

# **HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN**

**HOUSING AUTHORITY  
OF CLACKAMAS COUNTY, OREGON**



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# **ADMINISTRATIVE PLAN**

## **For the Housing Choice Voucher Program**

Operated By The  
Housing Authority of Clackamas County

### **I.**

#### ***NONDISCRIMINATION AND ACCESSIBILITY***

##### **A. Compliance with Civil Rights Laws**

1. It is the policy of the Housing Authority of Clackamas County (HACC) to comply with all applicable laws relating to Civil rights, including:

Title VI of the Civil Rights Act of 1964;

Title VIII of the Civil rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988);

Executive Order 11063;

Section 504 of the Rehabilitation Act of 1973;

The Age Discrimination Act of 1975;

The Fair Housing Act

Title II of the Americans with Disabilities Act

Any applicable State Laws or local ordinances; and

Any legislation protecting the individual rights of tenants, applicants or staff that may subsequently be enacted.

2. HACC shall not discriminate because of race, color, national origin, sex, religion, sexual orientation, marital status, familial status, age or disability in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under HACC's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended. HACC will affirmatively further fair housing

in the administration of the Housing Choice Voucher program, as required by 903.7(o).

- 3.** HACC shall not, on account of race, color, national origin, sex, religion, sexual orientation, marital status, familial status, age or disability:
  - (a)** Deny to any family the opportunity to apply for housing, or deny to any qualified applicant the opportunity to lease housing suitable to its needs;
  - (b)** Provide housing which is different from that provided others, except when necessary to accommodate a tenant's special needs or as provided by law;
  - (c)** Subject a person to segregation or disparate treatment;
  - (d)** Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
  - (e)** Treat a person differently in determining eligibility or other requirements for admission;
  - (f)** Deny a person access to the same level of services; or
  - (g)** Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

## **B. Accessibility and Language**

- 1.** Facilities and programs used by residents must be accessible. Application and management offices, hearing rooms, community centers, laundry facilities, craft and game rooms, etc., must be available for use by residents with a full range of disabilities. If these facilities are not already accessible (and located on accessible routes), some will be made so, subject to the undue financial and administrative burden test. As an alternative, if the HACC has several comparable facilities or programs, some of which are accessible and some of which are not accessible, the HACC can provide accessible transport that will permit a resident to use an accessible facility or participate in an accessible program at other than the building where the resident lives.
- 2.** Documents intended for use by applicants and residents will be made available, as needed and as requested, in formats accessible for those with vision or hearing impairments. Equally important, the documents will be written as simply and clearly as possible to enable applicants with learning or cognitive disabilities to better understand. Documents may be translated into languages other than English as needed.
- 3.** HACC is committed to equal treatment of all persons, and believes that no qualified individual with disability should, solely on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any of our programs. In addition to the

efforts described above, HACC will, when requested and when needed to ensure that HACC programs are nondiscriminatory, take the following appropriate measures:

- (a) Make documents available in alternate formats, such as Braille, audiotape, large print, or computer disk;
  - (b) Utilize barrier-free meeting places;
  - (c) Make available readers and amanuenses;
  - (d) Make available accessibility features for the hearing and visually impaired;
  - (e) Consider any other reasonable request for accommodation.
4. HACC's Executive Director will be responsible for making the final decision regarding what constitutes a fundamental alteration in the nature of a program or activity, or an undue financial and administrative burden, resulting from Section 504 regulations. The Executive Director or his designee will coordinate compliance with the nondiscrimination requirements of the Act. Complaints alleging actions prohibited by the Act should be tendered to the Executive Director. A grievance procedure has been established to provide for the prompt and equitable resolution of such complaints.

### **C. Reasonable Accommodation Process**

#### **1. Notification of Availability of Reasonable Accommodation**

Information of the availability of reasonable accommodations will be provided to all families at the time of application. All applicants will be given the form named the **“Notice Of The Availability Of Reasonable Accommodations”**. (This information will also be provided at any time upon request).

At the time of interview, applicants will be given the form **“Notice Of The Availability Of Reasonable Accommodations- Housing Choice Voucher Program”**. Housing Choice Voucher Participants will also be sent this form with their annual reexam letters.

#### **2. Notification of Right to Request a Reasonable Accommodation**

Information regarding reasonable accommodation will be provided on all letters, notices and memos when the Housing Authority is taking any adverse actions toward an applicant or participant. This includes letters of denial, termination and failure to respond or comply.

### 3. Processing the Request for a Reasonable Accommodation

The applicant or participant may make a request for a reasonable accommodation. The **“Request For A Reasonable Accommodation”** form is provided for this purpose. If the applicant or participant is unable to fill out this form, Housing Authority staff will assist. Also, if the request is submitted in some other way, the request will still be considered.

