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## **PROGRAMS OF THE PORTLAND HOUSING AUTHORITY**

The Portland Housing Authority was formed because of growing need for decent, safe, and affordable housing for the low-income families of this community.

The PHA is involved in administering one form of subsidized housing. This program is:

- **SECTION 8 HOUSING VOUCHER PROGRAM**

The policies governing the local administration of this program is set by a five (5) member Board of Directors. These members are appointed by the Mayor with overall responsibility to be sensitive to the needs of the participants while ensuring the fiscal solvency of the housing authority.

The staff is responsible for the day-to-day operations of the Board's program. The Mayor appoints the Executive Director.

### **SECTION 8 HOUSING PROGRAM**

**VOUCHER.** The PHA has current contract authority to assist families. Families who elect to receive rental assistance in the form of a housing assistance payment (HAP), paid directly to the owner.

Under the Voucher program the family is allowed to pay 40% or more or less than 40% of it's monthly adjusted income. The amount the family actually pays and the amount of the HAP is dependent upon the total rent on the unit selected by the family. The rent must be rent reasonable.

#### **Contact Information**

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**PORTLAND HOUSING AUTHORITY**

**BOARD OF DIRECTORS**

The Board of Directors consists of five (5) adults with no more than three (3) being of the same political party affiliation. But living within the PHA initial jurisdiction of Portland, Indiana and five (5) miles therein. Appointed by the Mayor of the City of Portland, Indiana and serving a term of four (4) years.

**BOARD RESPONSIBILITIES:**

1. Approve all claims and/or assistance payments as presented or as corrected.
2. Serve as a Board of Review or Hearing for all unsolved management decisions, where a review shall be requested by an owner or tenant.
3. Assist with HQS inspections.

\_\_\_\_\_  
President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Vice President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

## EXECUTIVE DIRECTOR JOB DESCRIPTION

RESPONSIBLE TO: The Executive Director will be responsible to the current Board of Directors and Mayor.

EDUCATION: The Executive Director must be a high school graduate with previous management skills.

DUTIES: OFFICE MANAGEMENT REQUIREMENTS

1. Approve contract between lessor and PHA
2. Distribution of contract payments on time
3. HQS inspections of property
4. Maintenance of program
  - a. Re-inspection annually
  - b. Re-evaluation of Utility Allowances (annually)
  - c. Re-evaluation of Fair Market Rent Allowance when market dictates (annually)
  - d. Review income limits applicable to Section 8 Housing Assistance Program
5. Monthly Board of Directors Meeting
  - a. Correspondence concerning PHA
  - b. Housing Assistance payments status—dollar paid—unit breakdown
  - c. Present Board of commissioners any community concerns or problems effecting the PHA
6. New Programs Expansion
  - a. Investigate feasibility of new or expanding programs
  - b. Cash flow
  - c. Personnel Requirements
  - d. Equipment Requirements
7. Audits
  - a. Independent audit completed annually
  - b. HUD Field Office audits as needed depending upon the independent audit report. If internal problems exist the HUD office review could be often.
8. Maintain required forms and files for Housing Assistance Tenants:
  - a. Approve all applications upon completion
  - b. Determination of eligibility
  - c. Approve all assistance payments contracts including supporting documents
  - d. Process current administration bills
  - e. Do interim and annual adjustments
  - f. Do rent reasonableness test on all new and annual rent adjustments
9. Maintain waiting list
10. Interview clients
11. Mail out monthly re-certification letters to tenants and homeowners

## *Chapter 1*

### **STATEMENT OF POLICIES AND OBJECTIVES**

#### **INTRODUCTION**

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 Voucher Program, are described in and implemented through this Administrative Plan.

Administration of the Section 8 Program and the functions and responsibilities of the Housing Authority (HA) staff shall be in compliance with the HA's Personnel Policy. Also, in compliance with the Department of Housing and Urban Development's (HUD) Section 8 Regulations as well as all Federal, State and Local Fair Housing Laws and Regulations.

#### **LOCAL OBJECTIVES**

The Section 8 Program is designed to achieve three major objectives:

1. To provide decent, safe, and sanitary housing for very low income families while maintaining their rent payments at an affordable level.
2. To promote freedom of housing choice for very low-income families of all races and ethnic backgrounds.
3. To provide an incentive to private property owners to rent to very low income families by offering timely assistance payments.

In addition, the HA has the following goals for the program:

1. To encourage self-sufficiency of participant families
2. To encourage pride and respect in housing

#### **PURPOSE OF THE PLAN**

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local objectives. The Plan covers both admission and continued participation in this program.

#### **FAIR HOUSING POLICY [24 CFR 982.54(d)(6)]**

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

The HA shall not deny any family or individual the opportunity to apply for or receive assistance under the Section 8 Program on the basis of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability or sexual orientation.

#### **FAMILY OUTREACH**

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

### **OWNER OUTREACH [24 CFR 982.4(d)(5)]**

The HA encourages owners of decent, safe and sanitary housing units to lease to Section 8 families. The HA maintains a homeowners file of units available for the Section 8 program and updates this list at least monthly. When listings from owners are received, they will be compiled by the HA staff by bedroom size.

### **PRIVACY RIGHTS**

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

### **JURISDICTION**

The Jurisdiction of the Portland Housing Authority is city and a five (5) mile radius within the city. There are no vouchers in the county.

### **TERMINOLOGY**

- The Portland Housing Authority is referred to as "PHA or HA" throughout this document.
- "Family" is used interchangeably with "Applicant" or "Participant" and can refer to a single person family.
- "Tenant" is used to refer to participants in terms of their relation to landlords.
- "Landlord" and "owner" are used interchangeably.
- "Disability" is used where "handicap" was formerly used.
- The Section 8 program is also known as the Voucher program.
- "HQS" means the Housing Quality Standards required by regulations as enhanced by the HA.

## *Chapter 2*

### **ELIGIBILITY FOR ADMISSION [24 CFR Part 5, Subpart B, D, & E; Part 982, Subpart E]**

#### **INTRODUCTION**

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

#### **ELIGIBILITY FACTORS**

To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the HA.

The HUD eligibility criteria are:

- An applicant must be a "family"
- An applicant must be within the appropriate Income Limits
- An applicant must furnish Social Security Numbers
- An applicant must furnish evidence of Citizenship / Eligible Immigrant Status

For the HA's additional criteria for eligibility, see section E, "Other Criteria for Admission."

The Family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors.

