Burden of Participating Families**: Rent burden will be determined by identifying the percentage of families, for each unit size, which are paying more than 30 percent of their monthly adjusted income as the family share. When 40 percent or more of families, for any given unit size, are paying more than 30 percent of adjusted monthly income as the family share, the HAMC will consider increasing the payment standard. In evaluating rent burdens, the HAMC will not include families renting a larger unit than their family unit size.
- **Quality of Units Selected**: The HAMC may review the quality of units selected by participant families when making the determination of the percentage of income families are paying for housing, to ensure that payment standard increases are only made when needed to reach the mid-range of the market.

- **Changes in Rent to Owner**: The HAMC may review a sample of the units to determine how often owners are increasing or decreasing rents and the average percentage of increases/decreases by bedroom size.
- **Unit Availability**: The HAMC will review the availability of units for each unit size, particularly in areas with low concentrations of poor and minority families.
- **Lease-up Time and Success Rate**: The HAMC will consider the percentage of families that are unable to locate suitable housing before the voucher expires and whether families are leaving the jurisdiction to find affordable housing.

Effective dates of changes to payment standard amounts will be determined at the time of update. The HAMC will ensure the payment standards will be within the basic range.

13.3 **Small Area Fair Market Rents**

Small Area Fair Market Rents (SAFMRs) are FMRs calculated for ZIP Codes within Metropolitan Areas and require HAMC to revise and implement payment standard amount and schedule, if a revision is necessary to stay within the basic range, no later than 3 months following the effective date of the change in the FMR.

HAMC Policy

Effective January 1, 2025, the HAMC is required by HUD to utilize and implement Small Area Fair Market Rents in the administration of the Housing Choice Voucher (HCV) program. See Section 19.16.1 for PBV use of SAMFRs.

13.3.1 **Decreases in the Small Area Fair Market Rent**

Link: PIH Notice 2024-34

When HUD SAFMRs decrease, HAMC will apply the reduced Payment Standard using HUD's "Two Years After Effective Date" option. After proper notification, the reduction will apply at the family's second regular recertification. If a family moves to a new unit, the current Payment Standard for that unit will apply.

HAMC Policy

"Two Years After Effective Date" means that upon proper notification to the family, the HAMC will reduce the payment standard amount on the recertification date to calculate such a family's subsidy no earlier than two years following the effective date of the decrease in the payment standard. This means that once a Payment Standard decrease is in effect, at the family's second regular recertification date, HAMC will use the most current payment standard to calculate the family's Housing Assistance payment.

However, in the event that the family moves to a new unit, the new or current payment standard will be applied to the voucher.

13.4 **Establishing Payment Standards Within The Basic Range of SAMFR**

Link: PIH Notice 2024-34

As is the case for any FMR area, the payment standard amount for the ZIP code area must be within the basic range (90 to 110 percent) of the SAFMR for the ZIP code area (unless an exception payment standard is in effect for the area). The HAMC may revise its payment standard amounts at any time for the ZIP code area, provided the revised payment standard amount remains within the basic range.

13.5 **Payment Standard Groupings for SAFMRs**

Link: PIH Notice 2024-34

The HAMC establishes the payment standard amounts for the ZIP code area for a unit size at any level between 90 percent and 110 percent of the published SAFMR for that unit size. In lieu of establishing a unique payment standard for each ZIP code area within its jurisdiction, the HAMC may use this flexibility to establish payment standards for "grouped" ZIP code areas, provided the payment standard in effect for each grouped ZIP code area is within the basic range of the SAFMR for each ZIP code area in the group.

HAMC Policy

The HAMC will use a "grouped" ZIP code methodology to establish a Housing Choice voucher program (HCV) payment standard schedule that falls within the basic range for a group of ZIP code areas and identify that group of ZIP code areas as Group A, another as Group B, and so on. See Section 19.16.1 for PBV payment standard methodology.

In the year that a metropolitan area first transitions to a HUD-designated area, the SAFMRs will also be no lower than 90 percent of the previous year's MAFMRs. However, in all subsequent years following the transition to the HUD-designated SAFMR area, the relationship between the SAFMRs and the MAFMRs will no longer be relevant.

13.5.1 **Reasonable Accommodation Exception Payment Standards**

24 CFR 982.503(b), 24 CFR 982.505(d)

Unit-by-unit exceptions to the PHA's payment standards generally are not permitted. However, an exception may be made as reasonable accommodation for a family that includes a person with disabilities. (See Chapter 3.10 for a discussion of reasonable accommodation.) This type of exception is known as a reasonable accommodation request for exception payment standards (RA EPS). A reasonable accommodation may be approved by the PHA to all an exception to the payment standard without HUD approval if the exception amount does not exceed 120 percent of the applicable FMR for the unit size [24 CFR 982.503(b)]. The PHA must request HUD approval for an exception to the payment standard for a particular family if the required exceeds 120 percent of the FMR.

HAMC Policy

When a family needs a unit with specific features or a unit for another disability-related reason to accommodate a family member with a disability, and the family is unable to find a unit with those features or that otherwise meets the disability-related need within the established payment standard, the family may request an exception to the established payment standard as a reasonable accommodation. HAMC is required to evaluate each request on a case-by-case basis to ensure:

- An RA EPS may be necessary
- There is an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

- The family provided the required documentation that supports the need for the exception (See Chapter 3.10)

- There is a shortage of affordable units that would be appropriate for the family.
- The family's TTP would otherwise exceed 40 percent of adjusted monthly income; and
- The rent for the unit is reasonable.

"Success Rate" Payment Standard Amounts

24 CFR 982.503(e)

PIH Notice 2024-34

If a substantial percentage of families have difficulty finding a suitable unit, the PHA may request a "success rate payment standard" that applies to the entire jurisdiction. If approved by HUD, a success rate payment standard allows the PHA to set its payment standards at 90-110 percent of a higher FMR (the 50th, rather than the 40th percentile FMR). To support the request, the PHA must demonstrate that during the most recent 6-month period for which information is available:

- Fewer than 75 percent of families who were issued vouchers became participants.
- The PHA had established payment standards for all unit sizes, and for the entire jurisdiction, at 110 percent of the published FMR; and
- The PHA had a policy of allowing voucher holders who made sustained efforts to locate units at least 90 days to search for a unit.

Although HUD approves the success rate payment standard for all unit sizes in the FMR area, the PHA may choose to adjust the payment standard for only some unit sizes in all, or a designated part, of the PHA's jurisdiction within the FMR area.

In accordance with PIH Notice 2024-34, HUD will no longer approve success rate payment standards.

Decreases in the Payment Standard below the Basic Range

24 CFR 982.503(d)

The PHA must request HUD approval to establish a payment standard amount that is lower than the basic range. At HUD's sole discretion, HUD may approve establishment of a payment standard lower than the basic range. HUD will not approve a lower payment standard if the family share for more than 40 percent of program participants exceeds 30 percent of adjusted monthly income.

The payment standard employed for a newly issued voucher will depend on the effective date of the HAP contract. If the effective date of the HAP contract is before the effective date of the new payment standard schedule, then the old payment standard schedule is used. If the effective date of the HAP contract is on or after the effective date of the new payment standard schedule, then the new payment standard schedule is used.

13.6 Utility Allowances

24 CFR 982.517

A PHA-established utility allowance schedule is used in determining family share and PHA subsidy. The PHA must maintain a utility allowance schedule for:

(1) all tenant-paid utilities,

(2) the cost of tenant-supplied refrigerators and ranges, and

(3) other tenant-paid housing services such as trash collection.

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 PHA must use normal patterns of consumption for the community as a whole, and current utility rate.

The utility allowance must include the utilities and services that are necessary in the locality to provide housing that complies with housing quality standards. Costs for telephone, cable/satellite television, and internet services are not included in the utility allowance schedule.

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

The cost of each utility and housing service must be stated separately by unit size and type.

Air Conditioning
An allowance for air conditioning must be provided when the majority of housing units in the market have central air conditioning or are wired for tenant-installed air conditioners.

> **HAMC Policy**
> The HAMC has included an allowance for air-conditioning in its schedule. Central air conditioning or a portable air conditioner must be present in a unit before the HAMC will apply this allowance to a family's rent and subsidy calculations.

Reasonable Accommodation
HCV program regulations require a PHA to approve a utility allowance amount higher than shown on the PHA's schedule if a higher allowance is needed as reasonable accommodation for a family member with a disability. For example, if a family member with a disability requires such an accommodation, the PHA will approve an allowance for air-conditioning, even if the PHA has determined that an allowance for air-conditioning generally is not needed (See Chapter 2 for policies regarding the request and approval of reasonable accommodations).

Utility Allowance Revisions
The PHA must review its schedule of utility allowances each year and must revise the schedule if there has been a change of 10 percent or more in any utility rate since the last time the allowance for that utility was revised. The PHA must maintain information supporting its annual review of utility allowance and any revisions made in its utility allowance schedule.

13.7 Insufficient Funding Determinations

Shortfall – PIH Notice 2024-21
Voucher program shortfall occurs when a local Public Housing Agency (PHA) anticipates insufficient funds

to cover Housing Assistance Payments (HAP) for tenants in the Housing Choice Voucher Program. Review Section 11.6 “Overview of Restricted Moves” and 11.7 “Restrictions on Elective Moves”.

When HUD’s Quality Assurance Division (QAD) Shortfall Prevention Team (SPT) confirms that HAMC is projecting a shortfall in any Voucher Program for any Calendar Year (CY), HAMC will follow the required SPT requirements.

HCV regulations allow HAMC to deny families permission to move and to terminate Housing Assistance Payments (HAP) contracts if funding under the consolidated ACC is insufficient to support continued assistance 24 CFR 982.354(e)(1) and 982.454. If the HAMC denies a family a portability move based on insufficient funding, the HAMC is required to notify the local HUD office within 10 calendar days 24 CFR 982.354. Insufficient funding may also impact on the HAMC’s ability to issue vouchers to families on the waiting list. This part discusses the methodology the HAMC will use to determine whether or not the HAMC has sufficient funding to issue vouchers, approve moves, and to continue subsidizing all families currently under a HAP contract.

HAMC Policy

The HAMC will determine whether there is adequate funding to issue vouchers, approve moves to higher cost units and areas, and continue subsidizing all current participants by comparing the HAMC’s annual budget authority to the annual total HAP needs on a monthly basis.

The total HAP needs for the calendar or fiscal year will be projected by establishing the actual HAP costs year to date. To that figure, the HAMC will add anticipated HAP expenditures for the remainder of the calendar year. Projected HAP expenditures will be calculated by multiplying the projected number of units leased per remaining months by the most current month’s average HAP. The projected number of units leased per month will take into account the average monthly turnover of participant families. If the total annual HAP needs equal or exceed the annual budget authority, or if the HAMC cannot support the cost of the proposed subsidy commitment, (voucher issuance or move) based on the funding analysis, the HAMC will be considered to have insufficient funding.

At the discretion of the HAMC or upon guidance from HUD, the PHA may modify or add to the methodology of determining insufficient funding as it becomes appropriate or necessary.

HAMC will not re-consider move requests after a determination is made due to insufficient funding that will last longer than 60 days. Written notification of denial of move request due to insufficient funding will be sent to participants within 10 business days of receiving the request to move or port out of HAMC’s jurisdiction.

13.8 Special Requirements For Children With Elevated Blood Lead Level

Link: 24 CFR 35.1225; PIH 2017-13

If the HAMC is notified by a public health department or other medical health care provider, or verifies information from a source other than a public health department or medical health care provider, that a child of less than 6 years of age, living in an HCV-assisted unit has been identified as having an elevated

blood lead level, the HAMC must complete an environmental investigation of the dwelling unit within 15 calendar days after being notified by a public health department or other medical health care provider. The environmental investigation must be completed in accordance with program requirements, and the result of the environmental investigation must be immediately provided to the owner of the dwelling unit. In cases where the public health department has already completed an evaluation of the unit, this information must be provided to the owner.

Within 30 days after receiving the environmental investigation report from the HAMC, or the evaluation from the public health department, the owner is required to complete the reduction of identified lead-based paint hazards in accordance with the lead-based paint regulations. If the owner does not complete the "hazard reduction" as required, the dwelling unit is in violation of HQS and the HAMC will take action in accordance with Chapter 8 of this Plan.

13.9 Reporting And Record Keeping For Children With Elevated Blood Lead Level

The HAMC has certain responsibilities relative to children with elevated blood lead levels that are receiving HCV assistance. The notification, verification, and hazard reduction requirements are discussed in Chapter 8.

Reporting Requirement

Link: 24 CFR 35.1225(e); PIH Notice 2017-13

The owner must report the name and address of a child identified as having an elevated blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional. The owner must also notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child's address within five business days. The PHA may collaborate with the owner on the notification process, such as by agreeing with the owner to provide the required notifications on the owner's behalf.

> **HAMC Policy**
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> Upon notification by the owner, the HAMC will provide the public health department with written notice of the name and address of any child identified as having an elevated blood lead level within five business days.
>
> Upon notification by the owner, the HAMC will notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child's address within five business days.

Data Collection And Record Keeping

Link: 24 CFR 35.1225(e)

At least quarterly, the HAMC must attempt to obtain from the public health department(s) with a similar area of jurisdiction, the names and/or addresses of children less than 6 years old with an elevated blood lead level.

If the HAMC obtains names and addresses of elevated blood lead level children from the public health department(s), the HAMC must match this information with the names and addresses of families receiving HCV assistance, unless the public health department performs such a procedure. If a match occurs, the HAMC must carry out the notification, verification, and hazard reduction requirements

discussed in Chapter 8, and the reporting requirement discussed above.

At least quarterly, the HAMC must also report an updated list of the addresses of units receiving assistance under the HCV program to the same public health department(s), unless the public health department(s) states that it does not wish to receive such a report.

HAMC Policy

The public health department(s) has not stated they do not wish to receive a report of an updated list of the addresses of units receiving assistance under the HCV program, on a quarterly basis. Therefore, the HAMC is providing such a report on a quarterly basis.

CHAPTER 14: DENIAL OF ASSISTANCE TO APPLICANTS AND TERMINATION OF ASSISTANCE TO PARTICIPANTS

Links: 24 CFR 982.552(a)(2); 24 CFR 982.553(a)

14.1 Mandatory Denial or Termination

The HAMC must deny assistance for the following:

1. Any household member is subject to a lifetime registration requirement under a state sex offender registration program in the state where the housing is located, as well as in any other state where a household member is known to have resided.
2. Any household member has ever been convicted of drug related criminal activity for the production or manufacture of methamphetamine in any location, and/or on the premises of federally assisted housing.
3. Ownership of net family assets that exceed $100,000 (as adjusted) or ownership of disqualifying real property require denial of assistance

14.2 Denial of Assistance

The HAMC will deny assistance for the following:

1. If any member of the family fails to sign and submit HUD or HAMC required consent forms for obtaining information.
2. If no member of the family is a U.S. citizen or eligible immigrant.
3. For 3 years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity.
    - A family will be considered evicted if the family moves after a legal eviction order has been issued, whether physical enforcement of the order was necessary.

However, the HAMC may admit the household if the HAMC determines:

- That the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the HAMC.
- That the circumstances leading to eviction no longer exist (for example, the criminal household member has died or is imprisoned).

4. Any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553(a)(2)(i)]
5. HAMC has reasonable cause to believe that a household member's current use or current pattern of abuse of alcohol may threaten the health, safety, or right to a peaceful enjoyment of the premises by other participants.
    - In determining reasonable cause, HAMC will consider all credible evidence, including but not limited to, any record of convictions, arrests or evictions of household members related to the use of illegal drugs or the abuse of alcohol. HAMC may, at its discretion, also consider evidence from treatment providers or community-based organizations providing services to household members.

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6. Any household member has ever been convicted of drug related criminal activity for the production or manufacture of methamphetamine in any location, and/or on the premises of federally assisted housing.
7. Any other HUD required reason.

HAMC Policy

The HAMC will deny admission to an applicant family if the HAMC determines that any household member is currently engaged in or has engaged in any of the activities within the past three (3) years:

1. Any household member who illegally possesses weapons.
2. Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.
   However, the HAMC may admit the household if the HAMC determines:
   - That the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the HAMC.
   - That the circumstances leading to eviction no longer exist (for example, the criminal household member has died or is imprisoned).
3. Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage. Criminal activity that may threaten the health, safety or welfare of other participants.
4. Misrepresented or does not provide complete information related to eligibility, including income, expenses, family composition or rent.
5. Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
6. Owes rent or other amounts to this or any other PHA or owner in connection with any assisted housing program.
7. Has engaged in or threatened violent or abusive behavior toward HAMC personnel
8. Abusive or violent behavior towards HAMC personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
9. Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

14.3 **Evidence and Considerations**

The HAMC will consider all relevant circumstances in evaluating a decision to terminate or deny assistance. Evidence of criminal activity includes, but is not limited to, engaging in and/or any record of convictions, arrests, or evictions for suspected criminal activity of household members within the past three (3) years.

The HAMC will use the preponderance of the evidence as the standard for making all admission decisions. Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole show that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants, evidence gathered by HAMC inspectors and/or investigators, and evidence gathered from the HAMC incident reports.

The HAMC will consider the following factors prior to making its denial or termination decision:

- Evidence of the applicant or participant's participation in or willingness to participate in social service or other appropriate counseling service programs.
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.
    1. The HAMC will require the applicant/participant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.
- Whether the cause of the unfavorable information may be that the applicant/participant is the victim of domestic violence, dating violence, sexual assault or stalking.
    1. The HAMC acknowledges that a victim of domestic violence, dating violence, sexual assault or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to a unit, a prior arrest record) that would warrant denial under the HAMC's policies. Therefore, if the HAMC makes a determination to deny admission to an applicant family, the HAMC will include in its notice of denial/termination a statement of the protection against denial provided by VAWA A description of HAMC confidentiality requirements.
    2. A request that an applicant/participant wishing to claim this protection submit to the HAMC documentation meeting the specifications below with her or his request for an informal review for an applicant and an informal hearing for a participant.
- The existence of mitigating factors, such as loss of employment or other financial difficulties.
- If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission or termination of assistance, the HAMC will determine whether the behavior is related to the disability. If so, upon the family's request, the HAMC will determine whether alternative measures are appropriate as reasonable accommodation. The HAMC will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial or termination.

As a condition of receiving or keeping assistance, a family may agree to remove the culpable family member from the application or unit. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the HCV unit. An incarcerated

culpable family member may not be an applicant, participant or guest for five years from incarceration release date. The family must present evidence of the former family member's current address upon HAMC request.

14.4 **Notice of Denial**

HAMC will notify applicant families in writing of any decision to deny assistance.

If, based on a criminal record, immigration status or sex offender registration information an applicant family appears to be ineligible, the HAMC will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 15 business days to dispute the accuracy and relevance of the information. If the family does not contact the HAMC to dispute the information within that 15-business day period, the HAMC will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process.

14.5 **Denial of Assistance for Noncitizens**

Link: 24 CFR 5.514(d); 24 CFR 5.512

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the HAMC notifies the applicant or participant within 15 days of their right to file an appeal with INS within 30 days from the notification from HAMC; or of their right to request an informal review or hearing with HAMC, either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give HAMC a copy of the appeal and proof of mailing or the HAMC may proceed to deny or terminate assistance. The time period to request an appeal may be extended by HAMC for good cause. The request for an HAMC hearing must be made within 10 days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within 10 days of receipt of that notice.

After receipt of a request for an informal review or hearing, HAMC will conduct such review or hearing in accordance with the policies described above. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the HAMC will:

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

If there are eligible members in the family, HAMC will provide prorate assistance pursuant to HUD regulations.

All other complaints related to eligible citizen/immigrant status shall be handled as follows:

- If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.
- Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

- Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment.
- Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

14.6 **USCIS Appeal Process**

Link 24 CFR 5.514(e)

When the HAMC receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the PHA must notify the family of the results of the USCIS verification. The family will have 30 days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to USCIS. The family must provide the PHA with a copy of the written request for appeal and proof of mailing.