- (a) If the file already establishes the individual’s disability (SSI, SSD), go to #2.

If the file does not provide documentation of the disability, verification may be sought through use of the **“Letter Of 504 Disability Verification”**. Once verification is obtained, go to (b).

If verification of disability cannot be obtained the request will be denied and the applicant or participant will be offered an informal hearing. This will give them the opportunity to provide more information in support of the request.

- (b) Verification may be sought through the use of the **“Letter Of 504 Reasonable Accommodation Verification”** sent to the person named on the request. If verification is obtained that the accommodation is related to the disability and would enable the disabled individual to equally participate in the program, go to (c).

If the response does not verify that the accommodation is related to the disability or will provide for equal participation, the applicant or participant will be notified and offered the opportunity to provide more information in support of the request.

- (c) Is the requested accommodation reasonable?

If yes, complete Part 1 of the **“Approval Process Of 504 Reasonable Accommodation Request”** and submit with the supporting documents and file to the 504 Coordinator.

If no, the request will be denied and the applicant or participant will be notified.

4. The 504 Coordinator or designee will review the request with supporting documents and files and complete Part 2 of the **“Approval Process”** form. Additional input may be sought from staff with respect to options for making the accommodation.

5. If the request is approved the applicant or participant will be advised.

**D. Marketing**

1. It is the policy of HACC to conduct outreach as needed to maintain an adequate application pool representative of the eligible population in the area. Outreach efforts will take into consideration the level of vacancy in the HACC's units, availability of units through turnover, and waiting list characteristics. HACC will periodically assess these factors in order to determine the need for and scope of any marketing efforts.
2. Marketing and informational materials will be subject to the following:
  - (a) All marketing materials must comply with Fair Housing Act requirements with respect to wording, logo, size of type, etc. as well as affirmative fair housing marketing requirements;
  - (b) Marketing will describe the housing units, application process, waiting list and preference structure accurately;
  - (c) Marketing will be written as simply and clearly as possible and will additionally use other than strictly English-language print media;
  - (d) An effort will be made to target all agencies that serve and advocate for potentially qualified applicants (e.g., persons with disabilities, to ensure that people who can best take advantage of the accessible and adaptable features of the units are made aware of available housing);
  - (e) Marketing materials will make clear who is eligible;
  - (f) HACC's responsibility to provide reasonable accommodations to people with disabilities will be made clear.



## **II.**

### **DEFINITIONS AND PROCEDURES USED IN DETERMINING INCOME AND RENT**

#### **A. Annual Income**

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

1. The full amount before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
2. The net income from 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 shall 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 family for cash or assets invested in the business;
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall 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 to reimburse the family for cash or assets invested in the property.

When the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.

4. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and

similar types of periodic receipts; (see subsection B.13. below for treatment of delayed or deferred periodic payment of Social Security or Supplemental Security Income benefits);

5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, (see subsection B.3. below concerning treatment of lump-sum additions as family assets);
6. All Welfare Assistance or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments (including assistance provided under the TANF program) received by or on behalf of any family member;
7. Assistance payments from any other source (e.g., from social services agencies, churches, etc.);
8. Periodic and determinable allowances, such as alimony and child support payments, and regular cash contributions or gifts received from persons not residing in the dwelling;
9. All regular pay, special pay, and allowances of a family member in the Armed Forces (see subsection B.7. below concerning pay for exposure to hostile fire).

## **B. Annual Income Exclusions**

Annual Income does not include the following:

1. Income from the employment of children (including foster children) under the age of 18 years;
2. Payment received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
3. Lump sum or delayed 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 property losses (see subsections A.4., and A.5., and B.14. of this Section);
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, provided the person meets the definition of a live-in aide (see Section III of this policy);

- 6.** The full amount of student financial assistance paid directly to the student or the educational institution;
- 7.** The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- 8.** The amounts received from the following:
  - (a)** Amounts received under HUD-funded training;
  - (b)** Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - (c)** Amounts received by participants in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program;
  - (d)** Amounts received under a resident services stipend. A resident services stipend is a modest amount (not to exceed \$200/month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the HACC Board of Commissioners. No resident may receive more than one such stipend during the same period of time;
  - (e)** 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 the local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives. The exclusion period covers the time during which the family member participates in the training program.
- 9.** Increases in annual income from a qualifying family:
  - (a)** Whose annual income increased as a result of employment of a family member who is eighteen years old or older with disabilities and who was previously unemployed for one or more years prior to employment. “Previously unemployed”, for the purposes of this section, includes a person who has earned, in the previous twelve months, no more than

would be received for 10 hours of work per week for 50 weeks at the established minimum wage. The calculation will be made by multiplying 500 hours times the current minimum wage. The minimum wage on this date, 1/2/2003, is \$6.90 per hour, making the threshold amount \$3,450. This amount will automatically be revised whenever there is a change in the minimum wage.