#### **FAMILY COMPOSITION [24 CFR 5.403, 982.201]**

The applicant must qualify as a Family. A Family may be a single person or a group of persons. Discrimination on the basis of family status is prohibited, and a group of persons may not be denied solely on the basis that blood, marriage or operation of law does not relate them.

A group of persons may be:

Two or more persons who intend to share residency whose income and resources are available to meet the family's needs and who have a history as a family unit or show evidence of a stable family relationship.

Two or more elderly or disabled persons living together, or one or more elderly or disabled persons living with one or more line-in aides as a family.

A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's

temporary absence from the home, and is not intended to artificially enlarge the space available for other family members.

A single person may be:

- An elderly person
- A displaced person
- A person with a disability
- Any “other single” person

### **Head of Household**

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

### **Spouse of Head**

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

### **Live-in Attendants**

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

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

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

A live-in Aide may only reside in the unit with the approval of the HA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker.

**Verification must include the hours the care will be provided.**

The HA has the right to disapprove a request for a live-in aide based on the “Other Criteria for Eligibility” described in this Chapter.

### **Split Households Prior to Voucher Issuance**

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

1. Which family member applied as head of household?
2. Which family unit retains the children or any disabled or elderly members?

3. Role of domestic violence in the split.
4. Recommendations of social service agencies or qualified professionals such as children's protective services.

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

### **Multiple Families in the Same Household**

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

### **Joint Custody of Children**

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively.

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

### **INCOME LIMITATIONS [24 CFR 982.201, 982.353]**

In order to be eligible for assistance, an applicant must be either:

A very low-income family; or

A low-income family in any of the following categories:

A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 90 days of voucher issuance. Programs include public housing, all Section 8 programs, all Section 23 programs.

A low-income family physically displaced by rental rehabilitation activity under [24 CFR part 51]

A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.

A low-income family displaced as a result of the repayment of a mortgage or voluntary termination of a mortgage insurance contract under [24 CFR 28.165]

To determine if the family is income-eligible, the HA compared the Annual Income of the family to the applicable income limit for the family's size.

Families whose Annual Income exceeds the income limit will be denied admission and offered an informal review.

**MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216, 5.218]**

Families are required to provide verification of Social Security Numbers for all family members age 6 and older prior to admission, if they have issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

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

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

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

**SUITABILITY OF FAMILY [24 CFR 982.202(b)(1)]**

It is the responsibility of the owner to screen the applicants as to their suitability for tenancy.

**INELIGIBLE FAMILIES**

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to non-citizen status.

## *Chapter 3*

### **APPLYING FOR ADMISSION**

#### **INTRODUCTION**

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

#### **HOW TO APPLY**

Families who wish to apply for the HA's program must complete a written application form. Applications will be made available in an accessible format upon request from a person with a disability.

Applications will be mailed to interested families upon request.

The application process will involve two phases. The first is the "initial" application for assistance (referred to as a pre-application). This first phase results in the family's placement on the waiting list.

The second phase is the "final determination of eligibility" (referred to as the full application). The full application takes place when the family reaches the top of the waiting list. At this time the HA ensures that verification of all HUD and HA eligibility factors is current in order to determine the family's eligibility for the issuance of a voucher.

#### **OPENING / CLOSING OF APPLICATION TAKING**

##### **[24 CFR 982.206, 982.54(d)(1)]**

The HA will utilize the following procedures for opening the waiting list.

When the HA opens the waiting list, the HA will advertise through public notice in the following newspapers, minority publications and media entities.

The notice will contain:

The dates, times, and the locations where families may apply.

The programs for which applications will be taken.

A brief description of the program.

#### **"INITIAL" APPLICATION PROCEDURES [24 CFR 982.204(b)]**

The HA will utilize a preliminary-application form (pre-Application). This information is to be filled out by the applicant whenever possible. To provide specific accommodations to person with disabilities, a staff person may complete the information over the telephone. It may also be mailed to the applicant and, if requested, it will be mailed in an accessible format. Translations will be provided for non-English speaking applicants for any and all languages on a case by case basis.

The purpose of the pre-application is to permit the HA to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list. The pre-application will contain questions designed to obtain the following information:

- Names of adult members and age of all member
- Sex and relationship of all members
- Street address and phone numbers
- Mailing address
- Information regarding Disabilities relating to program requirements
- Social Security Numbers
- Race / ethnicity
- Engaged in drug related or violent criminal activity
- Present Address
- Current and previous landlords names and addresses
- Emergency contact person and address

Failure to provide information or to respond to mailings will result in the applicant being removed from the waiting list.

### **TIME OF SELECTION**

When funding is available, families will be selected from the waiting list, regardless of family size.

When there is insufficient funding available for the family at the top of the list, the HA will not admit any other applicant until funding is available for the first applicant. Applicants will not be passed over on the waiting list.

A pool of all completed eligible applicant files will be maintained to minimize delays in admissions when funding becomes available. However, families are still offered vouchers in the waiting list sequence.

### **FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY**

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

### **Requirement to Attend Interview**

The HA utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that the

information is complete. The interview is also used as a vehicle to meet the information needs of the family by providing information about the application and verification process.

**All adult family members are required to attend the interview and sign the housing application.**

It is the applicant's responsibility to reschedule the interview if he/she misses the appointment. If the applicant does not reschedule or misses one (1) scheduled meeting, the HA will reject the application. Applicants who fail to appear and want to reschedule as missed appointment must make the request to reschedule no later than five (5) days from the original appointment date.

**If an applicant fails to appear for their interview without prior approval of the HA, their application will be denied unless they can provide an acceptable reason to the HA that an emergency prevented them from calling.**

All adult members must sign the HUD Form 9886, Release of Information, the application form and all supplemental forms required by the HA, the declarations and consents related to citizenship / immigration status and any other documents required by the HA.

Information provided by the applicant will be verified including information related to family composition, income, allowances and deductions, assets, eligible immigration status, full time student status and other factors related to preferences, eligibility and rent calculation. Verifications may not be more than 60 days old at time of voucher issuance.

## *Chapter 4*

### **ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST [24 CFR Part 5, Subpart D; 982.54(d)(1)]**

#### **INTRODUCTION**

It is the HA's objective to ensure that the families are placed in the proper order on the waiting list so that an offer of assistance is not delayed to any family, or made to any family prematurely.

#### **WAITING LIST PREFERENCES [24 CFR 982.297]**

The HA does not have any federal or local preferences for those applicants on the waiting list. Local preferences for rental assistance are no longer used to establish eligibility for rental assistance.