HAMC Policy

The HAMC will notify the family in writing of the results of the USCIS secondary verification within 10 calendar days of receiving the results. The family must provide the PHA with a copy of the written request for appeal and proof of mailing within 10 calendar days of sending the request to the USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to the PHA, of its decision. When the USCIS notifies the PHA of the decision, the PHA must notify the family of its right to request an informal hearing.

HAMC Policy

The HAMC will send written notice to the family of its right to request an informal review within 10 calendar days of receiving notice of the USCIS decision regarding the family's immigration status.

14.7 **Grounds for Termination**

Links: 24 CFR 982.455; 24 CFR 982.551, 552, 553; 24 CFR 5.514(c); 24 CFR 5.218(c); 24 CFR 982.311(d); Notice PIH 2010-3; Notice PIH 2010-50; Notice PIH 2018-24

Termination of assistance for a Program participant may include any or all of the following actions by HAMC:

- Refusing to enter into a HAP contract or approve a lease.
- Terminating housing assistance payments under a HAP contract.
- Refusing to process or provide assistance under portability procedures.

HAMC must terminate the participant family for the following reasons:

- Family choice.
  The family may request that the HAMC terminate housing assistance payments on behalf of the family at any time.

- Family with Zero HAP Assistance.
  If the family has received zero HAP assistance in 180 days HAMC will terminate assistance. If the participating family receiving zero assistance experiences a change in circumstances that would cause the HAP payment to rise above zero. The family must notify the HAMC of the changed circumstances and request an interim re-certification before the expiration of the 180-day period.

- Eviction: 24 CFR 982.552(b)(2), 24 CFR 5.2005(c)(1)
  The HAMC must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease. A family will be considered evicted if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.

- Failure to provide consent 24 CFR 960.259
  The HAMC will terminate the lease if any family member fails to sign and submit any consent form s/he is required to sign for any reexamination.

- Failure to document citizenship. 24 CFR 5.514; 24 CFR 960.259
  The HAMC will terminate the lease if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members

  If the HAMC determines that a family member has knowingly permitted an ineligible individual to reside in the family's unit on a permanent basis.

- Failure to Disclose SSN. 24 CFR 5.514; 24 CFR 960.259
  The HAMC will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the family's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family or other emergency, if there is a reasonable likelihood that the family will be able to disclose an SSN by the deadline.

- Threat to Other Participants
  The HAMC will terminate the lease when any household member engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other participants or by persons residing in the immediate vicinity of the premises. Immediate vicinity means within a three- block radius of the premises.

- Methamphetamine Conviction. 24 CFR 966.4
  The HAMC will immediately terminate the lease if HAMC determines that any household member has ever been convicted of manufacture or production of methamphetamine in any location, and/or on the premises of federally assisted housing.

- Furnishing False or Misleading Information Concerning Illegal Drug Use or Alcohol Abuse or Rehabilitation
  The HAMC will terminate the lease if the HAMC determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

- Other Serious or Repeated Violations of the Family Obligations of the HCV Program

- Fugitive Felon or Parole Violator.
  If a participant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, is a high misdemeanor; or violating a condition of probation or parole imposed under federal or state law.

- Persons subject to sex offender registration requirement.
  If any member of the household has, during their current participation in the HCV program, become subject to a registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553(a)(2)(i)]

- Crime On or Off the Premises
  1. Drug related convictions: Alcohol related convictions (if it indicates an ongoing pattern); Fraud.
  2. Acts of violent behavior convictions, and or Crimes of violent behavior
  3. Applicants/participants must report any convictions from criminal activity which occurs after the application review (this includes residents, participants and those that have not yet moved into HAMC assisted housing program(s)).
  4. HAMC will allow applicants and participants to address and present mitigating circumstances regarding criminal background checks prior to a final decision.

HCV Program Violations That May Lead to Termination:

- Discovery of facts after admission to the program that would have made the participant ineligible.
- Discovery of false statements or fraud by the participant in connection with an application for assistance or with a reexamination of income.
- Failure to furnish such information and certifications regarding family composition and income may be necessary for the HAMC to make determinations with respect to rent, eligibility, and unit size.
  1. Information not provided: After issuance of the termination notice, but before the effective date of the termination, the participant may provide the missing data. It is solely HAMC's discretion whether to accept the data or to proceed with termination.

- Missed appointments per policy and procedure requirements.
- Failure to transfer to an appropriate size unit based on family composition, upon notice by the HAMC that such a move is required for HQS compliance.
- Failure to permit access to the unit by the HAMC after proper advance notification for the purpose of performing routine inspections.
- Failure to inform the HAMC within 30 days of the birth, adoption or court- awarded custody of a child.
- If the family has breached the terms of a repayment agreement entered into with the HAMC.
- If a household member has engaged in or threatened violent or abusive behavior toward HAMC personnel.
    1. Abusive or violent behavior towards HAMC personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior. Threatening refers to oral or written threats or physical gestures that communicate with the intent to abuse or commit violence.
- Furnishing false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.
- If the family does not remedy family-caused HQS failures in the required timeframe.
- If the family does not allow HAMC to inspect the unit at reasonable times and after reasonable notice.
- If any family member commits lease violations, including but not limited to:
    1. If the family does not give proper notice to HAMC and the owner before moving out of the unit.
    2. The family does not give HAMC a copy of any owner's eviction notices as required in this Administrative Plan.
    3. If the family is not using the assisted unit for residence by the family and/or the assisted unit is not the family's only residence.
    4. If the family has non-approved persons residing in the unit.
    5. If the family does not promptly notify HAMC that a family member no longer resides in the assisted unit.
    6. If the family engages in profit making activities in the assisted unit which are not incidental to the primary residential use of the unit.
- Limitation on Profit Making Activity in the Unit:
    1. If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, it is considered a violation.
- If HAMC determines that the use of the unit as a business is not incidental to its use as a dwelling unit.
    1. If the family subleases, lets, assigns the lease or transfers the unit.
    2. If the family does not notify HAMC of an absence from the unit, and if the family does not provide HAMC with any requested information regarding the absence.
    3. If the family owns or has any interest in the unit.

- If any family member is receiving or received Section 8 participant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative housing assistance program.
- If the family breaches an agreement with HAMC to pay amounts owed to HAMC or amounts paid to an owner by HAMC.
- Insufficient ACC funding to support continued assistance for families in the program. In such an event, HAMC will follow the procedures outlined in HAMC's Management Procedures.
- If the family fails to disclose to HAMC any HUD notification it has received regarding discrepancies in the amount or verification of family income.
- Any other HUD required reason.

In addition to HUD requirements, the HAMC endorses the Arizona Multi-Housing Associations Crime Free Lease Addendum by incorporating it into the tenant's lease and at each annual process.

14.8 **Termination Notification**

In any case where the HAMC determines to terminate assistance to the family, the HAMC will give both the family and the owner a 30-day written termination notice. However, if a family vacates the unit without informing the HAMC, 30 days' notice will not be given. In these cases, the notice to terminate will be sent and effective at the time the HAMC learns the family has vacated the unit. The notice of termination will state:

- Specific reasons for the termination
- Effective date of the termination
- Family's right to request an informal hearing
- Family's responsibility to pay the full rent to the owner if it remains in the assisted unit after the termination effective date
- Copy of criminal record (if the criminal record is the basis of the termination).
- Protection Rights under the Violence Against Women's Act

When a family requests to be terminated from the program, they must do so in writing to the HAMC. The HAMC will then send a confirmation notice to the family and the owner within 15 days of the family's request, but no later than the termination effective date (as requested by the family).

14.9 **Removal of a Family Member from the Application**

Link:24 CFR 982.552(c)(2)(ii)

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the assisted unit.

After admission to the program, the family must present evidence of the former family member's current address upon HAMC request.

14.10 **Reasonable Accommodation Related to Denials or Terminations**

Link: 24 CFR 982.552(2)(iv)

HAMC's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation.

When applicants with disabilities are denied assistance, the notice of denial must inform them of HAMC's informal review process and their right to request a review. In addition, the notice will inform applicants with disabilities of their right to request reasonable accommodations to participate in the informal review process. If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of assistance, HAMC will determine whether the behavior is related to the disability. If so, upon the family's request, HAMC will determine whether alternative measures are appropriate as reasonable accommodation. HAMC will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance.

14.11 **Repayment Agreements**

Link PIH Notice 2018-18

If a family owes amounts to the HAMC, as a condition of continued occupancy, the HAMC may require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from the HAMC of the amount owed. The family will have the option to repay the amount owed as follows:

- In a lump-sum payment; or
- Monthly installment; or
- A combination lump-sum payment and monthly installments

Any repayment agreement between the HAMC and a family must be signed and dated by the HAMC and by the head of household and spouse/co-head (if applicable). If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, the HAMC will terminate the family's tenancy and utilize other available collection alternatives including, but not limited to, the following:

- Collection agencies
- Small claims court
- Civil lawsuit
- State income tax set-off program

The repayment agreement will include the total amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. The amount of the monthly repayment together with the family's TTP will not exceed 40% of the family's adjusted monthly income. The amount of the monthly repayment will be adjusted as adjustments are made to the family's TTP. The HAMC repayment agreements will not exceed a term of 24 months.

The HAMC generally will not enter into a repayment agreement with a family if:

- There is already a repayment agreement in place with the family
- If the HAMC determines that the family committed program fraud
- If the amount of the monthly payments together with the family's TTP exceeds 40% of the family's adjusted monthly income.
- If the amount is greater than $3,000

HAMC may, at its discretion, decline to enter into a repayment agreement and instead terminate the family's tenancy while pursuing other available collection methods. If the family's assistance is terminated and repayment has not been made, the money will still be considered to be owed and may be reported in HUD's EIV system as a debt owed. HAMC may take such action, as necessary, to collect the amounts owed.

Family Debts to the PHA

HAMC Policy

Any amount owed to the PHA by an HCV family must be repaid by the family. If the family is unable to repay the debt within 30 days, the PHA will offer to enter into a repayment agreement in accordance with the policies below.

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, the HAMC will terminate assistance in accordance with the policies in Chapter 12 and pursue other modes of collection.

Terms of a Repayment Agreement

Link: 24 CFR 792.103

The term repayment agreement refers to a formal written document signed by a tenant or owner and provided to the PHA in which a tenant or owner acknowledges a debt in a specific amount and agrees to repay the amount due at specific time periods. Families with repayment agreements will be denied moves under portability procedures.

Repayment Agreement Guidelines for Families

Down Payment Requirement

HAMC Policy

Before executing a repayment agreement with a family, the HAMC will generally require a down payment of 10 percent of the total amount owed. If the family can provide evidence satisfactory to the HAMC that a down payment of 10 percent would impose an undue hardship, the HAMC may, in its sole discretion, require a lesser percentage or waive the requirement.

Repayment Agreement Payment Thresholds

Notice PIH 2017-12 recommends that the total amount that a family must pay each month—the family's monthly share of rent plus the monthly debt repayment amount—should not exceed 40 percent of the family's monthly adjusted income. However, a family may already be paying 40 percent or more of its monthly adjusted income in rent. Moreover, Notice PIH 2017-12 acknowledges that PHAs have the discretion to establish "thresholds and policies" for repayment agreements with families 24 CFR 982.552(c)(1)(vii).

HAMC Policy

The HAMC has established the following thresholds for repayment of debts:

- Amounts of $3,000 or more must be repaid within 36 months.
- Amounts between $2,000 and $2,999 must be repaid within 30 months.
- Amounts between $1,000 and $1,999 must be repaid within 24 months.
- Amounts between $501 and $999 must be repaid within 12 months.
- Amounts under $500 must be repaid within 6 months.

If a family can provide evidence satisfactory to the PHA that the threshold applicable to the family's debt would impose an undue hardship, the PHA may, in its sole discretion, determine that a lower monthly payment amount is reasonable. In making its determination, the PHA will consider all relevant information, including the following:

- The amount owed by the family to the PHA
- The reason for the debt, including whether the debt was the result of family action/inaction or circumstances beyond the family's control
- The family's current and potential income and expenses
- The family's current family share, as calculated under 24 CFR 982.515
- The family's history of meeting its financial responsibilities

Execution of the Repayment Agreement

HAMC Policy

Any repayment agreement between the HAMC and a family must be signed and dated by the HAMC and by the head of household and spouse/cohead (if applicable).

Due Dates of the Repayment Agreement

HAMC Policy

All payments are due by the close of business on the first business day of each month. If the payment is not received by the 15th day of each month, it will be considered to be a breach of the agreement. If the 15th does not fall on a business day, the due date is the close of business on the first business day after the 15th.

Late or Missed Payments

HAMC Policy

All payments are due by the close of business on the first business day of each month. If the payment is not received by the 15th day of each month, it will be considered to be a breach of the agreement. If a family has three unexcused non-payments in a 12-month period, the repayment agreement will be considered in default, and the HAMC will terminate assistance in accordance with the policies in Chapter 12.

No Offer of Repayment Agreement

HAMC Policy

The HAMC generally will not enter into a repayment agreement with a family if there is already a repayment agreement in place with the family or if the amount owed by the family exceeds the federal or state threshold for criminal prosecution.

Repayment Agreements Involving Improper Payments

Notice PIH 2017-12 requires certain provisions to be included in any repayment agreement involving amounts owed by a family because it underreported or failed to report income:

- A reference to the items in the family briefing packet that state the family's obligation to provide true and complete information at every reexamination and the grounds on which the PHA may terminate assistance because of a family's action or failure to act
- A statement clarifying that each month the family not only must pay to the PHA the monthly payment amount specified in the agreement but must also pay to the owner the family's monthly share of the rent to owner
- A statement that the terms of the repayment agreement may be renegotiated if the family's income decreases or increases
- A statement that late or missed payments constitute default of the repayment agreement and may result in termination of assistance

Owner Debt to the HAMC

If the HAMC determines that the owner has retained housing assistance or claims payments the owner is not entitled to, the HAMC may reclaim the amounts from future housing assistance or claim payments owed by the owner for any units under contract.

If future housing assistance or claim payments are insufficient to reclaim the amounts owed, the HAMC may require the owner to pay the amount in full within 30 days or restrict the owner from future participation.

HAMC Policy

Any amount due to the HAMC by an owner must be repaid by the owner within 30 days of the HAMC's determination of the debt. If the owner fails to repay the debt within the required time frame and is entitled to future HAP payments, the HAMC will reduce the future HAP payments by the amount owed until the debt is paid in full. If the owner is not entitled to future HAP payments the PHA may, in its sole discretion, offer to enter into a repayment agreement on terms prescribed by the PHA. If the owner refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, the HAMC will ban the owner from future participation in the program and pursue other modes of collection.

CHAPTER 15: INFORMAL REVIEWS AND INFORMAL HEARINGS

15.1 Complaints

The HAMC will respond promptly to complaints from families, owners, employees and members of the public. The HAMC requires that all complaints be put in writing using Section 8 form "complaints". This form will be available on the HAMC website at www.maricopahousing.org.

Categories of Complaints are as follows:

- Complaints from families: If a family disagrees with an action or inaction of the HAMC or owner.
- Complaints from owners: If an owner disagrees with an action or inaction of the HAMC or family.
- Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules.
- Complaints from the general public: Complaints or referrals from persons in the community in regard to the HAMC, a family or an owner.

15.2 Informal Review Policy

Links: 24 CFR 982.554;

HAMC provides a copy of the Informal Review and Hearing procedures in the family briefing packet. When possible and allowed by regulation/law, HAMC may conduct administrative reviews of informal hearing/review requests and provide alternate resolutions at its discretion before proceeding with the family's request for a review or hearing.

An applicant may request an informal review of the HAMC's decision to deny the applicant's participation in the Housing Choice Voucher Program. Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status, the applicant is entitled to an informal hearing.

An applicant may request an informal review if the applicant:

- Is denied listing on the waiting list or for a preference
- Is denied a voucher
- Is denied participation in the Program including portability

Informal reviews will not be granted to applicants who dispute:

- The unit size (number of bedrooms) is stated on the voucher.
- A determination that a unit does not comply with Housing Quality Standards including space requirements.
- A determination of the family unit size under the HAMC's subsidy standards.
- A determination that a unit selected by the applicant is not in compliance with HQS.
- A decision to not approve a request for an extension of the term of the voucher.
- General policy issues, class grievances, or discretionary administrative determinations.

When the HAMC determines that an applicant is ineligible for the program, the HAMC will notify the applicant of their ineligibility in writing. The notice will contain:

- Reason(s) the family is ineligible
- Procedure for requesting a review if the applicant does not agree with the decision
- Time limit for requesting a review: The applicant must submit the written request for an informal review within 15 business days of the date of the denial notice.
- If the request is not submitted timely, it will mean that the applicant waived his/her right to request an informal review.

The informal review will be conducted by a person or panel including other than the one who made the decision under review or a subordinate of this person. The applicant will be provided with an opportunity to present written or oral objections to the decision of the HAMC. The review decision will be based only on evidence presented at the review by both parties. Evidence presented after the review will not be considered. Extensions for evidence will not be granted.

The person or panel conducting the informal review will make a recommendation to the HAMC, but the HAMC Program Director is responsible for making the final decision as to whether admission should be granted or denied. If the informal review decision overturns the denial, processing for admission will resume.

If the family fails to appear for their informal review, the denial of admission will stand, and the family will be so notified.

15.3 **Informal Review Decision**

24 CFR 982.554(b)

The PHA must notify the applicant of the PHA's final decision, including a brief statement of the reasons for the final decision.

HAMC Policy

In rendering a decision, the HAMC will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the notice to the family.
- The validity of the grounds for denial of assistance. If the grounds for denial are not specified in the regulations, then the decision to deny assistance will be overturned.
- The validity of the evidence. The HAMC will evaluate whether the facts presented prove the grounds for denial of assistance. If the facts prove that there are grounds for denial, and the denial is required by HUD, the HAMC will uphold the decision to deny assistance.
- If the facts prove the grounds for denial, and the denial is discretionary, the HAMC will consider the recommendation of the person conducting the informal review in making the final decision whether to deny assistance.

The PHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed or emailed within 10 calendar days of the informal review, to the applicant and his or her representative. The notice will be sent by US mail.

If the decision to deny is overturned as a result of the informal review, processing for admission will resume.

15.4 Informal Hearing Policy

Link: 24 CFR 982.555

PHAs must offer an informal hearing for certain PHA determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to the PHA's HCV program and is currently assisted in the program. The purpose of the informal hearing is to consider whether the PHA's decisions related to the family's circumstances are in accordance with the law, HUD regulations and PHA policies.

The PHA is not permitted to terminate a family's assistance until the time allowed for the family to request an informal hearing has elapsed, and any requested hearing has been completed. Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a lease
- Terminating housing assistance payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures

Decisions Subject to Informal Hearing

Circumstances for which the PHA must give a participant family an opportunity for an informal hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule
- A determination of the family unit size under the PHA's subsidy standards
- A determination to terminate assistance for a participant family because of the family's actions or failure to act
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules
- A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR 984.303(i)]

Circumstances for which an informal hearing is not required are as follows:

- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- Establishment of the PHA schedule of utility allowances for families in the program
- A PHA determination not to approve an extension or suspension of a voucher term
- A PHA determination not to approve a unit or tenancy
- A PHA determination that a unit selected by the applicant is not in compliance with the HQS
- A PHA determination that the unit is not in accordance with HQS because of family size
- A determination by the PHA to exercise or not to exercise any right or remedy against an owner under a HAP contract

HAMC Policy

The HAMC will only offer participants the opportunity for an informal hearing when required to by the regulations, and if the HAMC denies a request for reasonable accommodation (see Chapter 3).

Remote Informal Hearings

There is no requirement that informal hearings be conducted in-person, and as such, HUD allows PHAs to conduct all or a portion of their informal hearings remotely either over the phone, via video conferencing, or through other virtual platforms. If the PHA chooses to conduct remote informal hearings, applicants may still request an in-person informal hearing, as applicable.