- (b)** Whose annual income increases was a result of increased earnings by a family member who is eighteen years old or older with disabilities during participation in any economic self-sufficiency or other job training program; or
- (c)** Whose annual income increases, as a result of new employment or increased earnings of a family member who is eighteen years old or older with disabilities, during or within six months after receiving assistance, benefits, or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) AND Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance, provided that the total amount over a six-month period is at least \$500.

  - (i) Initial twelve-month exclusion. During the cumulative twelve month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the HACC must exclude from annual income of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.
  - (ii) Second twelve month exclusion and phase-in. During the second cumulative twelve month period after the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

**(iii)** Maximum four year disallowance. The disallowance of increased income of an individual family member who is a person with disabilities as provided in paragraph 17(A) or 17(B) is limited to a lifetime 48 month period. The disallowance only applies for a maximum of twelve months for disallowance under paragraph 17(A) and a maximum of twelve months for disallowance under paragraph 17(B), during the 48 month period starting from the initial exclusion under paragraph 17(A) of this section.

**(d)** Inapplicability to admission. The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

- 10.** Temporary, non-recurring, or sporadic income (including gifts);
- 11.** Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the nazi era;
- 12.** Earnings (including employment compensation benefits) in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household, spouse or co-head);
- 13.** Adoption assistance payments in excess of \$480 per adopted child;
- 14.** Deferred periodic payments of Supplemental Security Income and Social Security benefits;
- 15.** Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
- 16.** Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
- 17.** Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. These exclusions now include:
  - (a)** The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 [7 USC 2017(b)];

- (b)** Payments to volunteers under the Domestic Volunteer Service Act of 1973 [42 USC 5044(g), 5058];

Examples of programs under this Act include but are not limited to:

- (i)** the Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;
  - (ii)** National volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs;
  - (iii)** Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE);
- (c)** Payments received under the Alaska Native Claims Settlement Act [43 USC 1626(c)];
  - (d)** Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes [25 USC 459(e)];
  - (e)** Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program [42 USC 8624(f)];
  - (f)** Payments received under programs funded in whole or in part under the Job Training Partnership Act [29 USC 1552(b)]; (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 USC 2931);
  - (g)** Income derived from the disposition of funds of the Grand River Band of Ottawa Indians [Pub. L. 94-540, 90 Stat 2503-04];
  - (h)** The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interest of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interest held in such trust or restricted lands [25 USC 1407-08];
  - (i)** Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or

under the Bureau of Indian Affairs student assistance programs [20 USC 1087(uu)];

- 1 Examples of Title IV programs include but are not limited to: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.
- (j)** Payments received from programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)];
  - 1 Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.
- (k)** Payments received after January 1, 1989, from Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the "In Re Agent Orange" product liability litigation, M.D.L. No. 381 (E.D.N.Y.);
- (l)** Payments received under the Maine Indian Claims Settlement Act of 1980 [25 USC 1721];
- (m)** The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 [42 USC 9858 (q)];
- (n)** Earned income tax credit (EITC) refund payments received on or after January 1, 1991 [26 USC 32(j)];
- (o)** Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);
- (p)** Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 USC 12637(d));
- (q)** Any allowance paid under the provisions of 38 USC 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 USC 1805);

- (r) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 USC 10602); and
- (s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 USC. 2931).

### C. Adjusted Income

Adjusted Income (the income upon which rent is based) means annual income less the following deductions and exemptions:

#### 1. **For All Families**

- (a) **Child Care Expenses.** A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only when such care is necessary to enable a family member to actively seek employment, to be gainfully employed or to further his/her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. When child care is charged by the hour, an allowance will be made only for the number of hours actually worked or for the number of hours required to be at school. An allowance for reasonable travel time will also be allowed.
- (b) **Dependent Deduction.** An exemption of \$480 for each member of the family residing in the household (other than the head of household, or spouse, live-in aide, or foster child) who is under eighteen years of age or who is eighteen years of age or older and has a disability, or is a full-time student.
- (c) **Disability Assistance Expenses.** Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member, and that are necessary to enable a family member (including the disabled family member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. This allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.

Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for the visually handicapped, and equipment added to cars and vans to permit their use by family members with disabilities.

- (i) For non-elderly families and elderly families without medical expenses: The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and equipment less three percent of annual income, provided the amount so calculated does not exceed the employment income earned.
- (ii) For elderly families with medical expenses: The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and equipment less three percent of annual income (provided the amount so calculated does not exceed the employment income earned) PLUS medical expenses as defined below.

## **2. For Elderly and Disabled Families Only**

- (a) **Medical Expenses Deduction.** A deduction of unreimbursed medical expenses, including insurance premiums, anticipated for the period for which annual income is computed.