#### **ORDER OF SELECTION [24 CFR 5.415, 982.297(e)]**

The HA will select applicants based on the date they filed their pre-application. Since there is no order of selection based on local preferences the selection is made chronologically from the applicants file date of the pre-application from the waiting list.

#### **REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204(c)]**

If an applicant fails to respond to a mailing from the HA, the applicant will be sent written notification and given five (5) days to contact the HA. If they fail to respond within five (5) days they will be removed from the waiting list. An extension will be considered an accommodation if requested by a person with a disability. If a letter is returned by the Post Office without forwarding address, the applicant will be removed without further notice and the envelope and letter will be maintained in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

**If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement.**

The waiting list will be purged as needed by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

Notices will be made available in accessible format upon the request of a person with a disability. **Applicants are required to contact the HA in writing on an as needed basis to confirm their continued interest. If they fail to respond to this notification, they will be removed from the waiting list.**

*Chapter 5*

**SUBSIDY STANDARDS [24 CFR 982.54(d)(9)]**

**INTRODUCTION**

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

**DETERMINING VOUCHER SIZE [24 CFR 982.402]**

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

**For subsidy standards, an adult is a person 18 years or older.** All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements. The unit size of the Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

**Generally, the HA assigns a bedroom to two people within the following guidelines:**

- **Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children under 5)**
- **Live-in attendants will generally be provided a separate bedroom**
- **Single person families shall be allocated one bedroom**

<b>Voucher Size</b>	<b>Max. in Household</b>	<b>Min. in Household</b>
0 bedroom	2	1
1 bedroom	2	1
2 bedrooms	4	2
3 bedrooms	6	3
4 bedrooms	8	4

**Request for Exception to Subsidy Standards for Applications**

**The family may request a larger sized voucher than indicated by the HA's subsidy standards. Such request must be made in writing at the time of the HA's determination of bedroom size. The request must explain the need or justification for a larger bedroom size. The HA will not issue a larger voucher due to additions of family members other than by birth, adoption, marriage, or legal custody arrangement.**

## *Chapter 6*

### **FACTORS RELATED TO TOTAL TENANT PAYMENT DETERMINATION [24 CFR Part 5, Subparts E and F; 887.361, 982.317, 982.551]**

#### **INTRODUCTION**

The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations. This Chapter defines the allowable deductions from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD Notices, Memoranda and Addenda.

#### **INCOME AND ALLOWANCES**

**Income:** HUD defines the types of money that are to be used as income for purposes of calculation the TTP in federal regulations. In accordance with this definition, income from all sources of each member of the household is counted.

**Annual Income:** is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or re-certification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include, which has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits.

**Adjusted Income:** is defined as the Annual income minus any HUD allowable deductions.

HUD has five allowable deductions from Annual Income:

1. Dependent Allowance: \$480 each for family members (other than the head or spouse), who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
2. "Elderly" Allowance: \$400 for families whose head or spouse is 62 or over or disabled.
3. Allowance medical expenses for all family members are deducted for "elderly" families.
4. Childcare expenses for children under 13 are deducted when childcare is necessary to allow an adult member to work, attend school, or actively seek employment.
5. Expenses for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

#### **Reporting Additions to Owner and HA**

Reporting changes in household composition to the HA is both a HUD and a HA requirement. The family obligations require the family to request HA approval to add any other family member as an occupant of the unit and to inform the HA of the birth, adoption or court awarded custody of a child. The family must request prior approval or additional household members in writing. **Families are required to report any additions to the household in writing to the HA within ten (10) days of the move-in date.**

An interim re-examination will be conducted for any additions to the household. A revision of lease will be executed if the addition is approved.

### **AVERAGING INCOME**

When Annual Income cannot be anticipated for a full twelve months, the HA may: **Annualize current income and conduct an interim re-examination if income changes.** Income from the previous year may be analyzed to determine the amount to anticipate when third party or check-stub verification is not available.

### **MINIMUM INCOME**

There is no minimum income requirement. Families who report zero income are required to complete a written certification every 90 days.

### **REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609]**

Regular contributions and gifts are received from a person outside the household and counted as income for calculation of the Total Tenant Payment. Any contribution or gift received every month or more frequently will be considered a “regular” contribution or gift, unless the amount is less than \$340 per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts.

### **ALIMONY AND CHILD SUPPORT [24 CFR 5.609]**

Regular alimony and child support payments are counted as income for calculation of “Total Tenant Payment”.

If the amount of child support or alimony received less than the amount awarded by the court, the HA must use the amount awarded by the court unless the family can verify that they are not receiving the full amount.

### **CHILD CARE EXPENSES [24CFR 5.03]**

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

**Childcare expenses cannot be allowed as a deduction if there is an adult household member capable of caring for the child who can provide the childcare.**

### **MEDICAL EXPENSE**

Nonprescription medicines will be counted toward expenses for families who qualify if the family furnished legible receipts. Acupressure, acupuncture and related herbal medicines, and chiropractic services will be considered allowable medical expenses.

### **PRORATION OF ASSISTANCE FOR “MIXED” FAMILIES [24 CFR 5.520]**

## **Applicability**

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

## **UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS [24 CFR . 361, 982.153]**

The Utility allowance is intended to help defray the cost of utilities not included in the rent and is subtracted from Total Tenant Payment to establish the family’s rent to the landlord. The allowances are based on actual rates and average consumption studies, not on a family’s consumption. The HA will review the Utility Allowance Schedule on an annual basis and revise if needed.

The approved utility allowance schedule is given to families along with their Voucher. The utility allowance is based on the actual unit size selected.

## *Chapter 7*

### **VERIFICATION PROCESS**

#### **Introduction**

HUD regulations require that the factors of eligibility and Total Tenant Payment be verified by the HA. Applicants and program participants must furnish proof of their statements whenever required by the HA, and the information they provide must be true and complete. The HA's verification requirements are designed to maintain program integrity. This Chapter explains the HA's procedures and standards for verification of income, assets, allowable deductions, family status, and when there are changes in family members. The HA will ensure that proper authorization from the family is always obtained before making verification inquires.

#### **METHODS OF VERIFICATION AND TIME ALLOWED**

The HA will verify information through the four methods of verification acceptable to HUD in the following order:

1. Third-party Written
2. Third-party Oral
3. Review of Documents
4. Certification / Self-Declaration

The HA will allow 2 weeks for return of third-party verifications and 2 weeks to obtain other types of verifications before going to the next method.

For applicants, verifications may not be more than 60 days old at the time of Voucher issuance. For participants, they are valid for 120 days from date of receipt.