HAMC Policy

The HAMC has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, the HAMC will conduct an informal hearing remotely upon request as a reasonable accommodation for a person with a disability, if a participant does not have child care or transportation that would enable them to attend the informal hearing, or if the participant believes an in-person hearing would create an undue health risk. The HAMC will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

Ensuring Accessibility for Persons with Disabilities and LEP Individuals

As with in-person informal hearings, the platform for conducting remote informal hearings must be accessible to persons with disabilities and the informal hearings must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. PHAs may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote informal hearings.

PHAs are required to make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have a full and equal opportunity to participate in and benefit from all aspects of the informal hearing process. See Chapter 3 for a more detailed discussion of reasonable accommodation requirements.

If no method of conducting a remote informal hearing is available that appropriately accommodates an individual's disability, the PHA may not hold against the individual his or her inability to participate in the remote informal hearing, and the PHA should consider whether postponing the remote hearing to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation will depend on the specific circumstances and requirements. As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote informal hearings, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote informal hearings.

Conducting Informal Hearings

The HAMC may conduct informal reviews telephonically, via video- teleconferencing, or through other virtual platforms provided that the family has not requested in-person informal hearing. Prior

to scheduling a remote informal the HAMC will survey the family to determine if technology barriers exist that would limit the family's ability to participate in the hearing. If the participant does not have proper technology access, then the remote hearing will either be postponed until the HAMC can resolve the access issue(s), or an in-person alternative will be provided.

HAMC hearings will be conducted by a single hearing officer or a panel. The HAMC will appoint a person or panel who has/have been selected in the manner required under the hearing's procedure.

Hearings may be attended by the following applicable persons:

- A HAMC representative(s)
- Any witnesses for the HAMC
- The participant
- Any witnesses for the participant
- The participant's counsel or other representative
- If the participant is bringing legal counsel to the informal hearing, the participant must notify HAMC at least 24 hours in advance of the hearing
- Any other person approved by the HAMC will be as reasonable accommodation for a person with a disability.

15.5 **Informal Hearing Decision**

In rendering a decision, the hearing officer/panel will consider the following matters:

- HAMC Notice to the Family
- HAMC Evidence to Support the HAMC Decision
- Participant Presented Evidence
- Validity of Grounds for Program Termination

HAMC Policy

The HAMC will conduct remote informal hearings via a video conferencing platform, when available. If, after attempting to resolve any barriers, participants are unable to adequately access the video conferencing platform at any point, or upon request, the informal hearing will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in at any point, the remote informal hearing will be postponed, and an in-person alternative will be provided promptly within a reasonable time.

At least five business days prior to scheduling the remote hearing, the PHA will provide the family with login information and/or conferencing call-in information and an electronic copy of all materials being presented via first class mail and/or email. The notice will advise the family of technological requirements for the hearing and request the family notify the PHA of any known barriers. The PHA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person hearing.

The PHA will follow up with a phone call and/or email to the family at least one business day prior to the remote informal hearing to ensure that the family received all information and is comfortable accessing the video conferencing or call-in platform.

The PHA will ensure that all electronic information stored or transmitted with respect to the informal hearing is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

Rights of the Applicant/Participant and HAMC

The applicant/participant must appear in person at the review/hearing and may be represented by an attorney, or other representative, at his/her own expense. If the family is being represented by an attorney, the family must notify HAMC 24 hours in advance of the review/hearing.

- The applicant/family and HAMC have the right to present evidence, both oral and written.
- The applicant/family and HAMC have the right to question any witnesses, and the right to state his/her case prior to the hearing officer's decision.
- The applicant/family has the right to arrange for an interpreter to attend the review/hearing, at his/her own expense.
- The applicant/family has the right to seek redress directly through judicial procedures of the court.
- HAMC has the right to make final submissions.

The applicant/family and HAMC have the right to review any documents directly relevant to the review/hearing. Review of documents will take place at the HAMC office. Copying of any documents will be at the expense of the requested party at .25 per copy. If the applicant/family or HAMC does not make the document available for examination on the request of the other party, that document may not be relied on during the review/hearing.

Informal Hearing Review Process

The informal hearing review will follow the following guidelines:

- The review will be conducted by any person or persons designated by HAMC, other than a person who made or approved the decision under review or a subordinate of this person.
- All HAMC Denial and Termination notices will advise the applicant/family of his/her right to a review/hearing and the process to request a review/hearing.
- The applicant/family must request the informal review/hearing in writing within 10 days of the date of the HAMC notice.
- HAMC will schedule the hearing within a reasonable timeframe, preferably before the effective termination date. If the hearing cannot be scheduled before the effective termination date, the effective termination date may be extended, based solely on the reason for the delay and at the sole discretion of HAMC.
- The notification of hearing will contain:
    - Date and time of the hearing
    - Location where the hearing will be held
    - Family's right to bring evidence, witnesses, legal or other representation at the
    - Right to view any documents or evidence in the possession of HAMC and upon which HAMC based the proposed action and, at the family's expense, to obtain a copy (at $.25 per copy) of such documents prior to the hearing. Requests for such documents or evidence must be received no later than five business days before the hearing date.

- If a family does not appear at a scheduled review/hearing and has not rescheduled the hearing in advance, the hearing officer will assume the family is no longer interested in the program and will uphold the denial/termination.
- The applicant/family will be given an opportunity to present written or oral objections to HAMC's decision. If the family is presenting written documentation, a copy of the documentation will be made at the time it is presented at the hearing, for the participant file.
- HAMC will notify the applicant/family of the HAMC final decision after the informal review/hearing, including a brief statement of the reasons for the final decision.
- The Notice will contain the following information:
    - Applicant/family name
    - Applicant/family address
    - Date
    - Date and time of review/hearing
    - Names of everyone in attendance at review/hearing
    - Final decision
    - Brief statement of the reason(s) for the final decision
    - HUD regulation for the denial/termination (if upholding the denial/termination)
    - Effective date of denial/termination (if applicable)
- A hearing decision letter will also be sent to the owner, stating whether the termination was upheld or overturned. The notice to the owner will contain the following information:
    - Family name
    - Unit address
    - Effective date of termination or
    - Effective date of re-instatement
- All requests for review, supporting documentation, and a copy of the final decision will be filed in the family's file.

Decisions Not Binding to HAMC

HAMC is not bound by a review/hearing decision on the following matters:

- A matter for which HAMC is not required to provide an opportunity for an informal review/hearing or otherwise in excess of the HAMC of the person conducting the review/hearing.
- A decision given contrary to HUD regulations, requirements, or otherwise contrary to Federal, State or Local law.

In the event that a review/hearing decision is not binding to HAMC, the Managing Director or his/her designer will send a notice to all parties attending the review/hearing that the decision is null and void. The notice will set a date and time for a new hearing with a different hearing officer.

Hearing Provisions for Restrictions on Assistance to Non-Citizens

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

Assistance to a family will not be terminated or denied while the HAMC hearing is pending; however, assistance to an applicant may be delayed pending the HAMC hearing.

Conduct at Informal Hearings

The person who conducts the hearing may regulate the conduct of the hearing in accordance with the PHA's hearing procedures [24 CFR 982.555(4)(ii)].

HAMC Policy

The hearing officer is responsible for managing the order of business and ensuring that hearings are conducted in a professional and businesslike manner. Attendees are expected to comply with all hearing procedures established by the hearing officer and guidelines for conduct. Any person demonstrating disruptive, abusive, or otherwise inappropriate behavior will be excused from the hearing at the discretion of the hearing officer. Hearings may be recorded.

15.6 Evidence

24 CFR 982.555(e)(5)

The HAMC and the family must be given the opportunity to present evidence and question any witnesses. In general, all evidence is admissible at an informal hearing. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

HAMC Policy

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

Oral evidence: the testimony of witnesses

Documentary evidence: a writing which is relevant to the case, for example, a letter written to the PHA. Writings include all forms of recorded communication or representation, including letters, words, pictures, sounds, videotapes or symbols or combinations thereof.

Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

Real evidence: A tangible item relating directly to the case.

Hearsay Evidence: Is evidence based not on a witness' personal knowledge. In and of itself, hearsay evidence carries no weight when making a finding of fact. The hearing officer may include hearsay evidence when considering their decision if it is corroborated by other evidence. Even though hearsay evidence is generally admissible in a hearing, the hearing officer will not base a hearing decision on hearsay alone unless there is clear probative value and credibility of the evidence, and the party seeking the change has met the burden of proof.

If either the PHA (or the family, if required in a remote hearing) fails to comply with the discovery requirements described above, the hearing officer will refuse to admit such evidence.

Other than the failure of a party to comply with discovery, the hearing officer has the authority to overrule any objections to evidence.

Procedures for Rehearing or Further Hearing

HAMC Policy

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of the PHA will take effect and another hearing will not be granted. Hearing Officer's Decision 24 CFR 982.555(e)(6)

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

HAMC Policy

In rendering a decision, the hearing officer will consider the following matters:

PHA Notice to the Family: The hearing officer will determine if the reasons for the PHA's decision are factually stated in the Notice.

Discovery: The hearing officer will determine if the PHA and the family were given the opportunity to examine any relevant documents in accordance with HAMC's Policy.

PHA Evidence to Support the PHA Decision: The evidence consists of the facts presented. Evidence is not conclusion, and it is not argument. The hearing officer will evaluate the facts to determine if they support the PHA's conclusion.

Validity of Grounds for Termination of Assistance (when applicable): The hearing officer will determine if the termination of assistance is for one of the grounds specified in the HUD regulations and PHA policies. If the grounds for termination are not specified in the regulations or in compliance with PHA policies, then the decision of the PHA will be overturned.

The hearing officer will issue a written decision to the family and the PHA no later than 10 calendar days after the hearing. The report will contain the following information:

Hearing information:

- Name of the participant.
- Date, time, and place of the hearing; Name of the hearing officer.
- Name of the PHA representative; and
- Name of family representative (if any).

Background: A brief, impartial statement of the reason for the hearing.

Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

Findings of Fact: The hearing officer will include all findings of fact, based on a preponderance of the evidence. 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 show that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Conclusions: The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold the PHA's decision.

Order: The hearing report will include a statement of whether the PHA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct the PHA to change the decision in accordance with the hearing officer's determination. In the case of termination of assistance, the hearing officer will instruct the PHA to restore the participant's program status.

Issuance of Decision

24 CFR 982.555(e)(6)

HAMC Policy

The hearing officer will mail a "Notice of Hearing Decision" to the HAMC and to the participant on the same day. This notice will be sent by first-class mail. The participant will be mailed the original "Notice of Hearing Decision" and a copy of the proof of mailing. A copy of the "Notice of Hearing Decision" will be maintained in the HAMC's file.

15.7 Effect of Final Decision

24 CFR 982.555(f)

The PHA is not bound by the decision of the hearing officer for matters in which the PHA is not required to provide an opportunity for a hearing, decisions that exceed the authority of the hearing officer, decisions that conflict with or contradict HUD regulations, requirements, or are otherwise contrary to Federal, State, or local laws. If the PHA determines it is not bound by the hearing officer's decision in accordance with HUD regulations, the PHA must promptly notify the family of the determination and the reason for the determination.

HAMC Policy

The Executive Director has the authority to determine that the HAMC is not bound by the decision of the hearing officer because the HAMC was not required to provide a hearing, the decision exceeded the authority of the hearing officer, the decision conflicted with or contradicted HUD regulations, requirements, or the decision was otherwise contrary to federal, state, or local laws.

In such a case, the PHA will mail a "Notice of Final Decision" to the PHA and the participant on the same day. The "Notice of Final Decision" will be sent by first-class mail. A copy of this notice will be maintained in the HAMC's file

15.8 **USCIS Determination of Ineligibility**

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. Applicants who are denied assistance due to immigration status are entitled to an informal hearing, not an informal review. Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the PHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

Primary Verification

Immigration status of the person is conducted by the HAMC through the INS automated system (INS Systematic Alien Verification for Entitlements (SAVE)) prior to program admission. This primary verification process will be used to support the eligible immigration status of each respective household member.

Secondary Verification

If a family member claims to be an eligible immigrant, and the USCIS SAVE system does not verify the claim, HAMC will notify the applicant/family within 10 calendar days that secondary verification is required.

The HAMC will request from the applicant/family original copies of the INS documents required for the immigration status declared (front and back). The INS documents from the family will be attached to a completed Form G-845S and submitted to the Department of Homeland Security within 10 calendar days of receiving the results of the primary verification.

Secondary Verification Failure

If the secondary verification does not confirm eligible immigration status, the HAMC will issue a notice of ineligibility for the applicant/family member(s) or entire household which includes notification of the right to appeal the INS verification failure of immigration status.

HAMC Policy

An applicant family must have at least one (1) eligible household member to be admitted to the program. One-person applicant households may request an informal review of the decision of ineligibility due to immigration status.

Families with both eligible and ineligible household members are considered a "mixed family" and will be notified of prorated assistance upon admission to the program.

The family may complete either of the following:

1. Within 30 days from the date of the HAMC's notification, request an appeal directly with INS.

If the family appeals to INS, they must give HAMC a copy of the appeal and proof of mailing, or HAMC may proceed to deny or terminate. In addition, the HAMC may not delay the assistance to the family until the conclusion of the INS appeal process.

- INS will issue to the family, with a copy to the HAMC, a decision within 30 days of its receipt of documentation concerning the family's appeal of the verification of immigration status.
- If, for any reason, INS is unable to issue a decision within the 30-day time period, INS will inform the family and HAMC of the reasons for the delay.
- When the HAMC receives a copy of the INS decision, the HAMC shall notify the family of its right to request an informal hearing on the HAMC's ineligibility determination in accordance with the appeal process of this plan.

2. Within 10 days from the date of the HAMC's notification, request an informal hearing, but only if the household is/was admitted to the program as a "Mixed Family.
    - HAMC may delay assistance during the determination of an informal hearing.
3. Within 10 days from the date of the HAMC's notification submit a request in writing to remove the ineligible, but only if the household is/was admitted to the program as a "Mixed Family.
    - HAMC may delay assistance during the determination of an informal hearing.

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

- Deny the applicant family.
- Terminate the family if the family does not qualify for deferral.

A "Mixed Family" whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights describes above) are entitled to a hearing based on the right to a hearing regarding determinations of Total Participant Payment.

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

HAMC's informal review and informal hearing procedures are stated in the HAMC HCV Informal Review and Hearing Procedure.

CHAPTER 16: PROGRAM INTEGRITY

Link: 24 CFR 982.552(c)(iv); 24 CFR 985

The HAMC anticipates that the majority of families and HAMC employees intend to and will comply with program requirements and make reasonable efforts to avoid errors. To ensure that the HAMC's program is administered effectively and according to the highest ethical and legal standards, the HAMC will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

The HAMC will:

- Provide each applicant and participant with a copy of "Is Fraud Worth It?"
- Provide each applicant and participant with a copy of "What You Should Know about EIV", and require receipt confirmation
- Review and explain the contents of all HUD and HAMC required forms prior to requesting family member signatures
- Place a warning statement about the penalties for fraud on key HAMC forms and letters that request information from a family member
- Provide each HAMC employee with the necessary training on program rules and the organization's standards of conduct and ethics

16.1 Detecting Errors and Program Abuse

The HAMC will employ a variety of methods to detect errors and program abuse, including:

- Using the results reported in any IPA or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the HAMC's error detection and abuse prevention efforts.
- Encouraging staff, participants, and the public to report possible program abuse.
- Reviewing all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation.
- Investigating inconsistent information related to the family that is identified through file reviews and the verification process.

For each investigation the HAMC will determine:

- Whether an error or program abuse has occurred
- Whether any amount of money is owed the HAMC
- What corrective measures or penalties will be assessed

16.2 Consideration of Remedies

All errors and instances of program abuse will be corrected prospectively. Whether the HAMC will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

In the case of family-caused errors or program abuse, the HAMC will take into consideration:

- The seriousness of the offense and the extent of participation or culpability of individual family members
- Any special circumstances surrounding the case
- Any mitigating circumstances related to the disability of a family member
- The effects of a particular remedy on family members who were not involved in the offense

16.3 Notice and Effective Dates

The HAMC will inform the relevant party in writing of its findings and remedies within 15 calendar days of the conclusion of the investigation.

The notice will include:

- A description of the error or program abuse,
- The basis on which the HAMC determined the error or program abuses,
- The remedies to be employed, and
- The family's right to appeal the results through an informal review or informal hearing.

Increases in the participant rent will be implemented retroactively to the date of the unreported increase. The participant may or may not be offered a repayment agreement, based on the seriousness and length of the unreported income.

Any decreases in participant rent will become effective the first of the month following the discovery or retro-actively if due to HAMC error.

In the case of family-caused errors or program abuse, the family will be required to repay any amounts of rent underpaid. The HAMC may offer the family a repayment agreement. If the family fails to repay the amount owed, the HAMC will terminate the family's lease.

The HAMC will reimburse the family for any family overpayment of rent.

Placement of Documents, Evidence and Statements Obtained by the HAMC

Documents and other evidence obtained by the HAMC during the course of an investigation will be considered "work product" and will either be kept in the participant's file or in a separate "work file." In either case, the participant's file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among HAMC staff unless they are involved in the process or have information that may assist in the investigation.

16.4 Family Prohibited Actions

Any of the following will be considered evidence of family program abuse:

- Offering bribes or illegal gratuities to the HAMC Board of Commissioners, employees, contractors, or other HAMC representatives
- Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements to the HAMC on the family's behalf
- Use of a false name or the use of falsified, forged, or altered documents
- Intentional misreporting of family information or circumstances (e.g., misreporting of income or family composition)
- Omitted facts that were obviously known by a family member (e.g., not reporting employment income)
- Admission of program abuse by an adult family member
- The HAMC may determine other actions to be program abuse based upon a preponderance of the evidence.

16.5 **HAMC Prohibited Activities**

Any of the following will be considered evidence of program abuse by HAMC staff:

- Failing to comply with any HCV program requirements for personal gain
- Failing to comply with any HCV program requirements as a result of a conflict-of-interest relationship with any applicant or participant
- Seeking or accepting anything of material value from applicants, participants, owners, vendors, contractors, or other persons who provide services or materials to the HAMC
- Disclosing confidential or proprietary information to outside parties
- Gaining profit as a result of insider knowledge of HAMC activities, policies, or practices
- Misappropriating or misusing HCV funds
- Destroying, concealing, removing, or inappropriately using any records related to the HCV program
- Committing any other corrupt or criminal act in connection with any federal housing program

When the HAMC determines that program abuse by a family or HAMC staff member has occurred and the amount of underpaid rent meets or exceeds the threshold for prosecution under local or state law, the HAMC will refer the matter to the appropriate entity for prosecution. When the amount of underpaid rent meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General (OIG).

Other criminal violations related to the HCV program will be referred to the appropriate local, state, or federal entity.

16.6 **Owner Prohibited Activities**

Link: Title 18 U.S.C. Section 1001

An owner participating in the HCV program must not:

- Make any false statement to the HAMC.
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

Any of the following will be considered evidence of owner program abuse:

- Charging the family rent above or below the amount specified by the HAMC.
- Charging a security deposit other than that specified in the family's lease.
- Charging the family for services that are provided to unassisted tenants at no extra charge.
- Knowingly accepting housing assistance payments for any month(s) after the family has vacated the unit.
- Knowingly accepting incorrect or excess housing assistance payments.
- Offering bribes or illegal gratuities to the HAMC Board of Commissioners, employees, contractors, or other HAMC representatives.
- Offering payments or other incentives to an HCV family as an inducement for the family to make false or misleading statements to the HAMC; or
- Residing in the unit with an assisted family.

16.7 **Owner Remedies and Penalties**

In the case of owner-caused errors or program abuse, the HAMC will take into consideration (1) the seriousness of the offense; (2) the length of time since the violation has occurred; and (3) the effects of a particular remedy on family members who were not involved in the offense.

When the HAMC determines that the owner has committed program abuse, the HAMC may take any of the following actions:

- Terminate the HAP contract.
- Bar the owner from future participation in any HAMC programs.
- Refer the case to state or federal officials including the HUD Office of Inspector General (HUD- OIG for criminal prosecution.
- Require the owner to repay excess housing assistance payments.