Medical expenses include but are not limited to: services of physicians and other health care professionals, services of health care facilities, insurance premiums (including the cost of Medicare), prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. Additional guidance on acceptable medical deductions may be sought from information provided by the US Department of Treasury/IRS. To be considered by HACC for the purpose of determining a deduction from income the expenses claimed must be verifiable.

- (i) For elderly families without disability expenses: the amount of the deduction shall equal total medical expenses less three percent of annual income.
  - (ii) For elderly families with both disability and medical expenses: the amount of the deduction is calculated as described in paragraph 1.(c)(ii) above.
- (b) **Elderly/Disabled Household Exemption.** An exemption of \$400 per household.

## **D. Annualization of Income**

If it is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income), or the HACC believes that past income is the best available indicator of expected future income, the HACC may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

**E. Assets -- (Net Family Assets)**

Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interest in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.

In determining net family assets, HACC shall include the value of any business or family assets disposed of by an applicant or participant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or re-examination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than market value if the applicant or participant receives important consideration not measurable in dollar terms.

**F. Minimum Rent**

The amount established by the Housing Authority, up to a maximum of \$50. For the voucher program, the monthly housing assistance payment shall be reduced as may be necessary to ensure payment of an established minimum rent amount. At this time, HACC retains the minimum rent at 0 (zero).

There are certain exemptions to the minimum rent requirements for hardship circumstances. Generally, hardship includes the following situations:

1. The family has lost eligibility or is awaiting an eligibility determination for a Federal, State or local assistance program;

2. The family would be evicted as a result of the imposition of the minimum rent requirement;
3. The income of the family has decreased because of changed circumstances, including loss of employment;
4. A death in the family has occurred; and
5. Other circumstances, as determined by HACC or HUD.

All affected families have been notified of their right to request a minimum rent hardship exemption and that the hardship determinations are subject to the Housing Authority's informal hearing procedure. All affected families eligible for a hardship exemption have been reimbursed for any overpayment made.

**G. Tenant Rent**

The amount payable monthly by the family as rent to the owner.

**H. Utility Allowance**

An amount determined by the Housing Authority as an allowance for the cost of utilities. Utilities include water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection and sewer services. Telephone and cable services are not included as a utility. This allowance is used when a family is responsible for the cost of some or all of the utilities.

## **I. Utility Reimbursement**

In the HCV program, the portion of the housing assistance payment which exceeds the amount of the rent to owner.

### III.

## **DEFINITIONS OF OTHER TERMS USED IN THIS PLAN**

**1937 Housing Act** -- The United States Housing Act of 1937 [42 U.S.C. 1437 et seq.]

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

**ACC** -- Annual Contributions Contract.

**Accessible Dwelling Units** -- When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical handicaps. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 & 40 [the Uniform Federal Accessibility Standards (UFAS)] is "accessible" within the meaning of this paragraph.

When an individual dwelling unit in an existing facility is being modified as a reasonable accommodation for use by a specific individual, the unit will not be deemed accessible even though it meets the standards that address the impairment of that individual, unless the unit also meets the UFAS standards.

**Accessible Facility** -- Means all or any portion of a facility, other than an individual dwelling unit, used by individuals with disabilities.

**Accessible Route** -- For persons with a mobility impairment, a continuous unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards. For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility.

**Adaptability** -- Ability to change certain elements in a dwelling unit to accommodate the needs of persons with disabilities (such as kitchen counters, sinks, grab bars, etc.).

**Administrative Fee** -- The fee paid by HUD to the PHA for the administration of the program.

**Administrative Plan** -- The Plan that describes HACC's policies for the administration of the Housing Choice Voucher Program.

**Admission** -- The effective date of the first housing assistance payment (HAP) contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

**Adult** -- A household member who is 18 years or older or who is the head of the household, or spouse, or co-head. An adult must have the legal capacity to enter a lease under State and local law.

**Allowances** -- Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly families, disability expenses, and child care expenses for children under 13 years of age. Other allowances can be given at the discretion of the housing authority.

**Alteration** -- Any change in a facility or its permanent fixtures or equipment. It does not include: normal maintenance or repairs, re-roofing, interior decoration or changes to mechanical systems.

**Amortization Payment** -- In a manufactured home space rental, the monthly debt service payment by the family to amortize the purchase price of the manufactured home. If furniture was included in the purchase price, the debt service must be reduced by 15% to exclude the cost of the furniture. The amortization cost is the initial financing, not refinancing. Set-up charges may be included in the monthly amortization payment.

### **Anniversary Date**

1. When the effective date of the current lease, is the first day of the month, the anniversary date is that same date each year.
2. When the effective date of a current lease is any day other than the first day of the month, the anniversary date is the first day of the following month each year.