#### **Third-Party Written Verification**

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

Verifications received electronically directly from the source are considered third party written verifications.

Third-party verification forms will not be hand carried by the family under any circumstances, with the following exceptions:

**The HA will not accept verifications delivered by the family except computerized printouts from the following agencies:**

**Social Security Administration  
Veterans Administrations  
Welfare Assistance  
Unemployment Compensation Board  
City or County Courts**

### **Third-Party Oral Verification**

Oral third-party verification will be used when written third party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete a Certification of Document Viewed or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third-party verification is not available, the HA will compare the information to any documents provided by the family. If provided by telephone, the HA must originate the call.

### **Review of Documents**

In the event that third party written or oral verification is unavailable, or the information has not been verified by the third party within 4 weeks, the HA will note the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a Certification of Document Viewed or Person Contacted form

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

**Printed wage stubs**

**Computer printouts from the employer**

**Signed letters (provided that the information is confirmed by phone)**

**Other documents noted in the Chapter as acceptable verification**

The HA will accept Faxed documents

The HA will accept photocopies.

### **Self-Certification / Self-Declaration**

When third-party verification or review of documents cannot make verification, families will be required to submit a self-certification. Self-certification means a notarized statement, affidavit, or certification in addition to other information requested.

### **RELEASE OF INFORMATION**

The family will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization to Release Information. Each member requested to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature. Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information requested by the HA or HUD.

### **ITEMS TO BE VERIFIED**

- All income not specifically excluded by the regulations
- Zero-income status of household
- Full-time student including High School students who are 18 or over

- Current assets including assets disposed of for less than fair market value in proceeding two years.
- Childcare expense where it allows an adult family member to be employed or to further his/her education.
- Total medical expenses of all family members in household whose head or spouse is elderly or disabled.
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus, which allow an adult family member to be employed.

## **VERIFICATION OF INCOME**

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

### **Employment Income**

Verification forms request the employer to specify the: dates of employment, amount and frequency of pay, date of the last pay increase, likelihood of change of employment status and effective date of any known salary increase during the next 12 months, year to date earnings, estimated income for overtime, tips, bonus pay expected during next 12 months.

Acceptable methods of verification include, in this order:

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

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

Acceptable methods of verification include, in this order:

1. Benefit verification form completed by agency providing the benefits
2. Award or benefit notification letters prepared and signed by the providing agency
3. Bank statements for direct deposits

### **Unemployment Compensation**

Acceptable methods of verification include, in this order:

1. Verification form completed by the unemployment compensation agency
2. A computer printout from unemployment office stating payment dates and amounts
3. Payment stubs

### **Welfare Payments or General Assistance**

Acceptable methods of verification include, in this order:

1. HA verification form completed by payment provider
2. Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payments in the next 12 months

### **Alimony or Child Support Payments**

Acceptable methods of verification include, in this order:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules
2. A third party verified statement from the person paying the support
3. Clerk of Court-Support Division computer printout showing amount, schedule, and frequency

## **INCOME FROM ASSETS**

Acceptable methods of verification include, in this order:

### **Savings Account Interest Income and Dividends**

Will be verified by:

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

### **Interest Income from Mortgages or Similar Arrangements**

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months.
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or re-certification.

### **Net Rental Income from Property Owned by Family**

1. IRS Form 1040 with Schedule E
2. Copies of latest rent receipts, leases, or other documentation or rent amounts
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

## **VERIFICATION OF ASSETS**

### **Net Income from a Business**

In order to verify the net income from a business, the HA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040
2. 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.
3. Audited or un-audited financial statement(s) of the business
4. Credit report or loan application

5. Documents such as manifests, appointment books, cashbooks, bank statements, and receipts will be used as a guide for the prior six months to project income for the next 12 months.

### **Childcare Business**

If an applicant / participant is operating a licensed day care business, income will be verified as with any other business. If the applicant / participant is operating a “cash and carry” operation (which may or may not be licensed), the HA will require that the applicant / participant complete a form for each customer which indicates: name of person who child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it. The HA will conduct interim re-evaluations every 180 days and require the participant to provide a log with the information about customers and income.

If childcare services are terminated, a third-party verification will be sent to the parent whose child are cared for.

### **Fulltime Student Status**

Only the first \$480 of the earned income of full time students, other than head or spouse, will be counted towards family income. Financial aid, scholarships and grants received by full time students is not counted towards family income.

Verification of full time student status includes:

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

## **VERIFICATION OF ALLOWABLE DEDUCTINS FROM INCOME**

### **Childcare Expenses**

1. Written verification from the person who receives the payment is required. If the childcare provider is an individual, she/he must provide a statement of the amount they are charging the family for their services.
2. Verifications must specify the childcare provider’s name, address, telephone number, the names of the children cared for, the number of hours the childcare occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

### **Medical Expenses**

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

1. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of the anticipated medical costs to be incurred by the family and regular payments due on medical bills, and extent to which those expenses will be reimbursed by insurance or a government agency.

2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
3. Written confirmation from the Social Security Administration's written of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

## **VERIFYING NON-FINANCIAL FACTORS**

### **Verification of Legal Identity**

In order to prevent program abuse, the HA will require applicants to furnish verification of legal identity for all family members. The documents listed below will be considered acceptable verification of legal identity for adults and minors:

**Certificate of Birth, naturalization papers**  
**Church issued baptismal certificate**  
**U.S. military discharge (DD 214)**  
**Company / agency identification card**  
**Department of Motor Vehicles identification card**  
**Hospital records**  
**School records**  
**Adoption papers**  
**Custody agreement**  
**Health and Human Services ID**

### **Verification of Permanent Absence of Adult Member**

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

1. Husband and wife institutes divorce action
2. Husband and wife institutes legal separation
3. Order of protection/restraining order obtained
4. Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement
5. If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated

### **Verification of Change in Family Composition**

The HA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, and school records.

### **Verification of Disability**

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

### **Verification of Social Security Numbers**

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

- A driver's license
- Identification card issued by a Federal, State or local agency
- Identification card issued by a medical insurance company or provider
- An identification card issued by an employer or trade union
- An identification card issued by a medical insurance company
- Earnings statements or payroll stubs
- Bank Statements
- IRS Form 1099
- Benefit award letters from government agencies
- Retirement benefit letter
- Life insurance policies

## *Chapter 8*

### **VOUCHER ISSUANCE AND BRIEFINGS**

#### **INTRODUCTION**

The HA's objectives are to assure that families selected to participate are successful in obtaining an acceptable housing unit, and that they have sufficient knowledge to derive maximum benefit from the program and to comply with program requirements. When families have been determined to be eligible, the HA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, HA procedures, and how to lease a unit.