HAMC may recover overpaid amounts by withholding housing assistance payments due for subsequent months. If the debt is large, the HAMC may allow the owner to pay in installments over a period of time.

16.8 **Corrections to Subsidy Payments**

When an incorrect subsidy is identified as a result of an error, program fraud, misrepresentation or abuse, HAMC will promptly correct the subsidy under- or overpayment. A subsidy under- or overpayment includes:

- An incorrect housing assistance payment to the owner.
- An incorrect family share established for the family; and
- An incorrect utility reimbursement to a family.

Families and owners will be notified of corrective actions and penalties, if any. Increases in the family share will be implemented only after the family has received 30 days' advanced notice. Any decreases in family share will become effective on the first of the month following the discovery of the error. The family will not be reimbursed when the family caused the underpayment.

Neither a family nor an owner is required to repay an overpayment of subsidy if the error or program abuse is caused by HAMC staff.

When efforts to collect monies owed to the HAMC (as described in the Family or Owner Remedies sections of this Plan) are unsuccessful, HAMC may also pursue collection through credit bureaus, small claims court, civil lawsuit, state income tax set-off program or other debt recovery solutions.

16.9 **De Minimis Errors**

When HAMC becomes aware of the existence of an income calculation error, HAMC will take corrective action to credit or repay a family if the family was overcharged tenant rent, including when HAMCs make de minimis errors (by no more than $30 per month in monthly adjusted income (or $360 in annual adjusted income) in the income determination. Families will not be required to repay the HAMC in instances where the HAMC miscalculated income resulting in a family being undercharged for rent.

HAMC Policy

In the event HAMC has determined that an income calculation error has occurred, or the family has notified the HAMC of the error, HAMC will take corrective action to repay or credit the family the amount they were overcharged as a result of the HAMC's de minimis error in income determination within 90 days of the discovery error.

If the family has not notified the HAMC and the HAMC discovers the error, HAMC will verify the income calculation error and take corrective action and repay or credit any outstanding amounts after the income calculation has been verified and corrected. HAMC's internal control policy will determine when and how a refund will be issued to the family.

CHAPTER 17: FAMILY SELF SUFFICIENCY PROGRAM

Link: 24 CFR 984.102

The objective of the FSS program is to reduce the dependency of low-income families on welfare assistance and on Section 8, public, or any Federal, State, or local rent or homeownership subsidies. Under the FSS program, low-income families are provided opportunities for education, job training, counseling, and other forms of social service assistance, while living in assisted housing, so that they may obtain the education, employment, and business and social skills necessary to achieve self- sufficiency, as defined in §984.103 of this subpart A.

17.1 FSS Action Plan

Link: 24 CFR 984.201

HAMC has developed an Action Plan in consultation with the Department Administrators and the Program Coordinating Committee which has met with HUD approval.

The Action Plan describes the policies and procedures of HAMC for operation of a local FSS program, and contains the following information:

- Family demographics. A description of the number, size, characteristics, and other demographics (including racial and ethnic data), and the supportive service needs of the families expected to participate in the FSS program.
- Estimate of participating families. A description of the number of eligible FSS families who can reasonably be expected to receive supportive services under the FSS program, based on available and anticipated Federal, tribal, State, local, and private resources.
- Eligible families from other self-sufficiency program. If applicable, the number of families, by program type, who are participating in Operation Bootstrap, Project Self-Sufficiency, or any other local self-sufficiency program who are expected to agree to execute an FSS contract of participation.

17.2 Program Coordinating Committee

Link: 24 CFR 984.202

HAMC has established a Program Coordinating Committee (“PCC”) to assist the HAMC in securing commitments of public and private resources for the operation of the FSS program within HAMC's jurisdiction, including assistance in developing the Action Plan and in implementing the program.

The PCC is comprised of representatives of HAMC; residents of public housing and/or participants of the HCV Program; and may include representatives of the unit of general local government served by the HAMC, local agencies (if any) responsible for carrying out JOBS training programs, or programs under the JTPA, and other organizations, such as other State, local or tribal welfare and employment agencies, public and private education or training institutions, childcare providers, nonprofit service providers, private business, and any other public and private service providers with resources to assist the FSS program.

17.3 **Family Selection**

Link: 24 CFR 984.203

The FSS program is currently approved for both the Public Housing and Housing Choice Voucher residents. HAMC selects families to participate in the FSS Program without regard to race, color, religion, age, sex (includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, as well as gender identity and gender expression), marital or family status, disability, medical condition, national origin, ancestry, source of income, and sexual orientation, gender identity, marital status, blindness, visual handicap, physical handicap, or mental impairment. HAMC will not discriminate against otherwise qualified persons on the basis of disabilities and will make reasonable accommodations to allow participation in the FSS Program by persons with disabilities.

Eligible Families From Other Self Sufficiency Programs

The FSS program may accept referrals from other self-sufficiency programs in order to provide long term case management services to help low-income families residing in subsidized housing to become economically self-sufficient. These agencies may include, but are not limited to, MCHSD, Head Start Programs, HOPE VI Community and Supportive Services, DES, and Family Service Centers.

The HAMC FSS Program may accept HCV portables from other cities or jurisdictions. The HAMC FSS Program may accept participants who are relocating from another jurisdiction. Favorable recommendation from the initial PHA's FSS Program is required and will be documented in a participant's case notes.

Participants who have previously participated in the FSS Program and have been closed successfully may not return to the program.

17.4 **Contract of Participation**

Link: 24 CFR 984.303

Each family that is selected to participate in an FSS program must enter into a contract of participation with HAMC. The Contract of Participation (CoP) must be signed by the head of the FSS family. The contract of participation provides that each FSS family is required to fulfill their obligations no later than 5 years.

The start date to complete the Family's Contract of Participation and Individual Training and Services Plan (ITSP) begins on the first annual recertification date after signing the Contract of Participation

17.5 **Contract of Participation Extensions**

HAMC may extend the term of the contract of participation for a period not to exceed two years for any FSS family that requests, in writing, an extension of the contract, provided that HAMC finds that good cause exists for granting the extension.

The contract of participation includes the individual training and services plan(s) and sets forth the terms and conditions governing participation in the FSS program, including the rights and responsibilities of the FSS family and of HAMC, the services to be provided and the activities to be completed by the head of the FSS family and each adult member of the family who elects to participate in the program.

If the FSS family fails to comply with the Contract of Participation, without good cause, HAMC may:

- Withhold the supportive services.
- Terminate the family's participation in the FSS program; or
- Terminate or withhold the family's Section 8 assistance, except in the case where the only basis for noncompliance with the contract of participation is noncompliance with the lease, or failure to become independent from welfare assistance.

The contract of participation is considered to be completed, and a family's participation in the FSS program is considered to be concluded when one of the following occurs:

- The FSS family has fulfilled all of its obligations under the contract of participation on or before the expiration of the contract term, including any extension thereof; or 30 percent of the monthly adjusted income of the FSS family equals or exceeds the published existing housing fair market rent for the size of the unit for which the FSS family qualifies based on HAMC's subsidy standards. The contract of participation will be considered completed and the family's participation in the FSS program concluded on this basis even though the contract term, including any extension thereof, has not expired, and the family members who have individual training and services plans have not completed all the activities set forth in their plans.
- The contract of participation is automatically terminated if the family's Section 8 assistance is terminated in accordance with HUD requirements.

The contract of participation may be terminated before the expiration of the contract term, and any extension thereof, by:

- Mutual consent of the parties.
- The failure of the FSS family to meet its obligations under the contract of participation without good cause, including in the Section 8 FSS program the failure to comply with the contract requirements because the family has moved outside the jurisdiction of the PHA.
- The family's withdrawal from the FSS program.
- Such other act as is deemed inconsistent with the purpose of the FSS program; or
- Operation of law.

Option to Terminate Section 8 Housing and Supportive Service Assistance.
HAMC may terminate or withhold Section 8 housing assistance, the supportive services, and the FSS family's participation in the FSS program, if HAMC determines, in accordance with the hearing procedures provided in 24 CFR 982.555 that the FSS family has failed to comply without good cause with the requirements of the contract of participation.

17.6 **FSS Account**

Link: 24 CFR 984.305

An interest-bearing escrow account is established by HAMC for each participating family. Any increases in the family's rent as a result of increased earned income during the family's participation in the program result in a credit to the family's escrow account. HAMC will report, at least once annually, to each FSS family on the status of the family's FSS account. Once a family graduates from the program, they may access the escrow and use it for any purpose.

If the FSS family has not paid the family contribution towards rent, or other amounts, if any, due under the public housing or section 8-assisted lease, the balance in the family's FSS account will be reduced by that amount (as reported by the owner to the PHA in the Section 8 FSS program) before prorating the interest income. If the FSS family has fraudulently under-reported income, the amount credited to the FSS account will be based on the income amounts originally reported by the FSS family.

For more information on terms and procedures see HAMC's FSS Action Plan.

17.7 **HOTMA Changes That Impact FSS Programs – Interim Reexaminations**

HOTMA requires that interim reexaminations must be conducted:

1. When a family's income decreases by at least 10 percent of their annual adjusted income, or such lower threshold established by HUD through notice; or
2. When a family's income increases by at least 10 percent of their annual adjusted income or such other amount established by HUD through notice, except in certain circumstances (See 11.3.2 Interim Reexamination for Increase in Adjusted Income)

HAMC may not consider any increases in earned income when estimating or calculating whether the family's adjusted income has increased **unless** the family has previously received an interim reduction during the same reexamination cycle. Families participating in the FSS program are subject to these interim requirements, therefore their escrow accounts may not grow as their earnings increase throughout the year.

HAMC may not perform an interim reexamination of annual income when enrolling a family in the FSS program unless the family experienced a change in annual adjusted income that meets the 10-percent threshold for conducting an interim reexamination under the HOTMA final rule.

Families for whom their first reexamination of income does not occur until their regularly scheduled annual reexamination will not have the opportunity to begin escrowing their increased earnings until that time and may have fewer escrow increases over the life of the 5-year contract.

CHAPTER 18: EMERGENCY HOUSING VOUCHERS

The HAMC administers Emergency Housing Vouchers (EHV) provided by HUD in order to serve individuals and families who are (1) homeless; (2) at risk of homelessness; (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or (4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability. The EHV operates in the same manner as the HAMC tenant-based voucher program except as otherwise provided in this chapter.

18.1 Wait List and Selection

HAMC will accept applicant referrals for EHVs directly from the Continuum of Care (CoC) or another partnering agency. In the event that the CoC or other partnering agency refer more families to the HAMC than the current allocation of EHV, the HAMC will create a separate waiting list specifically for the EHV.

EHVs are limited and the availability of these EHVs is managed through a direct referral process. The HAMC will advise the interested families to contact the CoC (or any other HAMC referral partner, if applicable) if the interested family believes they may be eligible for EHV assistance.

The HAMC will also make an EHV available in order to facilitate an emergency transfer in accordance with the Violence Against Women Act (VAWA) as outlined in the HAMC Emergency Transfer Plan

18.2 EHV Eligibility

The verification that the individual or family meets one of the four eligibility categories will be conducted by the CoC or another partnering agency that makes direct referrals to the HAMC.

Other than cases where a family is requesting an emergency transfer in accordance with VAWA as outlined in the HAMC Emergency Transfer Plan, the HAMC will refer a family that is seeking EHV assistance directly from the HAMC to the CoC or other referring agency partner for initial intake, assessment, and possible referral for EHV assistance.

The CoC or other direct referral partner will provide supporting documentation to the HAMC of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance.

Income Eligibility

HUD permits the HAMC to use alternative income verification for the EHV that differs from the tenant- based voucher program. HAMC may consider self-certification as the highest form of income verification at admission. Applicants who self-certify their income must submit an affidavit attesting to reported income, assets, expenses, and other factors which would affect an income eligibility determination.

Additionally, applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request.

Social Security Number Documentation and Citizenship Status
Per PIH Notice 2026-05, HUD no longer waives alternative requirements to the verification of citizenship or eligible immigration status. HAMC must follow the regulations at 24 CFR 5.508 regarding the submission of evidence of citizenship or eligible immigration status.

18.3 Denial of Admission

For EHV, the HAMC must deny admission:

(1) If any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing to EHV applicants.

(2) Any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553(a)(2)(i)] to EHV applicants.

18.4 Voucher Term

The initial term of the EHV voucher will be 180 days. Extension to the initial term of the voucher may be provided as reasonable accommodation.

18.5 Portability

The HAMC will not prohibit portability for non-resident applicants. In the event that the HAMC is a receiving PHA under portability, the HAMC will absorb the incoming EHV family with an EHV (assuming it has an EHV voucher available to do so). If the HAMC does not have an EHV available to absorb the family, it will bill the initial PHA.

18.6 Payment Standards

The HAMC may establish a separate payment standard for the EHV that differs from the tenant-based voucher program, if the HAMC wishes to increase the potential pool of available units for EHV families.

Changes in the Payment Standard
The HAMC may apply an increase in the payment standard for the leased EHV at interim re- examination or with an action to increase the owner rent following the effective date of the increase in the payment standard amount, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.

18.7 Use of Available HUD Waivers

The HAMC Administrative Plan provides for the implementation of certain waivers to the federal regulation and statutory requirements permitted by the US Department of Housing and Urban Development in response to various reliefs, Acts and Initiatives approved by the Department.

HUD-Provided Service Fees

HUD will allocate a one-time services fee to the HAMC to support its efforts in implementing and operating an effective EHV services program that will best address the needs of EHV eligible individuals and families in its jurisdiction. The HAMC will use the service fee to provide any or all the defined eligible users to assist families to successfully lease units with the EHVs. The permitted use of these fees may include the following activities.

- Owner incentive payments equivalent to $2,000 per lease-up
- Housing Search Assistance to EHV families during their housing search – equivalent to $215 per lease-up
- Security Deposits to secure a rental unit for first-time applicants/new admissions only. Security deposits do not need to be returned to the PHA by the owner or the family. Families may use that security deposit for subsequent tenancies, if necessary. Security deposits may not exceed one and half times the monthly contract rent.

For first-time applicants/new admissions, the total amount of service fees cannot exceed $3,500. The owner incentive payments and housing search assistance fees have priority over security deposits. Security deposits may make up the remaining difference after subtracting the owner incentive payment and housing search assistance fees.

18.8 Termination of the EHV

The HAMC may not reissue the EHV when assistance for an assisted family end. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, the HAMC may not reissue that EHV to another family unless it does so no later than September 30, 2023.

18.9 EHV Program and Funding Sunset

Link: PIH Notice 2025-19

The American Rescue Plan of 2021 made EHV funds available for obligation by HUD until September 30, 2023, and those funds will be cancelled as a matter of law effective September 3, 2035. However, due to historic increases in rental prices resulting in higher per unit cost for EHVs, HUD estimates that the Department will only have sufficient funds to cover all EHV families through most of Calendar Year (CY) 2026. HAMC has adopted an Emergency Housing Voucher Participant (EHVP) Preference to transition current EHV families to the HCV program so that EHV families do not lose assistance and potentially face homelessness. See Section 4.9 Local Preferences. Current EHV families seeking to transition to the HCV program are subject to HCV funding and voucher availability and must comply with HCV Initial And Continuing Eligibility requirements. See Chapter 5. See Chapter 23.13 for Transitioning EHV Families Into HCV Program

CHAPTER 19: PROJECT BASED VOUCHERS

Link: 24 CFR 983

Much of the tenant-based voucher program regulations also apply to the Project-Based Voucher (PBV) program.

Consequently, many of the PHA policies related to tenant-based assistance also apply to PBV assistance. In accordance with 24 CFR 983.2, the following but not limited to the provisions of the tenant-based voucher program do **not** apply to the PBV program:

1. Provisions on issuance or use of a voucher.
2. Provisions on portability.
3. Provisions on the following special housing types: Shared housing, manufactured home space rental, and the homeownership option.
4. Admission to the program may not be based on where the family will live with assistance under the program.
5. The order of admission from the waiting list may not be based on family size, or on the family unit size for which the family qualifies under the PHA occupancy policy.
6. If the PHA does not have sufficient funds to subsidize the family unit size of the family at the top of the waiting list, the PHA may not skip the top family to admit an applicant with a smaller family unit size. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.
7. The family unit size number is entered on the voucher issued to the family. The PHA issues the family a voucher for the family unit size when a family is selected for participation in the program.
8. The subsidy standard used to determine the maximum rent subsidy for a family assisted in the voucher program, in accordance with 24 CFR982.402(c)
9. Size of unit occupied by family, in accordance with 24 CFR 982.402(d)

HAMC Policy

Except as otherwise noted in this chapter and 24 CFR 983.2, or unless specifically prohibited by PBV program regulations, the PHA policies for the tenant-based voucher program contained in this administrative plan also apply to the PBV program and its participants

19.1 Overview

The HAMC may use up to 20 percent of Housing Choice Voucher authorized units for project-based assistance. The HAMC may increase the use of Project Based Vouchers by an additional 10 percent for homeless families, families with veterans, supportive housing for persons with disabilities or elderly persons, or in areas where vouchers are difficult to use.

The proposed location of any PBV units must comply with the goals of deconcentrating poverty, expanding housing opportunities, and affirmatively furthering fair housing.

The HAMC uses project-based vouchers to encourage new construction or rehabilitation, promote voucher utilization and increase supportive housing options.

19.2 Waiting List

Link 24 CFR 983.251(c)(3)

The HAMC may use a separate waiting list for admission to PBV units or may use the same waiting list for both tenant-based assistance and PBV assistance. The HAMC will offer to place applicants who are listed on the waiting list for tenant-based assistance on the waiting list for PBV assistance.

HAMC Policy

The HAMC has several waiting lists that are used to house families in its project-based voucher program that are used at its HAMC-owned properties as well as other PBV designated projects.

The HAMC may place families referred by the PBV owner on its PBV waiting list in accordance with the project's tenant selection plan.

19.3 PBV Waiting List Selection and Notification by Property Management

HAMC Property Management (PM) that have PBV assistance may use the following wait list selection and notification procedures to process the PBV waiting list efficiently and accurately, in order of wait list position. All wait list notifications provided by PM to the applicant will be documented in the application file for quality control.

HAMC Policy

Initial PBV Selection Notice

HAMC PM will notify the family in writing when it is selected from the waiting list. The notice will include the Intake Certification Instruction to be completed by the applicant, along with all required documents. HAMC PM may offer paper applications as reasonable accommodation.

Due Diligence Notification to Applicant

After the initial PBV Selection Notice, HAMC will utilize a maximum of three (3) due diligence notification attempts (i.e. phone call, email, text message, etc.) to prompt the selected applicant to complete their application as soon as possible.

The family will be removed from the waiting list without further notice if any of the following occurs:

1. Any notification (Initial or Due Diligence) is undeliverable, returned to HAMC with no forwarding address, or no response is provided.
2. Applicant fails to provide completed application with all required documents to determine program eligibility within the specified time, which is typically 3 business days.

Such failure to act on the part of the applicant prevents HAMC from making an eligibility determination; therefore, no informal review will be offered.

Time is of the Essence

Regardless of waiting list position, PBV applications will be processed based on receipt of completed applications with required documents. HAMC Rental Assistance Department will complete final program eligibility and admission to the PBV program within 3 days of receipt of all

necessary documents from HAMC property management. HAMC PM will offer eligible, "Move-in Ready PBV Applicants" a PBV unit based upon immediate availability. "Non-Move-in Ready PBV Applicants" will be offered a PBV unit based upon their ability to move-in and will be offered the next available unit.

Move-in Ready PBV Applicants

Applicants that are "Move-in Ready" for PBV units will be offered the next immediately available PBV unit. PBV Applicants that are "Move-in Ready" means:

> A PBV Wait list applicant was selected from the wait list, provided a completed site based PBV application with all required documentation to HAMC Property Management and determined by HAMC Rental Assistance Department to be program eligible.