**Annual Contributions Contract (ACC)** -- A written agreement between HUD and the Housing Authority to provide annual contributions to the Housing Authority for housing assistance payments and administrative fees.

**Applicant** -- An applicant is a family who has applied for admission to a program and:

1. Who does not yet have an executed housing assistance payments contract; or

2. Who has had an executed contract in the past, but has had a lapse in assistance of more than 120 consecutive days.

An applicant is any family who is not a participant (see definition in this section of this Plan).

**Assets** -- see net family assets.

**Asset Income** -- Income received from assets held by household members. If assets total more than \$5,000, income from the assets is "imputed" and the greater of actual asset income and imputed asset income is counted in annual income.

**Assisted Lease (Lease)** -- A written agreement between an owner and a family for the leasing of a dwelling unit to the family. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the housing authority.

**Auxiliary Aids** -- Means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities.

**Child** -- For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age.

**Citizen** -- A citizen or national of the United States.

**Co-Head** -- An individual in the household who is equally responsible for the lease with the head of the household.

**Common Space** -- In shared housing, space available for use by the assisted family and other occupants of the unit.

**Congregate Housing** -- Housing with a shared central kitchen and dining area and a private living area for the individual household of at least a living room, bedroom and bathroom. This is housing for elderly persons or persons with disabilities.

**Consent Form** -- Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participants to determine eligibility or level of benefits.

**Continuously Assisted** -- A family is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act

program at the time the family is admitted to the voucher program. A family will be considered continuously assisted so long as there is not a lapse in assistance of more than 120 days.

**Contract Rent** -- The total amount of rent payable by the HACC and the family to the owner for an assisted unit. In the case of the rental of only a manufactured home space, contract rent is the total rent specified in the HAP contract as payable by HACC and the tenant to the owner of the rental space, including fees or charges for management and maintenance services with respect to the space, but excluding utility charges for the manufactured home.

**Contract Term** -- Leases and contracts will be started effective the date HACC receives them back in the office, executed by both the family and owner, unless a later date has been specified and mutually agreed upon by the parties involved. The contract will be signed by the Executive Director or his designee, dated with the same date as when the papers were received. The lease and contract will remain in effect until they are terminated for any of the reasons listed in Section XIII of this Plan.

**Covered Families** -- Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

**Decent, Safe, Sanitary and Good Repair Housing** -- Housing that meets the housing quality standards.

**Dependent** -- A member of the family household (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability , or is a full-time student.

To be considered a member of the family household, a dependent must reside with the applicant/participant family at least 51% of the time, except in the case where a joint custody agreement gives each parent custody of the child for 50% of the time, and where the child actually resides with the parent at least 50 % of the time. This arrangement must be through a divorce decree and/or a court order. In no instance will both parents be allowed to include the "joint custody dependent" as a member of each family's household.

**Disabled Family** -- A family whose head, spouse, co-head, or sole member is a person with disabilities. (Person with disabilities is defined later in this section.) The term includes two or more persons with disabilities living together, and one or more such persons living with one or more persons including a live-in aide or an essential member to the household, determined to be essential to the care and well-being of the person or persons with disabilities. A disabled family may include persons with

disabilities who are elderly and other family members who are not disabled. For purposes of qualifying for housing assistance, this definition does not include a person whose disability is based solely on any drug or alcohol dependence.

**Disabled Person** -- See “Person with Disabilities” definition in this Section.

**Displaced by Domestic Violence** -- An applicant has vacated a housing unit because of domestic violence, or the applicant lives in a housing unit with a person who engages in domestic violence.

**Displaced Family** -- A family or single person displaced or about to be displaced by governmental action or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise recognized pursuant to Federal disaster relief laws. Lodgers may not be included in the displaced family. This definition is used for eligibility determinations only.

**Domestic Violence** -- Actual or threatened physical violence directed against one or more members of the applicant or participant family, by a spouse or other member of the household.

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

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

**Drug-Related Criminal Activity** -- This term means:

1. Drug trafficking; or
2. Illegal use, or possession for personal use, of a drug.

**Drug Trafficking** -- The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a drug.

**Economic Self-Sufficiency Program** -- Any program designed to encourage, assist, train or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

**Elderly Family** -- A family whose head, spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

**Elderly Person** -- A person who is at least 62 years of age.

**Eligible Family** -- A family (as defined in this section) which, at the time it initially receives assistance under the Housing Choice Voucher program, meets the requirements set forth in Section VI.A., and

1. Is a very low-income family;
2. Is a low-income family that is continuously assisted under the 1937 Housing Act;
3. A low-income family that meets additional eligibility criteria specified in the PHA administrative plan. Such additional PHA criteria must be consistent with the PHA plan and with the consolidated plans for local governments in the PHA jurisdiction;
4. A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 (HOPE for public housing homeownership) or HOPE 2 (HOPE for homeownership of multifamily units) project. (Section 8(o)(4)(D) of the 1937 Act (42 U.S.C. 1437f(o)(4)(d));
5. A low-income or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract under 24 CFR 248.165
6. A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a project subject to a resident homeownership program under 248.173 of this title.