#### **ISSUANCE OF VOUCHERS [24 CFR 982.204(d), 982.54(d)(2)]**

When funding is available, the HA will issue Vouchers to applicants whose eligibility has been determined. The issuance of Vouchers must be within the dollar limitations set by the ACC budget. The number of Vouchers issued must ensure that the HA stays as close as possible to 100% lease-up. The HA performs a monthly calculation manually to determine whether applications can be processed, the number of Vouchers that can be issued, and to what extent the HA can over-issue.

#### **BRIEFING TYPES AND REQUIRED ATTENDANCE [24 CFR 982.301]**

##### **Initial Applicant Briefing**

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted by individual meetings. The person conducting the briefing will also describe how the program works and the relationship between the family and the owner, the family and the HA, and the HA and the owner.

#### **SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]**

**[24 CFR 982.313]**

##### **Leases Effective on or after October 2, 1995**

Security deposits charged by owners may be any amount the owner wishes to charge (but not more than one month's rent).

#### **TERM OF VOUCHER [24 CFR 982.303, 982.54(d)(11)]**

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

### **Expirations**

The Voucher is valid for a period of sixty calendar days from the date of issuance. The family must submit a Request for Lease Approval and Lease within the sixty-day period unless the extension has been granted by the HA. If the Voucher has expired, and has not been extended by the HA or expires after the extension, the family will be denied assistance. Their family will not be entitled to a review or hearing.

Extensions are permissible at the discretion of the HA up to a maximum of 60 additional days.

## *Chapter 9*

### **REQUEST FOR LEASE APPROVAL AND CONTRACT EXECUTION**

#### **INTRODUCTIN [24 CFR 982.305(a)]**

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

#### **REQUEST FOR LEASE APPROVAL [24 CFR 982.305(b)]**

The family must submit the Request for Lease Approval (RLA) and a copy of the proposed Lease during the term of the voucher. The RLA must be signed by both the owner and voucher holder. The request will be approved if:

1. The unit is an eligible type of housing
2. The unit meets HUD's Housing Quality Standards
3. The rent is reasonable
4. The proposed lease complies with HUD and HA requirements
5. The owner is approvable, and there are no conflicts of interest
6. The security deposit amount is approvable

#### **ELIGIBLE TYPES OF HOUSING [24 CFR 982.353, 982.54(d)(15)]**

The HA will approve any of the following types of housing in the voucher program:

- All structure types can be utilized
- Manufactured homes where the tenant leases the mobile home and the pad
- Independent group residences
- Congregate facilities
- Single room occupancy

#### **INITIAL INSPECTIONS [24 CFR 982.305(a) & (b)]**

See Chapter 10 "Housing Quality Standards and Inspections."

#### **CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]**

The HA prepares the Housing Assistance Contract for execution. The family and the owner will execute the Lease agreement, and the owner and the HA will execute the HAP Contract. Copies of the documents will be furnished to the parties who signed the respective documents.

For new owners, the documents are signed at a Briefing attended by the owner, family, and a representative of the HA. The briefing covers the responsibilities and roles of the three parties.

Owners must provide the current address of their residence. Owners must also provide an Employer Identification Number or Social Security Number, along with business and home telephone numbers.

**CHANGE IN OWNERSHIP**

A change in ownership does not require execution of a new contract.

The HA must receive a request by the old owner in order to change the HAP payee and/or the address to which payment is to be sent.

## *Chapter 10*

### **HOUSING QUALITY STANDARDS AND INSPECTIONS**

#### **INTRODUCTION**

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as the unit.

These minimum standards may be enhanced by the HA, provided that by doing so, the HA does not overly restrict the number of units available for lease under the program. The use of the term “HQS” in this Administrative Plan refers to the combination of both HUD and HA requirements. This Chapter describes the HA’s procedures for performing HQS and other types of inspections, and standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners.

#### **GUIDELINES / TYPES OF INSPECTIONS [24 CFR 982.401(a), 982.405]**

**All units must meet the minimum standards set forth in the Portland City Housing Authority Building / Housing Code. In cases of inconsistency between the Code and these HQS, the stricter of the two shall prevail.**

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards. All utilities must be in service when the unit is inspected.

These are five types of inspections the HA will perform:

1. Initial/Move-in: conducted upon receipt of Request for Lease Approval
2. Annual: must be conducted within 12 months of the anniversary date
3. Special/Complaint: at request of owner, family or an agency or third-party
4. Moved-out/ vacate: at the landlord’s request if claim is to be submitted and always for contracts effective before 10/2/95 only
5. Quality Control: a quality control inspection will be conducted for at least 5% of all units, which have been inspected.

#### **INSPECTIONS**

The HA conducts an inspection in accordance with Housing Quality Standards at least annually, 60 to 90 days prior to the anniversary month of the contract. Special inspections may be scheduled between anniversary dates.

The landlord must correct HQS deficiencies, which cause a unit to fail, unless it fails for which the tenant is responsible. The family is only responsible for breaches of HQS, which are caused by: Non-payment of utilities paid by the family; not providing, or failing to maintain, appliances not provided by the owner; damages to the unit or premises caused by a household member or guest beyond normal wear and tear.

The family must allow the HA to inspect the unit at reasonable times with reasonable notice. Inspections will be conducted on business days only. Reasonable hours to conduct an inspection are between 8:00am and 4:00pm. The HA will notify the family at least 14 days prior to the inspection.

**Inspection:** The family and owner are notified of the date and time of the inspection at their re-certification appointment. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within 14 days. If the family does not contact the HA to reschedule the inspection, or if the family misses 2 inspection appointments, the HA will consider the family to have violated the agreement. Obligation and their assistance will be terminated in accordance with the termination procedures in the plan.

### **Time Standards for Repairs**

1. Emergency items which endanger the family's health or safety must be corrected within 24 hours of notification.
2. For non-emergency items, repairs must be made within 30 days.
3. For major repairs, the Executive Director may approve an extension beyond 30 days.

### **EMERGENCY REPAIR ITEMS [24 CFR 982.401(a)]**

The following items are considered of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the inspector.