Non-Move-in Ready PBV Applicants

Applicants that are "Non-Move-in Ready" for PBV units will be offered the next available PBV unit based upon their ability to move into the property. PBV Applicants that are "Non-Move-in Ready" means:

> A PBV Wait list applicant was selected from the wait list, provided a completed site based PBV application with all required documentation to HAMC Property Management and determined by HAMC Rental Assistance Department to be program eligible and a PBV unit is available **but** is:
>
> - Unable to move into the offered PBV unit because of existing lease terms.
> - Unable to move into the offered PBV unit within 30 days of unit offer.

"Non-Move-in Ready" PBV Applicants that fail to move into a PBV assisted unit within 60 days of program eligibility as determined by HAMC Rental Assistance Department will be removed from the PBV waiting list and forfeit their claim to the next available PBV unit. "Non-Move-in Ready" PBV Applicants may request an informal review of the decision to be removed from the PBV waiting list in accordance with Section 15.2 of this plan.

19.4 Eligibility for PBV Assistance

Eligibility for PBV admission must be determined at the commencement of PBV assistance. Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program.

Applicants must qualify as a family as defined by HUD and the PHA, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members 24 CFR 982.201(a) and 24 CFR 983.2(a). In addition, an applicant family must provide social security information for family members 24 CFR 5.216 and 5.218 and consent to the HAMC's collection and use of family information regarding income, expenses, and family composition 24 CFR 5.230. The HAMC may also not approve a tenancy if the owner (including a principal or other interested party) of the unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless needed as a reasonable accommodation. An applicant family must also meet HUD requirements related to current or past criminal activity.

Per 24 CFR Parts 982 and 983 [Docket No. FR-6476-N-01 the following policies are applicable to the VASH Program.

- Allow zero-HAP HUD-VASH families to live in HUD-VASH PBV units where there are on site HUD-VASH VA services

HAMC Policy
The HAMC will determine the applicant family's eligibility for the PBV program in accordance with the policies in Chapter 5. When reviewing PBV assistance eligibility the following will be required at the following projects:

Apache ASL Trails - located at 2428 E Apache Blvd, Tempe, AZ 8528. In accordance with the project's tenant selection plan the family must be 55 years of age or older and have a need for the unit's designed amenities for Deaf, Deaf, Blind and Hard of Hearing persons.

Heritage at Surprise (HAMC-Owned) – located at 12669 W Rimrock St. Surprise, AZ 85374. In accordance with the project's tenant selection plan the family must be referred by:

- A Regional Behavioral Health Authority (RBHA) to certify SMI and Homeless status as defined in Section 4.8 of this plan or
- A Local Community Agency certifying Homeless status as defined in Section 4.8 of this plan.

Other HAMC Owned PBV Projects
The above eligibility requirements do not apply.

Unit Selection
The following occupancy standard applies to all PBV units owned by HAMC:

Occupancy Standards Chart
The following guidelines will determine unit selection for PBV applicants/participants without overcrowding or over- housing.

PBV Unit Size	Persons in Household Minimum Number	Persons in Household Maximum Number
1-BR	1	4
2-BR	2	6
3-BR	3	8
4-BR	4	10
5-BR	5	12
6-BR	6	14

19.5 Tenant Selection

Link: 24 CFR 983.255

The owner is responsible for screening and selection of the family to occupy the unit based on the project's written tenant selection policy and when applicable, in accordance with Section 19.4 of this

plan. The HAMC must approve the owner's tenant selection procedures. When a family is approved by the owner, they will execute a lease with the owner. The owner must notify the HAMC in writing (mail, fax, or e-mail) within 10 calendar days of learning about any vacancy or expected vacancy. The HAMC will make every reasonable effort to promptly refer families to the owner after receiving a vacancy notice from the owner.

Except where noted in this Administrative Plan, the HAMC's tenant selection procedures for its tenant-based programs apply for units assisted under the PBV Program, excluding for units which are occupied by eligible tenants upon the commencement of the project-based contract term. When a vacancy exists at a PBV site, the HAMC will notify the next families on the Project Based Voucher Waiting List for the property. The Project Based Voucher waiting lists are site-based waiting lists and at times are managed by property management. HAMC's letter to applicants will also state that if the applicant is interested in residing in the vacant PBV unit, that the applicant will not lose his/her place on the HAMC's HCV waiting list (if applicable and the applicant is currently on both waiting lists). An applicant who rejects an offer of a project-based unit or who is rejected by the owner of the housing unit will remain in the same position on the tenant-based assistance list (if currently on the tenant-based waiting list), as if the offer had not been made. If a dwelling unit to which assistance is to be attached under the project-based voucher program is occupied, HAMC must determine whether the unit's occupants are eligible for assistance. If a unit is occupied by an eligible family and the unit is under a PBV HAP Contract by HAMC, the family must be placed in an appropriately size project-based assisted unit in the project without requiring the family to be placed on the HAMC's waiting list.

Applicants must meet all of HAMC's applicable eligibility requirements. HAMC may refer qualified applicants to the owner for all vacancies. In the event that there are an insufficient number of eligible persons on the PBV site-based waiting list, or if HAMC referrals do not provide the owner with a suitable tenant for the unit within 30 days, the HAMC can place applicants referred by the owner on the waiting list for that particular site. Eligibility criteria for selection in the Project-based voucher program will be consistent with the HAMC's tenant-based and project-based assistance programs.

The owner chooses a tenant for occupancy from the qualified applicants based on their written tenant selection policy or as referred by HAMC. The HAMC must approve the owner's tenant selection procedures. When a family is approved by the owner, they will execute a lease with the owner. The owner must notify the HAMC in writing (mail, fax, or e-mail) within 10 calendar days of learning about any vacancy or expected vacancy. The HAMC will make every reasonable effort to promptly refer families to the owner after receiving a vacancy notice from the owner.

19.6 **Proposal Selection**

Link: 24 CFR 983.52(a)(b)(c); §8(o)(13)(B) of the 1937 Act

Prior to issuing a Request for Proposal or selecting a project without following a competition process where the PHA has ownership interest, HAMC will submit to the local field office all required information as required by statute.

The HAMC will select proposals for PBV assistance using either the Request for Proposal method or the Previous Competition method.

HAMC Request for Proposals Method for Rehabilitated and Newly Constructed Units

The HAMC will advertise request for proposals for rehabilitated and newly constructed housing in local newspaper(s) and on the HAMC web site. The advertisement will specify the number of units the HAMC estimates that it will be able to assist in and the submission deadline. Incomplete proposals will not be considered.

The HAMC will rate and rank proposals for rehabilitated and newly constructed housing using the following criteria:

- Owner experience and capability to build or rehabilitate housing as identified in the RFP.
- Extent to which the project furthers the HAMC goal of deconcentrating poverty and expanding housing and economic opportunities.
- The extent to which services for special populations are provided on site or in the immediate area for occupants of the property.
- Projects with less than 25 percent of the units assisted will be rated higher than projects with 25 percent of the units assisted. In the case of projects for occupancy by the elderly, persons with disabilities or families needing other services, the HAMC will rate partially assisted projects on the percentage of units that are available to receive assistance. Projects with the lowest percent of assisted units will receive the highest score.

HAMC Requests for Proposals for Existing Housing Units

The HAMC will advertise proposals for existing housing in local newspaper(s) and on the HAMC web site. The advertisement will specify the number of units the HAMC estimates that it will be able to assist. Owner proposals will be accepted on a first-come first-served basis and will be evaluated using the following criteria:

- Experience as an owner in the tenant-based voucher program and owner compliance with the owner's obligations under the tenant- based program.
- Extent to which the project furthers the HAMC goal of deconcentrating poverty and expanding housing and economic opportunities.
- If applicable, extent to which services for special populations are provided on site or in the immediate area for occupants of the property.
- The extent to which units are occupied by families that are eligible to participate in the PBV program.

19.7 HAMC Selection of Proposals Subject to a Previous Competition under a Federal, State, or Local Housing Assistance Program

The HAMC will accept proposals for PBV assistance from owners that were competitively selected under another federal, state, or local housing assistance program, including projects that were competitively awarded Low-Income Housing Tax Credits on an ongoing basis.

In addition to, or in place of advertising, the HAMC may also directly contact specific owners that have already been selected for Federal, state, or local housing assistance based on a previously held competition, to inform them of available PBV assistance.

Proposals will be reviewed on a first-come first-served basis. The HAMC will evaluate each proposal on its merits using the following factors:

- Extent to which the project furthers the HAMC goal of deconcentrating poverty and expanding housing and economic opportunities.
- Extent to which the proposal complements other local activities such as the redevelopment of a public housing site under the HOPE VI program, the HOME program, CDBG activities, other development activities in a HUD- designated Enterprise Zone, Economic Community, or Renewal Community.

19.8 **Project Selection Criteria**

The following threshold criteria must be included for an application to be considered for selection for the PBV Program.

- The proposed project is a mixed finance project that will replace HUD-funded units that will be disposed of or demolished pursuant to HUD requirements.
- The proposed project serves elderly only or special needs only populations.

Following are the review criteria with associated point values that will be used by HAMC in the evaluation process of proposals received under the PBV program. There is no minimum passing score, nor a specific maximum score.

Projects will be ranked by score and the highest ranked projects will undergo further review by HAMC. The selected projects must comply with all requirements set forth in this plan and all application HUD regulations.

Evaluation Criteria	Points
The proposed housing serves a target population in order of priority: (1) public housing residents displaced as the result of disposition or demolition; (2). Elderly only households; (3) special needs population only.	20
The proposal provides new affordable housing through in order of priority: (1) existing housing developed under the low-income housing tax credit program; within the past ten years (2) new construction; (3) existing housing that was constructed or rehabilitated within the past five years.	20
The proposal submitted demonstrates a thorough, in- depth, well-planned project meeting all federal requirements and other eligibility criteria.	20
The applicant's qualifications are appropriate for the project under consideration and firm financial commitments are adequately documented.	20

Rental subsidy is necessary for the viability of the project; management of the project is consistent with Section 8 requirements and the degree to which supportive services will be provided to the project.	20
TOTAL MAXIMUM POINTS	**100**

Prior to selecting the units for project-based assistance, HAMC will make a determination that the application is responsive and in compliance with all selection criteria and is otherwise in compliance with HUD program regulations and requirements.

19.9 **Notice of Owner Selection**

Link: 24 CFR 983.51(d)

HAMC will notify the selected owner in writing of the owner's selection for the PBV program pursuant to HUD requirements. HAMC will notify in writing all owners that submitted proposals that were not selected and advise such owners of the name of the selected owner.

The HAMC will make available its rating and ranking sheets and documents that identify the HAMC basis for selecting the proposal for one month after publication of the notice. The HAMC will not include sensitive owner information, such as financial statements, etc.

The HAMC will make these documents available for review at the HAMC during normal business hours. The cost for reproduction of allowable documents will be $.25 per page.

19.10 **Agreement to Enter into HAP Contract**

Link: 24 CFR 983.152

For rehabilitated or newly constructed units, HAMC will enter into an Agreement to Enter into a HAP Contact with the property owner. In the Agreement the owner agrees to develop the PBV contract units to comply with HQS, and the HAMC agrees that upon timely completion of development the HAMC will enter into a HAP Contract with the owner for the contract units.

The HAMC will enter into the Agreement with the owner after receiving both environmental review approval and notice that subsidy layering requirements have been met and before construction or rehabilitation work is started. Additional owner documents may be required. HAMC will specify any additional documentation requirements in the Agreement.

For existing housing, the HAP contract will be executed after HAMC determines that all units pass HQS.

19.11 **Site Selection Standards**

Link: 24 CFR 983.57(b)

HAMC will follow HUD regulations regarding site selection requirements for existing housing, newly constructed housing and rehabilitated housing. Before entering into an agreement or HAP contract HAMC will determine that the PBV assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities.

In developing standards to apply in determining whether a proposed PBV development will be selected,

HAMC will consider the following:

- If the poverty rate in the proposed PBV development area is greater than 20%, HAMC will consider whether in the past five years there has been an overall decline in the poverty rate.
- A census tract in which the proposed PBV development will be located in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community.
- A census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition.
- A census tract in which the proposed PBV development will be located is undergoing significant revitalization.
- A census tract where there are meaningful opportunities for educational and economic advancement.
- The site meets HQS standards.
- Other factors as determined by HAMC to meet the needs of the community.

19.12 **HAMC-Owned Units**

Link: 24 CFR 983.51(e), 983.59

HUD or a HUD-approved independent entity must review the selection process for HAMC-owned units to confirm appropriate selection. Initial rents and annual rent changes for HAMC-owned units will be determined by the independent entity based on PBV program requirements. The term of the HAP contract and any HAP contract renewal must be agreed upon by HAMC and the independent entity.

HQS inspections will be performed by the independent entity.

Eligible Units/Cap on PBV Units

Link: 24CFR 983.52, 24 CFR 983.56(a)

Project based assistance may be attached to up to 25% of the total number of units in a project. Project is defined as a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. Units occupied by the disabled, elderly, or that are eligible for families to supportive services (whether actually receiving services or not) are exempt from this cap.

Exceptions to 25 Percent per Project Cap

[FR Notice 1/18/17; Notice PIH 2017-21]

As of April 18, 2017, units are not counted against the 25 percent or 25-unit per project cap if:

- The units are exclusively for elderly families
- The units are for households eligible for supportive services available to all families receiving PBV assistance in the project
- If the project is located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year estimates, the project cap is the greater of 25 units or 40 percent (instead of 25 percent) of the units in the project [FR Notice 7/14/17]

19.13 **Uniform Relocation Act**

Link: 24 CFR 983.7, 49 CFR Part 24

If as a result of the PBV selection, there are existing households that are determined to be ineligible for PBV; HAMC will require the owner to comply with the Uniform Relocation Act and the implementing HUD regulations of the Act.

19.14 **Housing Assistance Payments (HAP) Contracts**

Link: 24 CFR 983.152

Term of the HAP Contract

The term of all PBV HAP contracts will be no less than one year, and no more than 20 years, and will be negotiated with the owner on a case-by-case basis.

Contracts may be extended for an additional term(s) not to exceed a total of 20 years (40 cumulative years).

Extending the HAP Contact

When determining whether or not to extend an expiring PBV contract, the HAMC will consider several factors including, but not limited to:

- The cost of extending the contract and the amount of available budget authority; The condition of the contract units.
- The owner's record of compliance with obligations under the HAP contract and lease(s).
- Whether the location of the units continues to support the goals of deconcentrating poverty and expanding housing opportunities.
- The need for and availability of supportive services for the HAMC population; and
- Whether the funding could be used more appropriately for tenant- based assistance.

Amendments to the HAP Contract

The HAMC will consider HAP Contract amendments to add additional PBV units in the same building. The HAMC will consider adding contract units to the HAP contract when the HAMC determines that additional housing is needed to serve eligible low-income families. Circumstances may include, but are not limited to:

- The local housing inventory is reduced due to a disaster (either due to loss of housing units, or an influx of displaced families); and
- Voucher holders are having difficulty finding units that meet program requirements.
- Adding additional PBV units which include supportive services.

19.15 **Unit Inspections**

Link: 24 CFR 983.103

All contract units will be inspected and comply with Housing Quality Standards prior to HAP contract execution.

At least biennially during the term of the HAP contract, the HAMC will inspect a random sample,

consisting of at least 20 percent of the contract units in each building, to determine if the contract units and the premises are maintained in accordance with the HQS. Turnover inspections are not counted toward meeting this inspection requirement.

If more than 20 percent of the inspected units in a building fail, the HAMC will re-inspect 100 percent of the contract units in the building.

In the case of a property assisted with project-based vouchers that is subject to an alternative inspection, the HAMC may rely upon inspections conducted at least triennially to demonstrate compliance with the inspection requirement.

Inspections of the entire building will occur at the same time. HAMC will abate and terminate PBV HAP contracts for non-compliance with HQS in accordance with the policies used in the tenant-based voucher program.

In the case of HAMC-owned units, the inspections will be performed by an independent agency designated by HAMC. The independent entity must furnish a copy of each inspection report to HAMC where the project is located. HAMC must take all necessary actions in response to inspection reports from the independent agency.

In the case of a property assisted with project-based vouchers (authorized at 42 U.S.C. 1437f(o)(13)) that is subject to an alternative inspection, the PHA may rely upon inspections conducted at least biennial to demonstrate compliance with the inspection requirement of 24 CFR 982.405(a).

Lead-based Paint

Link: 24 CFR 983.101(c); HUD PIH Notice 2017-13

The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, apply to the PBV program. Under Subpart H, owners of target housing properties receiving more than $5,000 annually per unit in project- based assistance are required to ensure that target housing receives a lead risk assessment by a certified risk assessor, regardless of whether there is a child under age 6 in residence, and that occupants are notified of the results of the risk assessment.

19.16 Initial Rent and Rent Increases

Link: 24 CFR 983, Subpart G

Initial Rent

The amount of the initial rent to an owner of units receiving PBV assistance is established at the beginning of the HAP Contract term.

Rent Increases

An owner's request for a rent increase must be submitted to the HAMC 60 days prior to the anniversary date of the HAP contract and must include the new rent amount the owner is proposing.

19.16 Fair Market Rents in the Project Based Voucher Program

Link: 24 CFR 888.113, Subpart H

Small Area FMRs do not apply to Project-based vouchers regardless of whether HUD designates the metropolitan area or approves the PHA for Small Area FMR with the following exceptions:

(1) The PHA notice of owner selection was made on or before the effective dates of both the Small Area FMR designation and the PHA administrative policy, the PHA and owner may mutually agree to apply the Small Area FMR. The application of the Small Area FMRs must be prospective and consistent with the PHA administrative plan. The owner and PHA may not subsequently choose to revert back to the use of the metropolitan-wide FMRs for the PBV project. If the rent to the owner will increase as a result of the mutual agreement to apply the Small Area FMRs to the PBV project, the rent increase shall not be effective until the first annual anniversary of the HAP contract.

(2) The PHA notice of owner selection was made after the effective dates of both the Small Area FMR designation and the PHA administrative policy, the Small Area FMRs shall apply to the PBV project if the PHA administrative plan provides that Small Area FMRs are used for all future PBV projects. If the PHA chooses to implement Small Area FMRs, the policy must apply to all future PBV projects and the PHA's entire jurisdiction. The owner and the PHA may not subsequently choose to apply the metropolitan area FMR to the project, regardless of whether the PHA subsequently changes its administrative plan to revert to the use of metropolitan-wide FMR for future PBV projects.

The term “effective date of the Small Area FMR designation” means:

(i) The date that HUD designated a metropolitan area as a Small Area FMR area; or

(ii) The date that HUD approved a PHA request to voluntarily opt to use Small Area FMRs for its HCV program, as applicable.

HAMC Policy

The HAMC will not implement the Small Area Fair Market Rents but will rather adhere to the HUD published Maricopa County Metropolitan Area Fair Market Rents (MAFMR) when revising its Payment Standard Schedule.

19.17 Unit Moves/Transfers

Overcrowded, Under-Occupied, and Accessible Units

Link: 24 CFR 983.260

The HAMC will promptly notify the family and the owner of the family’s need to move based on the occupancy of a wrong-size or accessible unit. The HAMC will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

- PBV assistance in the same building or project.
- PBV assistance in another project; and
- Tenant-based voucher assistance.

When the HAMC offers a family another form of assistance that is not a tenant- based voucher, the family will be given 30 days from the date of the offer to accept the offer and move out of the PBV unit. If the family does not move out within this 30-day time frame, the HAMC will terminate the housing assistance payments at the expiration of this 30-day period.

The HAMC may make exceptions to this 30-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member, or as a reasonable accommodation.