**Essential Member to the Household** -- A person necessarily residing with an elderly or disabled person for the mental health and welfare of the family member. The income of the essential member will be counted in determining the family's rent. This person may be considered the remaining member of the family. The necessity for such an arrangement must be evidenced by a doctor's certificate, or must be deemed essential and so certified, by Mental Health or an other responsible source. Under no circumstances will such an arrangement be permitted solely for the convenience of the family. This provision is applicable both for admission and continued occupancy.

**Exception Rent** -- An amount that exceeds the published fair market rent. The HACC may adopt a payment standard up to the exception rent limit approved by HUD. (See FMR\exception rent limit definition in this Section.)

**Extremely Low-Income Family** -- A family whose annual income does not exceed 30% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

**Fair Housing Act** -- Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.).

**Fair Market Rent** -- The rent, including utilities (except telephone or cable), ranges and refrigerators, and all maintenance, management, and other services which, as determined at least annually by HUD, would be required to be paid in order to obtain privately owned, existing, decent, safe, and sanitary rental housing of modest (non-luxury) nature, with suitable amenities. FMRs are established by HUD, by bedroom size, and are published periodically in the Federal Register (See FMR\exception rent limit definition in this Section).

**Fair Share Allocation Housing Vouchers** -- Vouchers applied for by the housing authority through a Notice of Funding Availability, which announces available budget authority based on a fair share (by State) formula allocation. Applications are ranked using competitive selection criteria.

**Family** -- A family includes:

1. A group of two or more persons who will live together on a regular basis in the same dwelling unit. (A regular basis is one where there is a present intent to live together for an indefinite period of time. The mere sharing of housing accommodations solely to qualify for rental assistance, or solely for the convenience of the parties, is not acceptable). A child who is temporarily away from the home because of placement in foster care is considered a member of the family; or
2. A single person who is 62 years of age or over; or
3. A single person who is disabled; or
4. A single person who is displaced; or
5. The remaining member of the family; or
6. A single woman who is pregnant; or
7. A single person who is in the process of securing legal custody of any individual under the age of 18 years; or
8. All other single persons.

HACC will not permit others who are currently living in independent circumstances, and have done so for a period of more than six months to move in with the participating family. Such persons may apply for housing by joining the waiting list in the order described in Section IV, and will not receive preference due to relatives currently participating in any of HACC's housing programs. Exceptions will be allowed for the parents of the head of household or spouse who move in with the family on a permanent basis because they require the care of their family in order to maintain an existence outside of a nursing home. This requirement must be documented by a letter from a physician. If the family member moved from the unit and wishes to return, he/she will be allowed to move back in only once. Waivers to this provision may be requested from the Housing Authority.

**Family Members** -- include all household members except live-in aides, foster children and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the HUD-50058 form.

**Family Rent to Owner** -- In the voucher program, the portion of rent to owner paid by the family. It is calculated by subtracting the amount of the housing assistance payment to the owner from the rent to owner.

**Family Self-Sufficiency (FSS) Program** -- The program established by the HACC to promote self-sufficiency of assisted families, including the providing of supportive services.

**Family Share** -- The portion of rent and utilities paid by the family. It is calculated by subtracting the amount of the HAP from the gross rent.

**Family Unit Size** -- The appropriate number of bedrooms for a family, as determined by the HACC under the subsidy standards.

**50058 Form** -- The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and re-certification process, and, at the option of the housing authority, for interim reexaminations.

**FMR\Exception Rent Limit** -- The Section 8 existing fair market rent published by HUD Headquarters, or any exception rent. For a tenancy in the voucher program, the HACC may adopt a payment standard up to the FMR\exception rent limit.

**Full-Time Student** -- A person who is attending school or vocational training on a full time basis.

**Gross Rent** -- The total monthly cost of housing an eligible family, which is the sum of the rent to the owner plus any utility allowance for the assisted unit. In the case of

rental of only a manufactured home space, gross rent also includes the family's monthly payment to amortize the purchase price of the manufactured home.

**Head of Household** -- The adult member of the household so designated by the family.

**Household Members** -- include all individuals who reside or will reside in the unit and who are listed on the lease, including live-in aides, foster children and foster adults.

**Housing Assistance Payment (HAP)** -- The monthly assistance by a housing authority, which includes (1) a payment to the owner for rent to the owner under the family's lease, and (2) an additional payment to the family if the total assistance payment exceeds the rent to owner.