- Lack of security for the unit
- Waterlogged ceiling in imminent danger of falling
- Major plumbing leaks or flooding
- Lack of functioning toilet
- Natural gas leak or fumes
- Electrical problem which could result in shock or fire
- No Heat when outside temperature is below 50 degrees and temperature inside unit is below 55 degrees
- Utilities not in service
- No running hot water
- Broken glass where someone could be injured
- Obstacle which prevents tenant's entrance or exit
- Infestation to be considered emergency at inspector's discretion

### **INITIAL HQS INSPECTION**

The Initial Inspection will be conducted to:

- Determine if the unit and property meet the HQS defined in this plan
- Document the current condition of the unit as a basis to evaluate whether the future conditions of the unit exceed normal wear and tear
- Document the information to be used for determination of rent-reasonableness

If the unit fails the initial HQS inspection, the family and/or owner will be advised to notify the HA once repairs are completed. On an initial inspection, the owner will be given up to 14 days to correct the items noted as Fail, at the Inspector's discretion, depending on the amount and complexity of work to be done.

## **QUALITY CONTROL INSPECTIONS**

The Executive Director to their designee on at least 5% of the units will perform Quality Control inspections for each inspector. The purpose of the Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

## *Chapter 11*

### **OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS**

#### **INTRODUCTION**

The HA is responsible to ensure that the rents charged by owners are reasonable based upon objective comparable in the rental market. When the HA has determined that the unit meets the minimum HQS, that the lease is approvable, and that the rent is reasonable, it will make timely payments to the owner and notify the owner of the procedures for rent adjustments in the Voucher program. This Chapter explains the HA's procedure for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.

#### **OWNER PAYMENT IN THE VOUCHER PROGRAM**

The maximum subsidy for each family is determined by the Payment Standard for the Voucher size issued to the family, less 30% of the family's Monthly Adjusted Income. The actual subsidy level could be less if the family is required to pay the Minimum Total Tenant Payment (10% of the family's Monthly Income".

The Voucher size issued to the family is based on the HA's Subsidy Standards. The payment standard for the family is based on the lesser of the Payment Standard for the Voucher size issued and the Payment Standard for the unit selected.

#### **MAKING PAYMENTS TO OWNERS**

Once the HAP Contract is executed, the HA begins processing payments to the landlord. The effective date and the amount of the HA payment is communicated in the contract with the landlord. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made monthly to the HAP register. Checks are disbursed by the Portland Housing Authority to the owner each month. Checks will only be disbursed on the first business day of each month.

#### **RENT REASONABLENESS DETERMINATION [24 CFR 882.106(b), 982.4]**

Rent Reasonableness determinations are made when units are placed under HAP Contract for the first time, and when an owner request a rent increase for the Voucher program.

For the Voucher program, the HA will determine and document on a case-by-case basis that the approved rent:

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

At least 2 comparable units will be used for each rent determination, one of which must be from the first category above if possible. All comparables must be based on the rent that the unit

would command if leased in the current market. The data for other unassisted units will be gathered from newspapers, realtors, and inquiries of owners, market surveys, and other available sources.

**PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 887.351(a)(b)]**

The payment Standard is initially set by the HA at the Fair Market Rent in effect at the time the Annual contributions Contract for the first increment of Voucher funding is approved by HUD. The Payment Standard is used to determine the maximum subsidy which can be paid by the HA on behalf of the family.

**ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 887.209(b), 887.351(c)(d)]**

Payment Standards may be adjusted to increase Housing Assistance Payments in order to keep families' rents affordable. The HA will not raise Payment Standards so high that the number of families that can be assisted under available funding is substantially reduced. Nor will the HA raise Standards if the need is solely to make "high end" units available to Voucher holders. The HA will review the Payment Standard annually to determine whether an adjustment should be made for some or all unit sizes. The Payment Standard will be reviewed according to HUD's requirements and this policy and if an increase is warranted, the payment standard will be adjusted within 80% of the current Fair Market Rent.

**RENT ADJUSTMENTS [24 CFR 882.108]**

Owners may not request rent adjustments in the Voucher Program to be effective prior to the expiration of the first year of the lease. Rent adjustments are effective:

With a sixty-day notice to the family and a copy to the HA. The HA will advise the family as to whether the rent is reasonable and shall approve or disapprove the rent increase.

## *Chapter 12*

### **RE-CERTIFICATIONS**

#### **INTRODUCTION**

HUD requires that the HA re-certify the income and household composition of all families at least annually. In addition, the HA is required to inspect the assisted unit at least annually. These activities must be coordinated to ensure that they are completed in accordance with the regulation. It is a HUD requirement that families report all changes in household composition, but the HA decides what other changes must be reported, and the procedures for reporting them. This Chapter defines the HA's policy for conducting annual re-certifications and coordinating the two annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

#### **ANNUAL ACTIVITIES [24 CFR 882.212(a), 887.355]**

There are two activities the HA must conduct on an annual basis. These activities will be coordinated whenever possible:

- Re-certification of Income and Family Composition
- HQS Inspection

The HA produces a monthly listing of units under contract to ensure that timely reviews of contract rent, housing quality, and factors related to Total Tenant Payment can be made. Requests for rent adjustments and other monetary changes will be transmitted to the Executive Director.

#### **ANNUAL RE-CERTIFICATION / RE-EXAMINATION [24 CFR 882.212(a), 887.355]**

Families are required to be re-certified at least annually. At the first interim or annual certification on or after June 19, 1995, family members must report and verify their U.S. citizenship/eligible immigrant status.

When families move to another dwelling unit:

- That anniversary date for the re-certification will not be changed. According to the starting date of the new contract, in order to keep the same date for the HQS inspection.

Income limits are not used as a test for continued eligibility at re-certification unless the family is moving under portability and changing their form of assistance.

#### **Documents Required from the Family**

In the notification letter to the family, the HA will include instructions for the family to bring the following:

- Documentation of income for all family members
- Documentation of all assets
- Documentation of any medical deductions or allowances

### **Tenant Rent Increases**

If tenant increases, a thirty-day notice is mailed to the family prior to the anniversary date. If less than thirty days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the month following the thirty-day notice. If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the anniversary date.

### **REPORTING INTERIM CHANGES [24 CFR 882.212(b), 887.357]**

HUD requires program participants to report all changes in household composition to the HA between annual re-examinations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain HA approval prior to all other additions to the household. Interim reporting is conducted for the below reasons:

- Increases in Income
- Decreases in Income
- HA Errors
- Other Interim Reporting Issues (An interim re-examination will be scheduled for families with zero or unstable income every 120 days.)

### **NOTIFICATION OF RESULTS OR RE-CERTIFICATIONS**

The HUD Form 50058 will be completed and transmitted (on-line) as required by HUD. The Notice of Rent Change is mailed to the owner and the tenant. Signatures are required by the HA. If the family disagrees with the rent adjustment they may request an informal hearing.