Moves Requested by the Owner

Link: 24 CFR 983.2

RAD PBV Quick Reference Guide

HUD allows internal tenant transfers between contracted units within a single project containing both Rental Assistance Demonstration Project-Based Vouchers (RAD PBV) and traditional Project-Based Vouchers (PBV), provided the moves comply with program rules and the units are under contract. If an owner seeks to transfer families between RAD PBV and traditional PBV HAP Contracts the following must be followed:

- Uniform Treatment: Under HUD guidelines (such as the RAD PBV Quick Reference Guide), provisions facilitating uniform treatment of residents—including under-occupied or overcrowded unit adjustments—apply across both RAD and non-RAD PBV units within the same property.
- Unit Designation: Unlike floating units in other programs, traditional and RAD PBV units are specifically attached to defined unit numbers on the HAP contract, meaning an internal transfer is treated as moving from one specific contract unit to another available contract unit managed by HAMC.
- Execute a like-for-like replacement

  Owners of single projects with RAD and PBV HAP contracts who wish to transfer families between RAD PBV and traditional PBV HAP Contracts must submit the following:

  - Submit a Unit Transfer and HAP Contract Compliance (RAD/PBV) Request Form to HAMC within 90 days prior to transfer

Moves Requested by the Tenant

Link: 24 CFR 983.261

RAD-PBV participants have the right to request a choice mobility voucher, after 12months of PBV occupancy and receive a tenant-based voucher, if a voucher is available. In the event a PBV chooses choice mobility and moves with a tenant based vouchers, the HAMC will supply the owner with a referral for a new PBV tenant.

Families who wish to relocate with continued assistance must inform the owner and the HAMC in writing not less than 30 days prior to the date they plan to vacate the unit and in accordance with the lease. The HAMC will then place the family on a PBV-HCV Voucher program transfer list

according to the date and time of receipt by the HAMC of written request for mobility and written notification of the family's 30-day notice of intent to vacate. The HAMC will issue the next available tenant-based voucher to families on the PBV-HCV transfer list before proceeding to its regular HCV waiting list. Families from the regular HCV waiting list who have been notified of an eligibility appointment for a tenant-based voucher will not be delayed from receiving their voucher.

Moves from Excepted Units

HAMC will allow families who are initially qualified to live in an excepted unit to remain when circumstances change due to factors beyond the remaining family members' control. In all other cases, when HAMC determines that a family no longer meets the criteria for a "qualifying family" in connection with the 25 percent per project cap exception, HAMC will provide written notice to the family and owner within 15 calendar days of making the determination. The family will be given 30 days from the date of the notice to move out of the PBV unit. If the family does not move out within this 30-day time frame, HAMC will terminate the housing assistance payments at the expiration of this 30-day period. HAMC may make exceptions to this 30-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

HAMC may refer other eligible families to the excepted units. However, if there are no eligible families on the waiting list and the owner does not refer eligible families to HAMC, HAMC will amend the HAP contract to reduce the total number of units under contract.

19.18 **Vacancy Payments**

Link: 24 CFR 983.352

The HAMC will decide on a case-by-case basis if the HAMC will make any such agreement, including the amount of the vacancy payment and the period for which the owner will qualify for these payments, which will in no event exceed 60 days.

If an assisted family moves out of the unit, the owner may keep the housing assistance payment for the calendar month when the family moves out. However, the owner may not keep the payment if the HAMC determines that the vacancy is the owner's fault.

If the HAMC determines that the owner is responsible for a vacancy and, as a result, is not entitled to the keep the housing assistance payment, the HAMC will notify the owner (or landlord) of the amount of housing assistance payment that the owner must repay. The HAMC will require the owner to repay the amount owed.

If an owner's HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must properly notify the HAMC. In order for a vacancy payment request to be considered, it must be made within 15 days of the end of the period for which the owner is requesting the vacancy payment. The request must include the required owner certifications and the HAMC may require the owner to provide documentation to support the request. If the owner does not provide the information requested by the HAMC within 15 days of the HAMC's request, no vacancy payments will be made.

Moves Requested by the Owner

Link: 24 CFR 983.2

RAD PBV Quick Reference Guide

HUD allows internal tenant transfers between contracted units within a single project containing both Renal Assistance Demonstration Project Based Vouchers (RAD PBV) and traditional Project Based Vouchers (PBV), provided the moves comply with program rules and the units are under contract. If an owner seeks to transfer families between RAD PBV and traditional PBV HAP Contracts the following must be followed:

- Uniform Treatment: Under HUD guidelines (such as the RAD PBV Quick Reference Guide), provisions facilitating uniform treatment of residents - including under-occupied or overcrowded unit adjustments – apply across both RAD and non-RAD PBV units within the same property.

- Unit Designation: Unlike floating units in other programs, tradition and RAD PBV units are specifically attached to defined unit numbers on the HAP contract, meaning an internal transfer is treated as moving from one specific contract unit to another available contract unit managed by HAMC.

- Execute a like-for-like replacement
  Owners of single projects with RAD and PBV HAP contracts who wish to transfer families between RAD PBV and traditional PBV HAP Contracts must submit the following:
  - Submit a Unit Transfer and HAP Contract Compliance (RAD/PBV) Request Form to HAMC within 90 days of transfer.

19.19 Reduction in HAP Contract Due to Vacancies

Link: 24 CFR 983.254

If any contract units have been vacant for 120 days, the HAMC will give notice to the owner that the HAP contract will be amended to reduce the number of contract units that have been vacant for this period. The HAMC will provide the notice to the owner within 15 calendar days of the 120th day of the vacancy. The amendment to the HAP contract will be effective on the 1st day of the month following the date of the HAMC's notice.

19.20 Leasing of Contract Units in PBV

In accordance with the project's tenant selection plan, PBV units must be leased to very low-income families who are program eligible and have the ability to perform the lease obligations.

HAMC Policy

PBV families must move out of the PBV project under one of the following conditions:

1. There have been 180 calendar days since the last housing assistance payment to the owner on behalf of the family due to program ineligibility.
2. The family is terminated from the PBV program due to reasons listed in Chapter 18 (Termination of Assistance).

19.21 Special Considerations for Terminating Assistance or Evicting PBV Families for Non-Compliance with the Asset Limitation

In the Section 8 Project-Based Voucher program, participants who are not compliant with the asset limitation are subject to termination of assistance. The PHA and owner may agree to remove the unit from the HAP contract, at which point the unit becomes an unassisted unit, and the owner may choose to allow the family to stay and pay the market rent. (The owner may charge the family a rent that is below-market rate, in which case it would be considered a landlord-assisted unit for rent reasonableness purposes.) When the family subsequently vacates the unit, the unit may be added back to the HAP contract. If the project is partially assisted, the PHA and owner may substitute a different unit for the unit removed due to the ineligibility of the tenant, consistent with the four units to the HAP contract.

HAMC Policy

When HAMC has verified non-compliance with the asset limitation requirement for a PBV assisted family, HAMC will notify the family within 30 days of the same and issue a notice of termination of assistance with an effective date not to exceed 60 days of the notification.

If the family does not vacate the unit voluntarily, the owner must initiate eviction proceedings with the non-compliant PBV family.

CHAPTER 20: SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP)

20.1 SEMAP Certification

The Section 8 Management Assessment Program (SEMAP) is a tool that allows HUD to measure PHA performance in key areas to ensure program integrity and accountability. SEMAP scores translate into a rating for each PHA as high performing, standard, or troubled. Scores on individual SEMAP indicators, as well as overall SEMAP ratings, can affect the PHA in several ways

PHAs must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year. The certification must be approved by PHA board resolution and signed by the PHA executive director. If the PHA is a unit of local government or a state, a resolution approving the certification is not required, and the certification must be executed by the Section 8 program director. PHAs with less than 250 voucher units are only required to be assessed every other PHA fiscal year. HUD will assess such PHAs annually if the PHA elects to have its performance assessed on an annual basis; or is designated as "troubled" [24 CFR 985.105].

Failure of a PHA to submit its SEMAP certification within the required time frame will result in an overall performance rating of "troubled."

A PHA's SEMAP certification is subject to HUD verification by an on-site confirmatory review at any time.

Upon receipt of the PHA's SEMAP certification, HUD will rate the PHA's performance under each SEMAP indicator in accordance with program requirements

HUD Verification Method

Several of the SEMAP indicators are scored based on a review of a quality control sample selected for this purpose. The PHA or the Independent Auditor must select an unbiased sample that provides an adequate representation of the types of information to be assessed, in accordance with SEMAP requirements [24 CFR 985.2]. If the HUD verification method for the indicator relies on data in the Form-50058 module (formerly known as MTCS) in the PIH Information Center (PIC), and HUD determines that those data are insufficient to verify the PHA's certification on the indicator due to the PHA's failure to adequately report family data, HUD will assign a zero rating for the indicator 24 CFR 985.3.

20.2 SEMAP Indicators

The table below lists each of the SEMAP indicators, contains a description of each indicator, and explains the basis for points awarded under each indicator. A PHA that expends less than $300,000 in Federal awards and whose Section 8 programs are not audited by an independent auditor, is not rated under SEMAP indicators 1-7.

20.3 Certification Period

HAMC is required to submit a certification to HUD by August 29th of each year for the period from July 1st through June 30th (HAMC's fiscal year).

SEMAP Indicators
Indicator 1: Selection from the waiting list **Maximum Score: 15** • This indicator shows whether the PHA has written policies in its administrative plan for selecting applicants from the waiting list and whether the PHA follows these policies when selecting applicants for admission from the waiting list. • Points are based on the percent of families that are selected from the waiting list in accordance with the PHA's written policies, according to the PHA's quality control sample.
Indicator 2: Rent reasonableness **Maximum Score: 20** • This indicator shows whether the PHA has and implements a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based on current rents for comparable unassisted units • Points are based on the percent of units for which the PHA follows its written method to determine reasonable rent and has documented its determination that the rent to owner is reasonable, according to the PHA's quality control sample.
Indicator 3: Determination of adjusted income **Maximum Score: 20** • This indicator measures whether the PHA verifies and correctly determines adjusted income for each assisted family, and where applicable, uses the appropriate utility allowances for the unit leased in determining the gross rent. • Points are based on the percent of files that are calculated and verified correctly, according to the PHA's quality control sample.
Indicator 4: Utility allowance schedule **Maximum Score: 5** • This indicator shows whether the PHA maintains an up-to-date utility allowance schedule. • Points are based on whether the PHA has reviewed the utility allowance schedule and adjusted it when required, according to the PHA's certification.
Indicator 5: HQS quality control inspections **Maximum Score: 5** • This indicator shows whether a PHA supervisor reinspects a sample of units under contract during the PHA fiscal year, which meets the minimum sample size requirements for quality control of HQS inspections. • Points are based on whether the required quality control re-inspections were completed, according to the PHA's certification
Indicator 6: HQS enforcement **Maximum Score: 10** • This indicator shows whether, following each HQS inspection of a unit under contract where the unit fails to meet HQS, any cited life-threatening deficiencies are corrected within 24 hours from the inspection and all other deficiencies are corrected within no more than 30 calendar days from the inspection or any PHA-approved extension. • Points are based on whether the PHA corrects all HQS deficiencies in accordance with required time

frames, according to the PHA's certification
Indicator 7: Expanding housing opportunities **Maximum Points: 5** • Only applies to PHAs with jurisdiction in metropolitan FMR areas. • This indicator shows whether the PHA has adopted and implemented a written policy to encourage participation by owners of units located outside areas of poverty or minority concentration; informs voucher holders of the full range of areas where they may lease units both inside and outside the PHA's jurisdiction; and supplies a list of landlords or other parties who are willing to lease units or help families find units, including units outside areas of poverty or minority concentration. • Points are based on whether the PHA has adopted and implemented written policies in accordance with SEMAP requirements, according to the PHA's certification.
Indicator 8: FMR limit and payment standards **Maximum Points: 5 points** • This indicator shows whether the PHA has adopted a payment standard schedule that establishes payment standard amounts by unit size for each FMR area in the PHA's jurisdiction, which are within the basic range of 90 to 110 percent of the published FMR. • Points are based on whether the PHA has appropriately adopted a payment standard schedule(s), according to the PHA's certification.
Indicator 9: Annual reexaminations **Maximum Points: 10** • This indicator shows whether the PHA completes a reexamination for each participating family at least every 12 months. • Points are based on the percent of reexaminations that are more than 2 months overdue, according to data from PIC.
Indicator 10: Correct tenant rent calculations **Maximum Points: 5** • This indicator shows whether the PHA correctly calculates the family's share of the rent to the owner. • Points are based on the percent of correct calculations of family share of the rent, according to data from PIC.
Indicator 11: Pre-contract HQS inspections **Maximum Points: 5** • This indicator shows whether newly leased units pass HQS inspection on or before the effective date of the assisted lease and HAP contract. • Points are based on the percent of newly leased units that passed HQS inspection prior to the effective date of the lease and HAP contract, according to data from PIC.
Indicator 12: Annual HQS inspections **Maximum Points: 10** • This indicator shows whether the PHA inspects each unit under contract at least annually. • Points are based on the percent of annual HQS inspections of units under contract that are more than 2 months overdue, according to data from PIC.

Indicator 13: Lease-up

Maximum Points: 20 points

• This indicator shows whether the PHA enters HAP contracts for at least 98 percent of the number of the PHA's baseline voucher units in the ACC for the calendar year ending on or before the PHA's fiscal year, or whether the PHA has expended at least 98 percent of its allocated budget authority for the same calendar year. The PHA can receive 15 points if 95 to 97 percent of the vouchers are leased or budget authority is utilized.

• Points are based utilization of vouchers and HAP expenditures as reported in the voucher management system (VMS) for the most recently completed calendar year., according to PIC

Indicator 14: Family self-sufficiency (FSS) enrollment and escrow account balances

Maximum Points: 10

• Only applies to PHAs with mandatory FSS programs.

• This indicator shows whether the PHA has enrolled families in the FSS program as required and measures the percentage of current FSS participants that have had increases in earned income which resulted in escrow account balances.

• Points are based on the percent of mandatory FSS slots that are filled and the percent of families with escrow account balances, according to data from PIC.

Success Rate of Voucher Holders

Maximum Points: 5

• Only applies to PHAs that have received approval to establish success rate payment standard amounts and isn't effective until the second full PHA fiscal year following the date of HUD approval of success rate payment standard amounts.

• This indicator shows whether voucher holders were successful in leasing units with voucher assistance.

• Points are based on the percent of families that were issued vouchers, and that became participants in the voucher program.

De-concentration Bonus Indicator

Maximum Points: 5

• Submission of data for this indicator is mandatory for a PHA using one or more payment standard amount(s) that exceed(s) 100 percent of the published FMR set at the 50-percentile rent, starting with the second full PHA fiscal year following initial use of payment standard amounts based on the FMRs set at the 50th percentile.

• Additional points are available to PHAs that have jurisdiction in metropolitan FMR areas and that choose to submit the required data.

• Points are based on whether the data that is submitted meets the requirements for bonus points.

20.4 **SEMAP Record Keeping**

The PHA must maintain complete and accurate accounts and other records for the program in accordance with HUD requirements, in a manner that permits a speedy and effective audit. All such records must be made available to HUD or the Comptroller General of the United States upon request.

In addition, the PHA must ensure that all applicant and participant files are maintained in a way that protects an individual's privacy rights.

20.5 **SEMAP RECORD RETENTION**

Link: 24 CFR 982.158

During the term of each assisted lease, and for at least three years thereafter, the PHA must keep:

- A copy of the executed lease.
- The HAP contract; and
- The application from the family.

In addition, the PHA must keep the following records for at least three years:

- Records that provide income, racial, ethnic, gender, and disability status data on program applicants and participants.
- An application from each ineligible family and notice that the applicant is not eligible; • HUD-required reports.
- Unit inspection reports.
- Lead-based paint records as required by 24 CFR 35, Subpart B.
- Accounts and other records supporting the PHA budget and financial statements for the program.
- Records to document the basis for PHA determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract); and
- Other records specified by HUD.

Notice PIH 2014-20 requires PHAs to keep records of all complaints, investigations, notices and corrective actions related to violations of the Fair Housing Act or the equal access final rule.

The PHA must keep confidential records of all emergency transfer requested by victims of domestic violence, dating violence, sexual assault, and stalking under the PHA's Emergency Transfer Plan, as well as the outcomes of such request, and retain the records for a period of three years 24 CFR 5.2002(e)(12).

20.6 **Records Management And Safeguarding Sensitive Personally Identifiable Information**

Link: PIH Notice 2014-10

PHAs must maintain applicant and participant files and information in accordance with the regulatory requirements described below. PHAs are responsible for safeguarding personally identifiable information required by HUD and preventing potential breaches of this sensitive data.

Personally Identifiable Information (PII) is defined in OMB M-07-16 as "…information which can be sued to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as a date and place of birth, mother's maiden name, etc." Examples

of sensitive PII includes social security or driver's license numbers, medical records, and financial account numbers such as credit or debit card numbers.

HAMC Policy

All applicant and participant information will be kept in a secure location and access will be limited to authorized PHA staff.

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

When discussing sensitive PII on the telephone, PHA staff will confirm that they are speaking to the right person before discussing the information and inform him/her that the discussion will include sensitive information. PHA staff will not leave messages containing sensitive PII on voicemail.

PHA Staff will avoid discussing sensitive PII if there are unauthorized personnel, contractors, or guests in the adjacent cubicles, rooms or hallways who may overhear their conversation.

Privacy Act Requirements

Link: 24 CFR 5.212 and Form-9886

The collection, maintenance, use, and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers, and income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law.

Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or the PHA may release the information collected.

Upfront Income Verification (UIV) Records

PHAs that access UIV data through HUD's Enterprise Income Verification (EIV) system are required to adopt and follow specific security procedures to ensure that all EIV data is protected in accordance with federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper). These requirements are contained in the HUD issued document, Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification data.

HAMC Policy

Prior to utilizing HUD's EIV system, the HAMC will adopt and implement EIV security procedures required by HUD.

CHAPTER 21: BRIDGE TO PERMANENCY HOUSING PROGRAM

21.1 Overview

The Housing Authority of Maricopa County (HAMC) will administer vouchers under the Bridge Subsidy Program (BSP) with direct support from the Regional Behavioral Health Authority (RBHA). The HAMC will maintain a waitlist specific to the BSP which will remain open for applicant referrals from appropriate agencies. Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the Bridge Subsidy Program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the BSP. This Chapter outlines HAMC policies regarding the BSP.

21.2 BSP Assistance

The BSP provides housing assistance to individuals who suffer from Serious Mental Illness (SMI) and are homeless. Applicants for the BSP need to also be eligible for the Housing Choice Voucher (HCV) program. Specifically, to be eligible:

- Applicants must be a citizen or a non-citizen with "eligible immigration status."
- Applicants should be in good standing with federal housing programs and not have been evicted from public housing; 2) been terminated from another HCV program for cause; 3) committed fraud or criminal acts in connection with a federal housing program; or 4) failed to reimburse a PHA for unpaid rent or damages, or currently owe money to a PHA. As part of the intake process, all applicants should be screened to determine their standing with federal housing programs. Any issues related to these 4 criteria should be flagged as something to address and resolve during participation in the BSP (e.g., develop a repayment schedule with the PHA).

Additional eligibility requirements include that the participant meet the following criteria:
a) Homeless, residing in a residential treatment setting, substandard living environment, a Board and Care/boarding home, or HUD Shelter Plus Care program AND b) Disabled with a serious mental illness and enrolled in a Regional Behavioral Health Authority AND
c) Extremely low income AND d) Eligible for the Housing Choice Voucher Program.

Eligible applicants may qualify for one-time assistance with application fees, rental deposits, utility deposits and starter box.

The number of vouchers that will be made available for the BSP will be dependent upon the direct funding from the RBHA.

21.3 Subsidy Administrator Responsibilities

The primary responsibilities of the Subsidy Administrator (HAMC) will be:

- To manage tenant-based rental subsidies, including funding, for BSP program tenants until a permanent rental subsidy through the HCV Program is secured.
- To administer the tenant-based rental assistance with rules and procedures that mirror the HCV program; and
- To develop direct linkage between BSP with their HCV program.

21.4 Equal Opportunity Requirements

The BSP requires compliance with all equal opportunity requirements under federal laws and regulations including the authorities cited at 5.105 (a). The BSP shall be identified in the HAMC Annual Plan, and the corresponding certification of civil rights and affirmatively furthering fair housing submitted under the PHA Plan shall apply to the BSP.