**Housing Assistance Payments Contract** -- A written contract between the Housing Authority and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible family.

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

**Housing Voucher** -- A document issued by a housing authority to a family selected for admission to the Voucher Program. This document describes the program and the procedures for housing authority approval of a unit selected by the family. The voucher also states the obligations of the family under the program.

**Housing Voucher Holder** -- A family that has an unexpired housing voucher.

**HUD** -- The United States Department of Housing and Urban Development or its designee. HUD may dispense money to local housing authorities that in turn administer the Public Housing program in their jurisdictions, in conformance with the rules, regulations and criteria established by HUD.

**Imputed Income** -- For households with net family assets of more than \$5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used in determining annual income.

**Imputed Welfare Income** -- The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

**Income Category** -- Designates a family's income range. There are three categories: low-income, very low-income and extremely low-income.

**Incremental Income** -- The increased portion of income between the total amount of welfare and earnings of a family member prior to enrollment in a training program and welfare and earnings of the family member after enrollment in the training program. All other amounts, increases and decreases, are treated in the usual manner in determining annual income.

**“Individual with Disabilities” -- (Section 504 definition)**

The Section 504 definitions of “Individual with Disabilities” and “Qualified Individual with Disabilities” are not the definitions used to determine program eligibility. Instead, use the definition of “Person with Disabilities” as defined later in this section.

“Individual with Disabilities” means any person who has:

1. A physical or mental impairment which:
  - (a) substantially limits one or more major life activities;
  - (b) has a record of such an impairment; or
  - (c) is regarded as having such an impairment.
2. The term does not include any individual who is currently engaging in the illegal use of drugs.
3. As used in this definition the phrase:
  - (a) **“physical or mental impairment”** means any physiological disorder or condition, cosmetic 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, or specific learning disabilities.

The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

- (b) **“Major life activities”** means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

- (c) **“Has a record of such an impairment”** means having a history of, or having been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- (d) **“Is regarded as having an impairment”** means:
  - (i) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by others as constituting such a limitation;
  - (ii) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
  - (iii) Has none of the impairments defined in this section but is treated by others as having such an impairment.

4. The 504 definition of individual with disabilities is a civil rights definition. To be considered for admission to public housing a person must meet the program definition of person with disabilities found in this section.

**Initial PHA** -- In portability, the term refers to both:

1. A PHA that originally selected a family that subsequently decides to move out of the jurisdiction of the selecting PHA.
2. A PHA that absorbed a family that subsequently decides to move out of the jurisdiction of the absorbing PHA.

**Initial Lease Term** -- The initial term of the assisted lease. The initial lease term must be for at least one year.

**Initial Payment Standard** -- The payment standard at the beginning of the HAP contract term.

**Initial Rent to Owner** -- The rent to owner at the beginning of the initial HAP contract term and the initial lease term.

**Interim Reexamination** -- A reexamination of a household's income, expenses, and household status conducted between the annual recertifications when a change in a household's circumstances warrant such a reexamination.

**Jurisdiction** -- The area in which a Housing Authority is not legally barred from entering into a Housing Choice Voucher contract. In the case of the HACC, the jurisdiction includes all areas within the boundaries of Clackamas County.

**Lease** -- A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the

dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the HACC.

**Lease Addendum** -- HUD-provided forms that contain the required lease language.

**Legal Capacity** -- The participant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

**Live-in-Aide** -- A person who resides with an elderly person(s) or person(s) with disabilities and who:

1. is determined by HACC to be essential to the care and well being of the person(s);
2. is not obligated to support the participant who requires care; and
3. would not be living in the unit except to provide necessary supportive services.

HACC policy on live-in-aides stipulates that:

1. Before a live-in-aide may be moved into a unit, a third-party verification must be supplied that establishes the need for such care and the fact that the person cared for will be able to remain in the unit and comply with the lease terms as the result of such care;
2. Move-in of a live-in-aide must not result in overcrowding of the existing unit except in extraordinary and temporary circumstances, as approved by the HACC (although, a reasonable accommodation for a resident with a disability may be to move the family to a larger unit);
3. Live-in-aides have no right to the voucher as a remaining member of a participant family even when the live-in-aide is a relative of the tenant renting the unit;
4. The income of a live-in-aide is not counted in determining the family's rent;
5. A live-in-aide can be a single person. A live-in-aide with a family may also be considered, provided that the addition of the live-in-aide's family does not result in overcrowding of the existing unit. The family of the live-in-aide will not be considered when assigning the voucher bedroom size according to the subsidizing standards. The members of the live-in-aide's family must meet the owner's screening criteria;
6. Relatives who satisfy the definitions and stipulations herein may qualify as a live-in-aide but only if they sign a statement prior to moving in, acknowledging no rights to the unit as the remaining member of a participant family;
7. A live-in-aide will be required to meet the owner's screening requirements with respect to past behavior, especially:

- (a) A record of disturbance of neighbors, destruction of property, or of living or housekeeping habits, at present or at prior residences, which may adversely affect the health, safety, or welfare of other residents, neighbors or staff, or cause damage to the unit or the premises; and
  - (b) Criminal activity such as crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity.
8. A live-in-aide and any family members must pass HACC's criminal background screening as described in Section VI. G.