### **REPORTING OF CHANGES IN FAMILY COMPOSITION** **[24 CFR 882.213, 887.359(a)(b)]**

All changes in family composition must be reported within 10 days of the occurrence.

#### **Increase in Family Size**

Increases other than by birth, adoption or legal custody arrangement must have the prior approval of the owner and the HA.

If the addition would result in over crowding according to HQS maximum occupancy standards: The HA will issue a larger Voucher for the additions to the family in the following cases:

- Addition by marriage
- Addition of a minor who is a member of the nuclear family who had been living elsewhere
- Addition of an HA-approved live-in attendant
- Addition due to birth, adoption or legal custody arrangement

## *Chapter 13*

### **MOVES WITH CONTINUED ASSISTANCE / PORTABILITY**

#### **INTRODUCTION**

HUD regulations permit families to move with continued assistance to another unit within the HA's jurisdiction, or to unit outside of the HA's jurisdiction under Portability procedures. The regulations also allow the HA the discretion to develop policies which define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of, the HA's jurisdiction, and the policies for restriction and limitations on moves.

#### **ALLOWABLE MOVES**

A family may move to a new unit if:

1. The assisted lease for the old unit has terminated because of the HA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.
2. The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family.
3. The family has given proper notice of lease termination (if the family has a right to terminate) notice to the owner.

#### **RESTRICTIONS ON MOVES [24 CFR 982.314, 982.552]**

- Families will not be permitted to move within the HA's jurisdiction during the Initial year of assisted occupancy.
- Families will not be permitted to move outside the HA's jurisdiction under portability procedures during the Initial year of assisted occupancy.
- Families will not be permitted to move more than once in a 12-month period.

The Executive Director may make exceptions to these restrictions if there is an emergency reason for the move, over which the participant has no control.

#### **PROCEDURES FOR MOVES**

##### **Notice Requirements**

The family must give the owner the required number of days written notice of intent to vacate specified in the lease and must give a copy to the HA simultaneously.

#### **PORTABILITY [24 CFR 982.353]**

Portability applies to families moving out of or into the HA's jurisdiction within the United States and its territories. Under portability, families are eligible to receive assistance to lease a unit outside of the Initial HA's jurisdiction. The unit may be located:

- In the same state as the Initial HA
- In the same metropolitan statistical area as the Initial HA, but in a different state
- In an MSA adjacent to the MSA of the Initial HA, but in a different state
- In the jurisdiction of the HA anywhere within the US that administers a tenant based program

### **OUTGOING PORTABILITY [24 CFR 982.353, 982.255]**

When a family requests to move to outside of the HA's jurisdiction, the request must specify the area to which the family wants to move.

If the family is moving to a unit located in the same state as the Initial HA, in the same MSA, but in a different state, or in an adjacent MSA in a different state, and there is not an HA in the area where the unit is located, the Initial HA will be responsible for the administration of the family's assistance.

### **Restrictions on Portability**

1. Families will not be permitted to exercise portability during the Initial 12 month period after admission to the program, if neither the head or spouse had a domicile (legal residence) in the HA's jurisdiction at the date of their Initial application for assistance.
2. If the family is in violation of a family obligation.
3. If the family owes money to the HA.

### **Payment to the Receiving HA**

The HA will requisition funds from HUD based on the anticipated lease-ups of portable Vouchers in other HA's jurisdictions. Payments for families in other jurisdictions will be made to other HA's when billed or in accordance with other HUD approved procedures for payment. When billed, the HA will reimburse the receiving HA for 100% of the Housing Assistance Payment.

### **INCOMING PORTABILITY [24 CFR 982.354, 982.255]**

#### **Absorption or Administration**

The HA will accept a family with a valid Voucher from another jurisdiction and administer or absorb the Voucher. If administering, the family will be issued a "Portability" Voucher by the HA with the same start date. The HA may grant extensions in accordance with this Administrative Plan.

The HA may absorb Vouchers if such absorption does not exceed 10% of households assisted. When the receiving HA does not absorb the incoming Voucher, it will administer the Initial HA's Voucher and the receiving HA's policies will prevail.

The HA will issue a "Portability Voucher" according to its own Subsidy Standards. If the family has a change in family composition which would change the Voucher size, the HA will change to the proper size based on its own Subsidy Standards.

The HA will decide whether to extend the “Portability Voucher” and for what period of time. The HA’s policy on suspensions will apply. However, if the family decides not to lease-up in the HA’s jurisdiction, the family must request an extension from the Initial HA.

### **Required Documents**

As receiving HA, the HA will require the following documents from the initial HA:

1. A copy of the family’s Voucher, with issue and expiration dates, formally acknowledging the family’s ability to move under portability.
2. The most recent HUD 50058 form and verifications.
3. Declarations and verifications of U.S. citizenship / eligible immigrant status.
4. Persons designated for inquiries on eligibility and billing.
5. The Administrative Fee Schedule for billing purposes

### **Billing Procedures**

As receiving HA, the HA will bill the Initial HA monthly for Housing Assistance Payments. The billing cycle for other amounts, including Administrative Fees and Special Claims will be monthly unless requested otherwise by the Initial HA. The HA will bill 100% of the Housing Assistance Payments, 100% of Special Claims, and 80% of the Administrative Fee and any other HUD-approved fees, for each “Portability” Voucher leased as of the first day of the month.

## *Chapter 14*

### **CONTRACT TERMINATIONS**

#### **INTRODUCTION**

The Housing Assistance Payments (HAP) Contract is the contract between the owner and the HA which defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by the HA and the owner, and the policies and procedures for such terminations.

#### **CONTRACT TERMINATION**

The term of the HAP Contract is the same as the term of the lease. The Contract between the owner and the HA may be terminated by the HA, or by the owner or tenant terminating the lease. No future subsidy payments on behalf of the family will be made by the HA to the owner after the month in which the Contract is terminated. The owner must reimburse the HA for any subsidies paid by the HA for any period after the contract termination date.

If the family continues to occupy the unit after the Section 8 contract is terminated, the family is responsible for the total amount of rent due to the owner. After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

#### **TERMINATION BY THE FAMILY: MOVES [24 CFR 982.314(c)(2)]**

The lease stipulates that the family cannot move from the unit until after the first year of the lease. The notice period to the landlord is determined by the lease, but may not exceed 60 days. Following the first year of the current lease in place, the HA requires 30 day written notice to owner and a copy to the HA by the family.