21.5 Special Housing and Ineligible Housing Types

HAMC shall not provide BSP vouchers for shared housing, manufactured home space rental, or homeownership. BSP assistance may be considered for group homes. A separate lease will be executed for each person who resides in a group home.

HAMC will not provide BSP voucher assistance to any of the types of housing listed below:

1) Shared housing, manufactured home space rental, or homeownership.
2) Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution.
3) Nursing homes or facilities providing continuous psychiatric, medical or nursing services, board and care, or intermediate care. However, units in an assisted living facility that provides home health care services such as nursing are not ineligible.
4) Unit owned or controlled by an educational institution or its affiliate and are designated for occupancy by students of the institution.
5) Manufactured homes.
6) Transitional housing.
7) High rise elevator projects for families with children.
8) Owner occupied units.
9) Units occupied by ineligible families.

21.6 Prohibition of Assistance for Subsidized Units

HAMC will not provide voucher assistance to any unit that receives a rent or operating subsidy under another federal, state or local program including but not limited to:

1) Public Housing dwelling units.
2) A unit subsidized with any other form of Section 8 assistance.
3) A unit subsidized with any government subsidy (government funds pay a portion of the rent).
4) A unit with any other governmental subsidy that pays all or a part of the operating costs.
5) A unit subsidized with Section 236 rental assistance payments. However, PBV assistance may be attached to a unit subsidized with Section 236 interest reduction payments.
6) A units subsidized with rental assistance payments under Section 521 of the Housing Act of 1949 (Rural Housing Service Program). However, PBV assistance may be attached to a unit subsidized with Section 515 interest reduction payments.
7) A Section 202 project for non-elderly persons with disabilities.
8) A Section 811 project based supportive housing for persons with disabilities.
9) Section 202 supportive housing for the elderly. 10)A Section 101 rent supplement program.
11) A unit subsidized with any form of tenant-based assistance.
12) A unit with any other form of duplicative federal, state or local assistance.

21.7 BSP Tenant Selection

RBHA partners will refer eligible applicants to the HAMC for processing.

21.8 BSP Waiting List

The PHA will establish and manage separate waiting lists for the BSP. If HAMC's Housing Choice Voucher waiting list is open when an applicant is placed on the BSP waiting list, HAMC will also place the applicant on its tenant-based assistance waiting list. If HAMC's tenant-based waiting list is closed, the applicant may only apply to be on the BSP program waiting list.

21.9 BSP Preferences

HAMC will provide a selection preference when required by the regulation however the PHA will not offer any additional preferences for the BSP.

21.10 Conversion to Tenant Based Assistance

At any time after the first initial lease term and within 5 years of occupancy a BSP participant may move with proper notice. HAMC will convert BSP participants wishing to receive a Housing Choice Voucher.

21.11 BSP Ongoing Activities

HAMC Responsibilities

HAMC shall administer the BSP in accordance with all provisions under the HCVP including issuance of monthly HAP payments, annual re-certification of household composition and income, and biennial inspection of all units to assure compliance with HQS.

HAMC will conduct screening to determine a BSP applicant family's suitability for tenancy. HAMC will inform owners of their responsibility to screen prospective tenants and will provide owners with the required known name and address information, at the time of the turnover HQS inspection or before. The PHA will not provide any additional information to the owner such as tenancy history, criminal history, etc.

The RBHA Responsibility

The RBHA is responsible for identifying eligible program participants and ensuring that tenants receive the support and rehabilitation services needed to help them maintain independent living and move forward on their path to recovery. The RBHA will refer eligible applicants to the HAMC.

21.12 Other Policies

All other policies stated in the HCV Administrative Plan related to the HCV tenant-based assistance will apply to BSP. For additional guidance on BSP you may also refer to the Bridge Subsidy Program Tenant-Based Rental Assistance Program Policies and Procedures Manual.

CHAPTER 22: TENANT BASED RENTAL ASSISTANCE (TBRA)

22.1 TBRA Overview

The Housing Authority of Maricopa County (HAMC) will administer vouchers under Tenant Based Rental Assistance (TBRA) with direct support from the Maricopa County Department of Human Services (SAIL Program) and the Family Housing HUB. The HAMC will maintain a waitlist specific to the TBRA which will remain open for applicant referrals from the appropriate agency. Many of the provisions of the tenant-based voucher regulations 24 CFR 982 also apply to the TBRA Program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to TBRA. This Chapter outlines HAMC policies regarding TBRA. Additional regulations apply to TBRA when assistance is provided Home Investment Partnerships Program (HOME) funds, including those at 24 CFR 92.209. When HOME funding is utilized, the HOME TBRA regulations will prevail.

22.2 TBRA Assistance

TBRA provides housing assistance to people referred by Maricopa County Correctional Health Services who are exiting the justice system and who are experiencing homelessness. Such priorities and mandates require reconsideration of exclusion based on criminal charge history. Criminal charges can be seen as a function of the social determinants HAMC wants to address in expanding housing for low-income individuals.

- Applicants must be a citizen or a non-citizen with “eligible immigration status.”
- Aged 18 or older.
- Applicants should be in good standing with federal housing programs and have not:
  1) been evicted from public housing.
  2) been terminated from another HCV program for cause.
  3) committed fraud or criminal acts in connection with a federal housing program; or
  4) failed to reimburse a PHA for unpaid rent or damages, or currently owe money to a PHA. As part of the intake process, all applicants should be screened to determine their standing with federal housing programs. Any issues related to these 4 criteria should be flagged as something to address and resolve during participation in TBRA (e.g., develop a repayment schedule with the PHA).

Additional eligibility requirements at the time of program acceptance: a) participant is currently engaged with the criminal justice system (e.g. in custody, has criminal charges pending) b) Homeless, residing in a residential treatment setting, substandard living environment, a Board and Care/boarding home, or HUD Shelter Plus Care program AND c) Extremely low income.

Eligible applicants may qualify for one-time assistance with application fees, rental deposits, utility deposits and a starter box depending upon the direct funding from the appropriate funding source.

The number of vouchers that will be made available for TBRA will be dependent upon the direct funding from the appropriate funding source.

22.3 Subsidy Administrator Responsibilities

The primary responsibilities of the Subsidy Administrator (HAMC) will be:

- To manage tenant-based rental subsidies, including funding, for TBRA program participants until the participant concludes two years in the program or qualifies and secures a permanent rental subsidy.

- To administer the tenant-based rental assistance with rules and procedures that mirror the HCV program except as noted in this chapter; and
- To develop direct linkage between TBRA and the HCV program, as needed and if applicable.

22.4 Equal Opportunity Requirements

TBRA requires compliance with all equal opportunity requirements under federal laws and regulations including the authorities cited at 5.105 (a). TBRA shall be identified in the HAMC Annual Plan, and the corresponding certification of civil rights and affirmatively furthering fair housing submitted under the PHA Plan shall apply to TBRA.

22.5 Special Housing and Ineligible Housing Types

HAMC shall not provide TBRA vouchers for manufactured home space rental or homeownership. TBRA assistance may be considered for group homes or shared housing. A separate lease will be executed for each person who resides in a group or shared home.

HAMC will not provide TBRA voucher assistance to any of the types of housing listed below:

- Manufactured home space rental, or homeownership.
- Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution.
- Nursing homes or facilities providing continuous psychiatric, medical or nursing services, board and care, or intermediate care. However, units in an assisted living facility that provides home health care services such as nursing are not ineligible.
- Unit owned or controlled by an educational institution or its affiliate and are designated for occupancy by students of the institution.
- Manufactured homes.
- Transitional housing.
- High rise elevator projects for families with children.
- Owner occupied units.
- Units occupied by ineligible families.

22.6 Prohibition of Assistance for Subsidized Units

HAMC will not provide TBRA voucher assistance to any unit that receives a rent or operating subsidy under another federal, state or local program including but not limited to:

- Public Housing dwelling units.
- A unit subsidized with any other form of Section 8 assistance.
- A unit subsidized with any government subsidy (government funds pay a portion of the rent).
- A unit with any other governmental subsidy that pays all or a part of the operating costs.
- A unit subsidized with Section 236 rental assistance payments. However, PBV assistance may be attached to a unit subsidized with Section 236 interest reduction payments.
- A unit subsidized with rental assistance payments under Section 521 of the Housing Act of 1949 (Rural Housing Service Program). However, PBV assistance may be attached to a unit subsidized with Section 515 interest reduction payments.
- A Section 202 project for non-elderly persons with disabilities.
- A Section 811 project based supportive housing for persons with disabilities.

- Section 202 supportive housing for the elderly.
- A Section 101 rent supplement program.
- A unit subsidized with any form of tenant-based assistance.
- A unit with any other form of duplicative federal, state or local assistance.

22.7 **Tenant Selection for TBRA**

The Maricopa County Correctional Health Services will refer eligible applicants to the HAMC for processing.

22.8 **Preferences for TBRA**

HAMC will provide a selection preference when required by the regulation however the PHA will not offer any additional preferences for TBRA.

22.9 **Ongoing Activities for TBRA**

HAMC Responsibilities

HAMC shall administer TBRA in accordance with all provisions under the HCVP including issuance of monthly HAP payments, annual re-certification of household composition and income (See Chapter 11), and annual inspection (See Chapter 11), of all units to assure compliance with HQS.

HAMC will conduct screening to determine a TBRA applicant family's suitability for tenancy.

HAMC will inform owners of their responsibility to screen prospective tenants and will provide owners with the required known name and address information, at the time of the turnover HQS inspection or before. The PHA will not provide any additional information to the owner such as tenancy history, criminal history, etc.

The Maricopa County Correctional Health Services Responsibility

The Maricopa County Correctional Health Services is responsible for identifying eligible program participants and ensuring that tenants receive the support and rehabilitation services needed to help them maintain independent living and move forward on their path to re-entry. The Maricopa County Correctional Health Services will refer eligible applicants to the HAMC.

22.10 **Other Policies for TBRA**

All other policies stated in the HCV Administrative Plan related to the HCV tenant- based assistance will apply to TBRA. If funding source of assistance is federal, all applicable federal regulations associated with that funding source also apply to TBRA with the exception of the following:

- During annual recertification of TBRA units that utilize HOME Funds, a full 60 days (2 months) of income is required
- Annual HQS Inspections will be conducted even if the HCVP allows for biennial inspections
- TBRA participants who which to transition to the HCV program must:
    - Pass HAMC's criminal /sex offender background check at HCV admission
    - Complete a TBRA Transition Plan Form (also see Section 3.11)

CHAPTER 23: SPECIAL PROGRAMS AND HUD POLICY

23.1 Special Programs Overview

HUD may award the HAMC funding for targeted or underserved category of families. HAMC is required to use applicable HUD policy and procedures that may differ from regular tenant-based voucher program rules. HUD uses PIH Notice that outlines special program rules and regulations and as a result the HAMC must modify its existing plan.

HAMC Policy

The HAMC administers the following types of targeted funding:

1. Veterans Affairs Supportive Housing (VASH)
2. Mainstream Housing Opportunities
3. Family Unification Program
4. Emergency Housing Vouchers (EHV) (See Chapter 18)

23.2 Veterans Affairs Supportive Housing (VASH) Overview

HCV program funding is allocated to HAMC to provide rental assistance under a supportive housing program for homeless veterans. The Veterans Affairs Supportive Housing (VASH) program combines HCV rental assistance with case management and clinical services provided by the Department of Veterans Affairs (VA) at VA medical centers (VAMCs) and Community-Based Outpatient Clinics (CBOCs).

23.3 VASH Program Eligibility Overview

Eligible families are homeless veterans and their families that agree to participate in VA case management and are referred to by the VAMC to HAMC for HCV assistance. The VAMC or CBOC's responsibilities include but are not limited to:

- Screening homeless veterans to determine whether they meet VASH program participation criteria;
- Referring homeless veterans to the HAMC;
  - The term homeless veteran means a veteran who is homeless (as that term is defined in subsection (a) or (b) of Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)). See 38 U.S.C. 2002.

VASH vouchers are awarded noncompetitively when Congress funds a new allocation of VASH vouchers.

23.4 VASH Program Administration

Generally, the HUD-VASH program is administered in accordance with regular HCV program requirements. However, HUD is authorized to waive or specify alternative requirements to allow PHAs to effectively deliver and administer VASH assistance. Unless expressly waived by HUD, all regulatory requirements and HUD directives regarding the HCV program are applicable to VASH vouchers, including the use of all HUD-required contracts and other forms, and all civil rights and fair housing requirements.

23.4.1. VASH Program Policies

Per 24 CFR Parts 982 and 983 [Docket No. FR-6476-N-01] the following policies are applicable to the VASH Program.

VASH Voucher Issuance
VASH Vouchers must have an initial search term of 120 days– for initial and moves.

An eligible family issued a HUD-VASH voucher must receive case management services provided by the partnering VA.

VASH Allowable Housing Types
HUD-VASH assistance is allowed on the grounds of a VA medical facility for both HCV tenant-based vouchers for HUD-VASH families and all PBV units made exclusively available for HUD-VASH families.

HUD-VASH participant families may reside only in those jurisdictional areas that are accessible to case management services as determined by the VA.

VASH Lease Requirements
Initial leases for tenant-based HUD-VASH may be less than 12 months.

HAMC Policy
HUD-VASH holders may be eligible to "Lease in Place" which means a HUD-VASH voucher holder can use their voucher to rent their current unit without moving. To qualify, the HUD-VASH voucher holder must:

1. Be in good standing with current Landlord, meaning compliant with all Lease Agreement terms and conditions.
2. The current Landlord must agree to participate in the HUD-VASH program.
3. The unit must pass a Housing Quality Standards (HQS) inspection.
4. Both the HUD-VASH voucher holder and current Landlord must sign a new lease that aligns with HAMC's executed HAP contract

VASH New Admissions
VASH Admission is set to 80% AMI for program eligibility.

VASH Income Inclusions
No longer including VA Disability income for initial program eligibility but is to be counted in income calculations for Tenant Rent, HAP and Total Tenant Payment

VASH Income Verification
VASH Voucher Holders must self-certify for assets under $50,000
VASH Voucher Holders must self-certify Zero Income Family Members

VASH Portability Procedures
VASH families that move under the portability procedures are not subject to rescreening by the receiving PHA – IHA may provide verification that screening was conducted.

Separate portability rules apply depending on whether the veteran is still required to participate in case management.

- If the veteran has graduated from case management, regular portability applies.
- If the VA has determined that a veteran is not participating in required case

management, without good cause, the HAMC must terminate the family from the HUD-VASH program. If the VA determination is confirmed:
  - The PHA may offer the family continued assistance through one of its regular tenant-based vouchers or a regular PBV unit.
- A VA determination that the veteran does not require or no longer requires case management is not grounds for termination of voucher or PBV assistance.

HAMC Policy
The feasibility of porting to HAMC's jurisdiction depends on the HUD-VASH voucher holder being a recipient of a voucher from an actual PHA and not a referral from the VA. HAMC is unable to bill the VA for an administered HUD-VASH voucher.

If the HAMC does not have an available HUD-VASH voucher, HAMC will administer (bill) the initial PHA for the HUD-VASH voucher holder while they are in HAMC's jurisdiction.

If the HAMC does have an available HUD-VASH voucher, HAMC may absorb the HUD VASH Voucher holder into their VASH program.

VASH Family Breakup
Generally, in the case of a family break-up, the HUD-VASH assistance must stay with the HUD-VASH veteran. In the case of domestic violence, dating violence, sexual assault, or stalking, in which the HUD-VASH veteran is the perpetrator, the victim must continue to be assisted.

Upon termination of the perpetrator's HUD-VASH voucher, the victim must be given a regular tenant-based voucher.

23.5 Mainstream Housing Opportunity Program Overview

Mainstream vouchers assist non-elderly persons with disabilities. Aside from serving a special population, Mainstream vouchers are administered using the same rules as other housing choice vouchers. Funding and financial reporting for Mainstream vouchers is separate from the regular tenant-based voucher program.

23.6 Mainstream Program Eligibility Overview

In order to be eligible for a mainstream housing opportunity the following must be met:

- Be a non-elderly person with a disability (between 18 and 62 years old), and
- Meet all standard Housing Choice Voucher (HCV) eligibility requirements, including income limits, citizenship status, and criminal background checks;

Essentially, the key factor is being a non-elderly individual with a disability who may be transitioning out of an institutional setting or at risk of institutionalization.

Eligible families that are referred by the following agencies to HAMC are considered for the mainstream housing opportunity program:

- Division of Developmental Disabilities (DDD)
- Ability 360;
- Mercy Maricopa Integrated Care (MMIC)

23.7 Mainstream Program Administration

Generally, the Mainstream program is administered in accordance with regular HCV program requirements. However, HUD is authorized to waive or specify alternative requirements to allow PHAs to effectively administer the program. Unless expressly waived by HUD, all regulatory requirements and HUD directives regarding the HCV program are applicable to the Mainstream programs, including the use of all HUD-required contracts and other forms, and all civil rights and fair housing requirements.

23.7.1 Mainstream Voucher Issuance

Mainstream Vouchers must have an initial search term of 120 days– for initial and moves to a new unit.

When issuing a Mainstream Voucher, HAMC must provide a current listing of available accessible units known to the PHA, and, if necessary, otherwise assist the family in identifying an accessible unit.

Mainstream Voucher Extensions of Term

Each Mainstream Voucher extension must be for a minimum of 90 days. HAMC must approve the first 90-day extension request, regardless of how the request is made (written or verbal) or when it is made, as long as the request is made on or before the term expiration date and is consistent with voucher extension requirements. Subsequent requests for voucher issuance (after the first 90-day extension) will be in accordance with Section 7.2 of this administrative plan.

HAMC must on at least one (1) occasion after voucher issuance, notify the family prior to the initial term expiration to remind them of the term expiration date, the process of requesting an extension and to inquire if the family is in need of assistance with their housing search.

Mainstream Voucher Program Residency Preference

HUD has established an alternative requirement from 24 CFR 982.207(b)(1) under which a PHA cannot apply a residency preference to Mainstream Voucher applicants.

23.8 Family Unification Program Overview

The Family Unification Program (FUP) provides housing assistance through Housing Choice Vouchers (HCV) to two groups:

FUPF (Family Unification Program - Families):

- **Target Population:** Families where a lack of housing is a key reason for children being removed from or at risk of removal from the home.
- **Goal**: To reunite families or prevent family separation due to inadequate housing.

FUPY (Family Unification Program - Youth):

- **Target Population**: Youth aged 18-24 who have aged out of foster care (or will within 90 days) and are homeless or at risk of homelessness.
- **Goal**: To provide housing assistance and supportive services to help these young people transition to independent living and avoid homelessness.

The HAMC has a focus on Family Unification Program for families and receive referrals for this targeted population.

23.9 Family Unification Program Eligibility Overview

Families must be eligible for the HCV program and be referred to HAMC by a Public Child Welfare Agency (PCWA) certify that the lack of housing is a primary factor in the placement or delay of placement of children in or from foster care. Youth must be between 18 and 24 years old (have not reached their 25th birthday) and have left or will leave foster care within 180 days (PIH Notice 2025-08).

23.10 Family Unification Program Administration

Like the Housing Choice Voucher Program, the Family Unification program has similar program administration requirements. However, HUD is authorized to waive or specify alternative requirements to allow PHAs to effectively administer the program. Unless expressly waived by HUD, all regulatory requirements and HUD directives regarding the HCV program are applicable to the FUP program, including the use of all HUD-required contracts and other forms, and all civil rights and fair housing requirements. HAMC does not use a separate wait list for FUP referrals.

In the event more referrals are received by a PCWA than vouchers available for the FUP program, HAMC will document the date and time of the referral. Upon FUP voucher availability, referrals will be processed in order of receipt.

23.10.1 Family Unification Program Voucher Issuance

FUP Vouchers must have an initial search term of 120 days– for initial and moves to a new unit.