#### **TERMINATION BY THE OWNER: EVICTION [24 CFR 982.310, 982.455]**

If the owner wishes to terminate the lease, the owner is required to evict, using the notice procedures in the HUD regulations and State/Local Law. The owner must provide the HA with a copy of the eviction notice.

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The contract and lease require that the owner may only evict for:

1. Serious or repeated violations of the lease
2. Violations federal, state or local law related to occupancy of the unit
3. Other good cause, including:
  - a. Criminal activity by the tenant, and member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to

- peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises.
- b. Any drug-related criminal activity on or near the premises
  - c. Tenant history of disturbance of neighbors, destruction of property, or behavior resulting in damage to the premises.
4. Other good cause, after the first year of the lease, includes
- a. Business or economic reason from regaining possession
  - b. Owner's desire to repossess unit for personal use
  - c. Tenant's refusal to accept offer of a new lease

The eviction notice must specify the cause for the eviction.

**TERMINATION OF THE CONTRACT BY HA [24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]**

The term of the HAP contract terminates when the lease terminates, when the HA terminates program assistance for the family, and when the owner has breached the HAP contract. The owner will consider any of the following actions a breach of contract:

- The owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit to HQS standards, including any standards the HA has adopted in this policy.
- The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal program.
- The owner has engaged in drug trafficking.
- The owner has engaged in or threatened abusive or violent behavior towards the HA personnel

## *Chapter 15*

### **DENIAL OF TERMINATION OF ASSISTANCE**

#### **INTRODUCTION**

The HA may deny or terminate assistance for a family because of the family's action or failure to act. The HA will provide families with a written description of the Family Obligations under the program, the grounds under which the HA can deny or terminate assistance, and the HA's informal hearing procedures. This Chapter describes when the HA is required to deny or terminate assistance, and the HA's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP Contract.

#### **GROUNDINGS FOR DENIAL / TERMINATION [24 CFR 982.552, 982.553]**

If denial or termination is based upon behavior resulting from a disability, the HA will delay the denial or termination in order to determine if there is an accommodation which would meet negate, the behavior resulting from the disability.

#### **Form of Denial / Termination**

Denial of assistance for an applicant may include any or all of the following:

1. Denial for placement on the HA waiting list
2. Denying or withdrawing a voucher
3. Refusing to enter into a HAP Contract or approve lease
4. Refusing to process or provide assistance under portability procedures

Termination of assistance for a participant may include any or all of the following:

1. Refusing to enter into a HAP Contract or approve a lease
2. Termination housing assistance payments under an outstanding HAP Contract
3. Refusing to process or provide assistance under portability procedures

#### **Mandatory Denial and Termination [24 CFR 982.552(10)(d)]**

The HA must deny assistance to applicants, and terminate assistance for participants:

- If any member of the family fails to sign and submit HUD or HA required consent forms for obtaining information
- If no member of the family is a U.S. citizen or eligible immigrant
- If the family is under contract and 180 days have elapsed since the HA's last housing assistance payment was made

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

The HA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

1. The family violates any family obligation under the program
2. Any member of the family has even been evicted from public housing
3. The family currently owes rent or other amounts to the HA or to another HA in connection with Section 8 or public housing assistance.

4. The family has not reimbursed any HA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease
5. The family breached an agreement with an HA to pay amounts owed to an HA, or amounts paid to an owner by an HA
6. the family has engaged in or threatened abusive or violent behavior toward HA personnel

## *Chapter 16*

### **COMPLAINTS AND APPEALS**

#### **INTRODUCTION**

The informal hearing requirements defined in HUD regulation are applicable to participating families who disagree with an action, decision, or inaction of the HA. This Chapter describes the policies, procedures and standards to be used when families disagree with a HA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the HA to ensure that all families have the benefit of all protections due to them under the law.

#### **COMPLAINTS TO THE HA**

The HA will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. The HA may require that complaints other than HQS violations be put in writing. HQS complaints may be reported by telephone. All complaints will be referred to the Executive Director.

#### **INFORMAL REVIEW PROCEDURES FOR APPLICANTS [24 CFR 982.549(d)(12), 982.554]**

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. When the HA determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

- The reason(s) they are ineligible
- The procedure for requesting a review if the applicant does not agree with the decision
- The time limit for requesting a review

#### **Procedure for Review**

A request for an Informal Review must be received in writing by the close of the business day, not later than 10 working days from the date of the HA's notification denial of assistance. The informal review will be scheduled within 7 days from the date the request is received. The review will either be conducted by the Executive Director and/or Board Member.

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

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

- The proposed action or decision of the HA
- The date the proposed action or decision will take place
- The family's right to an explanation of the basis for the HA's decision

- The procedures for requesting a hearing if the family disputes the action or decision
- The time limit for requesting the hearing

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

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment
- Appropriate utility allowance used from schedule
- Family unit size determination under HA subsidy standards
- Determination to terminate assistance for any reason
- Determination to terminate a family's FSS contract, withhold supportive services, or propose forfeiture of the family's escrow account.

### **Notification of Hearing**

It is the HA's obligation to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the HA will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When the HA receives a request for an informal hearing, a hearing shall be scheduled within 30 days.

### **The HA's Hearing Procedures**

After a hearing date is agreed to, the family may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. If a family does not appear at a scheduled hearing and has not rescheduled the hearing in advance, the family must contact the HA within 48 hours, excluding weekends and holidays. The HA will reschedule the hearing only if the family can show good cause for the failure to appear.

Families have the right to:

- Present written or oral objections to the HA's determination
- Examine the documents in the file which are the basis for the HA's action, and all documents submitted to the Executive Director
- Copy and relevant documents at their expense
- Present any information or witnesses pertinent to the issue of the hearing
- Request the HA staff be available or present at the hearing to answer questions pertinent to the cause
- Be represented by legal counsel, advocate, or other designated representative at their own expense
- Examine and copy any documents to be used by the family prior to the hearing
- Have its attorney present
- Have staff persons and other witnesses familiar with the case present

The informal hearing shall be conducted by the Hearing Officer/Board Member appointed by the HA who is neither the person who made or approved the decision, not a subordinate of that person. The HA appoints hearing officers who are Board Members

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

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 HA shall take effect and another hearing will not be granted. The Hearing Officer will determine whether the action, inaction or decision of the HA is legal in accordance with HUD regulations and the Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of evidence presented at the hearing.

A notice of the Hearing Findings shall be provided in writing to the HA and the family within 10 days.