When issuing a FUP Voucher, HAMC must provide a current listing of available accessible units known to the PHA, and, if necessary, otherwise assist the family in identifying an accessible unit.

Family Unification Program Voucher Extensions of Term

Each FUP Voucher extension must be for a minimum of 90 days. HAMC must approve the first 90-day extension request, regardless of how the request is made (written or verbal) or when it is made, as long as the request is made on or before the term expiration date and is consistent with voucher extension requirements. Subsequent requests for voucher issuance (after the first 90-day extension) will be in accordance with Section 7.2 of this administrative plan.

HAMC must on at least one (1) occasion after voucher issuance, notify the family prior to the initial term expiration to remind them of the term expiration date, the process of requesting an extension and to inquire if the family is in need of assistance with their housing search.

Family Unification Program Residency Preference

HUD has established an alternative requirement from 24 CFR 982.207(b)(1) under which a PHA cannot apply a residency preference to the Family Unification Program.

23.11 Emergency Housing Voucher Program Sunset

See Chapter 18 for details regarding the Emergency Housing Voucher (EHV) Program. As outlined in Section 18.9, HUD estimates the Department will only have sufficient funds to cover all EHV families through most of Calendar Year (CY) 2026. As a result, HUD has provided guidance on the transitioning

EHV families to the HCV Program (PIH Notice 2025-19). The HAMC has adopted certain policy and procedures to administer this transition from one tenant- based rental assistance program to another, which is optional to EHV families who wish to transition to the HCV program.

23.12 **Emergency Housing Voucher Participant (EHVP) Preference**

Only currently assisted EHV participants whose assistance is at risk of termination due to lack of EHV program funding may apply for the EHVP Preference (See Section 4.9).

23.12.1 **HUD Regulatory Waiver**

As an alternative to only accepting individual applications from current EHV participants, HAMC plans to submit a regulatory waiver that, if approved, would permit HAMC to place all EHV participants on its HCV waiting list with appropriate preference(s).

After the HAMC has received HUD written approval this regulatory waiver the HAMC will notify EHV families to complete a "Save My Spot" response (See Section 4.6).

23.13 **Administration of Transitioning EHV Families Into HCV Program**

In order to transition EHV families into the HAMC's regular HCV program:

- The family must be selected through the HAMC's HCV waiting list as required by 24 CFR 982.204(a).
- The HAMC must have HCV unit-months available to use for EHV families. The prohibition on HCV over-leasing as described in Section IV.F.3 of Notice PIH 2025-13 applies.

HAMC plans to implement a HUD waiver to permit current EHV participants placement on the HAMC's HCV Wait List. Thereafter, HAMC will notify all EHV participants to complete an EHV "Save My Spot" Inquiries to determine whether the applicant is still interested in the Housing Choice Voucher Program and if any changes in "local preferences" have occurred. Depending upon voucher and funding availability EHVP applicants may be required to complete subsequent "Save My Spot" Inquires.

HAMC Policy

When HAMC receives HUD written approval of the aforementioned regulatory waiver, the HCV Wait list will not be opened but will add interested EHV participants to the HCV Wait list based upon date and time of completed and received "Save My Spot" Responses.

If the Emergency Housing Voucher Participant (EHVP) applicant fails to respond within the required time period, or the request is returned as undeliverable or with no forwarding address, the EHVP applicant will be removed from the HCV waiting list without further notice and may be subject to inevitable loss of EHV assistance and potentially face homelessness.

HAMC Policy

If the EHVP applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless timely verification of the following is received within 30 calendar days from the response due date:

- The applicant provides evidence that a change of address was submitted to HAMC prior to the update notice being issued by HAMC.
- During the time of any waiting list update or, at the time of notification for an interview, the applicant could not respond. For example, the applicant was incapacitated due to

hospitalization or was unavailable due to active participation on Jury Duty.

- As a result of a HAMC data entry error, the applicant address was incorrectly recorded.
- The applicant is a person with a disability who requires an alternative form of communication other than one normally used by HAMC, and the applicant informed HAMC, in advance, of the proper means of communication, as required by regulations.

HAMC Policy

EHVP applicants who respond timely to any "Save My Spot" Inquiry will remain on the HCV waiting list. Once applicants reach the top of the HCV waiting list they will be required to complete a detailed application that includes 3rd party documentation (See Chapter 4.2 Application Process: Step III – Intake Certification).

HAMC Policy

EHVP applicants who respond timely to any "Save My Spot" Inquiry will remain on the HCV waiting list. Once applicants reach the top of the HCV waiting list they will be required to comply with Chapter 4.15 -Selection from the Waiting List Notification.

HAMC Policy

EHVP applicants who are transitioned to the HCV Program must adhere to all HCV requirements with respect to participant family income and composition as well as Chapter 5 Initial and Continuing Eligibility requirements.

EHV families when they are transitioned to HCV assistance. and wish to "lease in place" will be processed by HAMC using action code 3 ("Interim Reexamination") instead of action code 6 ("End Participation"). Per PIH notice 2025-19, when transitioning an EHV family to HCV, HAMC will not require the Landlord to execute a new HAP contract or tenancy addendum for the family provided that the family is remaining in the same unit.

If EHV families when they are transitioned to HCV assistance are not "leasing in place", which means they are moving from one unit to another as they transition to HCV, must complete the Request for Tenancy Approval Process (See Chapter 7.24) prior to being admitted to the HCV program. When the family successfully completes the RFTA process including a "passed" inspection, HAMC will use action code 7 ("Other change in unit").

APPENDIX A EMERGENCY TRANSFER PLAN

Housing Authority of Maricopa County Emergency Transfer Plan
for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Emergency Transfers

Housing Authority of Maricopa County (HAMC) is concerned about the safety of its tenants/participants (tenant), and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),1 HAMC allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.2 The ability of HAMC to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether based on your covered housing program, HAMC has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy,

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that HAMC's covered housing programs comply with VAWA. HAMC's covered housing programs include, Section 8 Housing Choice Voucher, HUD Veterans Administration Supportive Housing (VASH), TBRA, FUP, H2, Mainstream, Bridge, Project-Based Voucher, HUD-assisted tenant and Move-on Initiative.

1 Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

2 Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

Eligibility for Emergency Transfers
Tenants who receive assistance under the following programs: Section 8 Housing Choice Voucher, HUD Veterans Administration Supportive Housing (VASH), Section 8 Project-Based Voucher, TBRA, FUP, H2, Mainstream, Move-on Initiative, HUD-assisted program and Bridge Programs are eligible to request an emergency transfer in accordance with VAWA.

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L qualifies for an emergency transfer if: The tenant expressly requests the transfer; and either:

The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit; or

In the case of sexual assault, the tenant/participant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit that the tenant is currently occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for an emergency transfer (24 CFR 5.2005(e)(2).)
Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements of the covered housing program as defined in the current Housing Authority of Maricopa County Administrative Plan. An emergency transfer does not guarantee continued assistance under the program or a transfer to another covered housing program. The emergency transfer requirements do not supersede any eligibility or occupancy requirements that may apply under a covered housing program.

Emergency Transfer Request Documentation
To request an emergency transfer, Housing Choice Voucher (Section 8) participants, shall notify the Leased Housing Department and submit a written request for transfer at the following location: 8910 N. 78th Ave. Peoria, AZ 85345.

Written Request for a Transfer
To request an emergency transfer, the tenant shall complete all 11 questions of the optional HUD Form 5382 or the tenant or someone on his/her behalf may submit one of the following types of third-party documentation:

A document signed by the tenant and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom the tenant has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of "domestic violence," "dating violence," "sexual assault," or "stalking" in HUD's regulations at 24 CFR 5.2003.

A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or A statement or other evidence provided by the tenant.

HAMC will provide reasonable accommodations to this policy for individuals with disabilities. The tenants' written request for an emergency transfer should include either:

A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under HAMC's program, OR

A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises assisted unit during the 90-calendar-day period preceding the tenant's request for an emergency transfer.; AND

Certification to the truth and accuracy of the information being provided.

The name of the accused perpetrator does not have to be provided if it is unknown or it cannot be provided safely. False statements or information could be the basis for denial of admission, termination of assistance or eviction.

Section 8 Housing Choice Voucher (HCV)
For tenants with tenant-based assistance HAMC will expedite administrative processes for participants who wish to move with their voucher. When the victim and perpetrator are members of the same household, requests are subject to the current HAMC Administrative Plan guidelines (24 CFR 982.315) (24 CFR 982.353), (24 CFR 982.354).

Emergency transfer request to move outside of HAMC's jurisdiction are subject to the portability regulations (PIH 2016-09).

Section 8 Project Based Voucher (PBV)
PBV families cannot move with their project-based assistance, as the assistance is tied to the unit.

Nonetheless, a victim can make an emergency transfer request. The tenant should refer to his/her Property Owner for their Emergency Transfer Plan for the processing of VAWA cases.

Confidentiality
HAMC will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HAMC written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act. For All Tenants for more information about HAMC's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability
HAMC cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HAMC will expedite administrative processes for participants who wish to move to as a result of domestic violence, dating violence, sexual assault, or stalking in the following manner:

Section 8 Housing Choice Voucher (HCV)
HAMC will expedite the issuance of a transfer voucher to move.

Section 8 Project Based Voucher (HAMC Owned Units)
A family or member of the family is not required to give advanced written notice, with a copy to HAMC, of intent to vacate the PBV unit if the family moved to protect the health or safety of the victim.
HAMC will transfer a tenant to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred.
HAMC may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If HAMC has no safe and available units for which a tenant who needs an emergency is eligible, HAMC will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move.
HAMC will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

The tenant should refer to his/her Property Owner's Emergency Transfer Plan.
If a victim, makes an emergency transfer request, duration of program participation will first be considered and then the following options will be considered in their order:
Offer another safe PBV unit, if available
Refer the victim to other housing opportunities in the community
Offer a tenant-based voucher if another safe PBV unit is unavailable

Safety and Security of Tenants
Pending the processing of the transfer request and approved transfers, HAMC will advise the tenant to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE or visit the online hotline at https://ohl.rainn.org/online/.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at https://www.victimsofcrime.org/our- programs/stalking-resource-center.

APPENDIX B EMERGENCY TRANSFER REQUEST FORM

EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers. The requirements you must meet are:

(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking. If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

(2) You expressly request the emergency transfer. Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to request that you submit this form or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have reason to fear that if you do not receive a transfer, you would suffer violence in the very near future. OR
You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____

2. Your name (if different from victim's)_____ _____

3. Name(s) of other family member(s) listed on the lease:_____
_____

4. Name(s) of other family member(s) who would transfer with the
victim:_____
_____

5. Address of location from which the victim seeks to transfer: _____

6. Address or phone number for contacting the victim:_____

7. Name of the accused perpetrator (if known and can be safely disclosed):_____

8. Relationship of the accused perpetrator to the victim:_____

9. Date(s), Time(s) and location(s) of incident(s):_____
_____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If not, fill out question 11. _____

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit. _____
_____

12. If voluntarily provided, list any third-party documentation you are providing along with this notice:
_____
This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____Signed on (Date) _____

APPENDIX C EXCLUSIONS FROM NET FAMILY ASSETS

Required exclusions from net family assets include the following:

- The value of necessary items of personal property.
- The value of all non-necessary items of personal property with a total combined value of $50,000 or less, annually adjusted for inflation.
- The value of any account under a retirement plan recognized as such by the Internal Revenue Service, including Individual Retirement Accounts (IRAs), employer retirement plans (e.g., 401(k), 403(b)), and retirement plans for self-employed individuals.
- The value of real property is that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located. Examples of this include but are not limited to co-ownership situations (including situations where one owner is a victim of domestic violence), where one party cannot unilaterally sell the real property; property that is tied up in litigation; inherited property in dispute.
- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law that resulted in a member of the family being a person with disabilities.
- The value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986; the value of any qualified tuition program under section 529 of such Code; and the amounts in, contributions to, and distributions from any Achieving a Better Life Experience (ABLE) account authorized under section 529A of such code.
- The value of any “baby bond” account created, authorized, or funded by the federal, state, or local government (money held in trust by the government for children until they are adults).
- Interests in Indian trust land.
- Equity in a manufactured home where the family receives assistance under 24 CFR Part 982.
- Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR Part 982.
- Family Self-Sufficiency accounts.
- Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family.
- The full amount of assets held in an irrevocable trust.
- The full amount of assets is held in a revocable trust where a member of the family is the beneficiary, but the grantor/owner and trustee of the trust is not a member of the participant family or household.

APPENDIX D DEFINITIONS

Below is a list of a few definitions as defined by HUD and are applicable in all HUD funded programs and will be used in determining program eligibility and income calculations (this is not an exhaustive list)

Achieving a Better Life Experience (ABLE) Accounts: ABLE accounts are excluded from the definition of net family assets, and therefore income generated from such accounts is not considered when calculating income from assets. Distributions from these accounts are also excluded from income. HUD developed specific guidance on ABLE accounts based on language included in the ABLE Act of 2014. Certain contributions deposited into ABLE accounts are excluded in addition to the above-mentioned exclusions.

Civil Action Recoveries or Settlements: Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law that resulted in a member of the family becoming a person with disabilities are excluded from annual income. Any amounts recovered are excluded irrespective of whether they are received periodically or in a lump sum payment.

Gross Income from Self-Employment or Operation of a Business: The gross income received by a family through self-employment, or the operation of a business is excluded from income. Gross income is all income amounts received into the business, prior to the deduction of business expenses. To determine the amount of business or self-employment income included in a family's annual income, the net income of the business must first be determined. Net income is the "gross income amount minus business expenses" that allows the business to operate. The net income from self-employment or the operation of a business is considered income. Expenditures for business expansion or amortization of capital indebtedness are not deductible when determining the income from a business.

Home-Based Care Payments for a Family Member(s) with a Disability(ies): Payments made by or authorized by a state Medicaid agency (including through a managed-care entity) or other state or federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit are excluded from the calculation of the family's annual income. Authorized payments may include payments to a member of the assisted family through the state Medicaid agency (including through a managed-care entity) or other state or federal agency for care giving services the family member provides to enable a family member who has a disability to reside in the family's assisted unit. A family member with a disability qualifies for this income exclusion. Amounts received may be intended for items such as services, equipment, and compensation provided to a family member. The payments are excluded from income as long as the amounts are provided to enable a family member with a disability to remain in the family's assisted unit. Both the person providing the care and the person who has the disability must be family members (not household members) and must live in the same assisted household. The exclusion does not apply to income earned by the family for other caregiving services provided to individuals outside of the assisted household.

Income Earned on Amounts Placed in a Family's Family Self Sufficiency (FSS) Account: Income earned on amounts placed in a family's FSS account is excluded from the family's calculation of annual income.

Insurance Payments or Settlements: Insurance payments and settlements for personal or property losses, including but not limited to payments under health insurance, motor vehicle insurance, and workers' compensation, are excluded from annual income. Any workers' compensation is always excluded from annual income, regardless of the frequency or length of the payments.

Nonrecurring Income: Temporary U.S. Census Bureau Employment: Payments from the U.S. Census Bureau for employment relating to the decennial census or the American Community Survey lasting no longer than 180 days and not culminating in permanent employment are excluded from annual income. However, it should be noted that any permanent employment with the U.S. Census Bureau should be considered in the annual income calculation.

Nonrecurring Income: Economic Stimulus or Recovery Payments: Direct federal or state payments intended for economic stimulus or recovery are excluded from annual income. HUD will continue to advise HAMC of which payments are considered economic stimulus or recovery payments for the purposes of income calculation.

Payments Received for the Care of Foster Children or Foster Adults or State or Tribal Kinship or Guardianship Care Payments: Payments received for the care of foster children or foster adults, or state or Tribal kinship or guardianship care payments, are excluded from annual income. This income exclusion also applies to Kinship Guardian Assistance Payments (KinGAP), kinship care payments, and other state-based kinship or guardianship payments that are alternatives to traditional foster care programs.

Replacement Housing Gap Payments: Replacement housing "gap" payments made in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("URA"), as implemented by 49 CFR Part 24, are excluded from annual income. "Gap" payments offset the increased out-pocket costs of displaced persons who move from one federally subsidized housing unit to another federally subsidized housing unit. However, replacement housing "gap" payments are not excluded from annual income if the increased cost of rent and utilities is reduced or eliminated, and the displaced person retains or continues to receive the replacement housing "gap" payments. Replacement housing "gap" payments should cover a minimum of 42 months of tenancy at the new unit.

Student Financial Assistance: The treatment of student financial assistance depends on the HUD program, student/household characteristics, and the type of financial assistance received by the student. The student financial assistance rules apply to both full-time and part-time students. (See PIH Notice 2023-27 and subsequent notices for distinct differences in the treatment of student financial assistance between the Section 8 program and non–Section 8 programs). G.16.d Section 8 (Including HCV and 202/8)
There are distinct differences in the treatment of student financial assistance
between the Section 8 program and the Public Housing and non–Section 8c

The two types of student financial assistance that are excluded from income are: Amounts received under Section 479B and Other Student Financial Assistance.

Amounts Received Under Section 479B of the Higher Education Act (HEA) provides that certain types of student financial assistance are to be excluded in determining eligibility for benefits made available through federal, state, or local programs financed with federal funds. The types of financial assistance listed below are considered 479B student financial assistance programs; however, this list is not exhaustive:

- Federal Pell Grants.
- Teach Grants.
- Federal Work Study Programs.
- Federal Perkins Loans.
- Student financial assistance received under the Bureau of Indian Education.
- Higher Education Tribal Grant.
- Tribally Controlled Colleges or Universities Grant Program.
- Employment training program under section 134 of the Workforce Innovation
- and Opportunity Act (WIOA).

Other Student Financial Assistance

Other student financial assistance includes grants or scholarships received from
the following sources:

- The Federal government.
- A state (including U.S. territories), Tribe, or local government.
- A private foundation registered as a nonprofit under 26 U.S.C. 501(c)(3).

- A business entity (such as a corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, or nonprofit entity); or
- An institution of higher education.
- Other student financial assistance does not include:
    - Financial support provided to the student in the form of a fee for services performed (e.g., a work study or teaching fellowship that is not excluded under section 479B of the Higher Education Act HEA); or
    - Gifts, including gifts from family or friends.

Veterans Regular Aid and Attendance: Payments to veterans in need of regular aid and attendance are excluded from annual income under 38 U.S.C. 1521. This income exclusion applies only to veterans in need of regular aid and attendance and not to other beneficiaries of the payments, such as a surviving spouse. Certain veterans are eligible for "aid and attendance" payments from the Veterans Affairs(VA) Administration. These payments are distinct from payments made to veterans under other VA programs, including the Veterans Pension program.

APPENDIX E CONSUMER PRICE INDEX – URBAN WAGE EARNERS AND CLERICAL WORKERS (CPI-W) ITEMS

Table E1: Inflationary Adjustment Items

Adjusted Item	Regulatory Reference	Amount subject to Annual Adjustment	Rounding Methodology
Eligibility restriction on net family assets	24 CFR § 5.618(a)(1)(i)	$100,000	Nearest dollar
Threshold above which imputed returns must be calculated on net family assets	24 CFR §§ 5.609(a)(2)and (b)(1)	$50,000	Nearest dollar
Threshold above which the total value of non-necessary personal property is included in net family assets	24 CFR § 5.603(b) Net family assets	$50,000	Nearest dollar
The amount of net assets for which the HAMC may accept self-certification by the family	Various	$50,000	Nearest dollar
Mandatory deduction for elderly and disabled families	24 CFR § 5.611(a)(2)	$525	Next lowest multiple of $25
Mandatory deduction for a dependent	24 CFR § 5.611(a)(1)	$480	Next lowest multiple of $25
Income exclusion for earned income of dependent full-time students	24 CFR § 5.609(b)(14)	$480	Next lowest multiple of $25
Income exclusion for adoption assistance payments	24 CFR § 5.609(b)(15)	$480	Next lowest multiple of $25

HUD will annually publish the recalculated inflationary-adjusted items to HUD's Policy Development and Research Web site, HUD User. The new amounts will become effective January 1 of the following year.