**Low-Income Family** -- A family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80% of the median for the area on the basis of HUD's findings that such variations are necessary because of unusually high or low family incomes.

**Mainstream Housing Vouchers** -- Voucher assistance targeted to persons with disabilities (elderly and non-elderly). Also called "Mainstream Housing Opportunities for Persons with Disabilities".

**Merger Date** -- October 1, 1999.

**Minor** -- A minor is a person under the age of 18 years old. An unborn child will not be considered as a minor. (See definition of dependent.) Some minors are permitted to execute contracts, provided a court declares them "emancipated".

**Manufactured Home** -- A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS.

**Manufactured Home Space** -- In manufactured home space rental, a space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space.

**National** -- A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

**Near-Elderly Family** -- Means a family whose head, spouse, or sole member is a near-elderly person (at least 50 but less than 62 years of age). The term includes two or more near-elderly persons living together, and one or more such persons living with one or more persons who are determined to be essential to the care or well-being of the near-elderly person or persons. A near-elderly family may include other family members who are not near-elderly.

**Near-Elderly Person** -- Means a person who is at least 50 years of age but below 62, who may be a person with a disability.

**Notice Of Funding Availability (NOFA)** -- For budget authority that HUD distributes by competitive process or by lottery, the Federal Register document that invites applications for funding. This document explains how to apply for assistance and the criteria for awarding the funding.

**Overcrowded** -- Living in a situation where there is not at least one sleeping room or living/sleeping room of appropriate size for each two persons in the household. The subsidy standards described in Section VI.D. of this Plan apply to this definition.

**Owner** -- Any person or entity, including a cooperative, having the legal right to lease existing housing.

**Participant** -- A family that has been admitted to the PHA's program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (first day of initial lease).

**Payment Standard** -- In a voucher tenancy, the maximum subsidy payment for a family (before deducting the family share). For a voucher tenancy, the HACC sets a payment standard in the range from 90% to 110% of the current FMR rent.

**Person with Disabilities --**

1. Means:
  - A. A person who has a disability as defined 42 U.S.C. 423; or
  - B. Is determined, pursuant to HUD regulations, to have a physical, mental or emotional impairment that:
    - (i) Is expected to be of long, continued and indefinite duration,
    - (ii) Substantially impedes the person's ability to live independently, and
    - (iii) Is of such nature that such disability could be improved by more suitable housing conditions; or
2. Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.
3. For the purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.
4. Means "individual with handicaps" as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

**Portability --** The renting of a dwelling unit with Housing Choice Voucher tenant-based assistance outside the jurisdiction of the initial PHA.

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

**Private Space --** In shared housing, the portion of a contract unit that is for the exclusive use of an assisted family.

**Preservation --** This program encourages owners of eligible multifamily housing projects to preserve low-income housing affordability and availability while reducing the long-term cost of providing rental assistance. The program offers several approaches to restructuring the debt of properties developed with project-based Section 8 assistance whose HAP contracts are about to expire.

**Proration of Assistance --** The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance.

**PHA (Public Housing Agency)** -- Any state, county, municipality or other governmental entity or public body which is authorized to administer the program (or an agency or instrumentality if such an entity).

**PHA Plan** -- The annual plan and the 5-year plan as adopted by the HACC and approved by HUD.

**Program** -- The Section 8 tenant-based assistance program, under the Housing Choice Voucher regulations (24 CFR Part 982).

**Program Receipts** -- HUD payments to the PHA under the consolidated ACC, and any other amounts received by the PHA in connection with the program.

**Reasonable Rent** -- A rent to owner that is not more than either:

1. Rent charged for comparable units in the private unassisted market: or
2. Rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

**Receiving PHA** -- A PHA administering a Housing Choice Voucher program that accepts a voucher holder or voucher participant from another PHA, and does not absorb the family into their program. The receiving PHA issues a voucher and provides program assistance to the family.

**Recertification** -- A reexamination of a household's income, expenses, and family composition to determine the household's rent for the following 12 months.

**Remaining Family Member** -- An individual remains eligible for participation after the rest of the family is no longer part of the household for any reason, even if the remaining family member would not ordinarily be eligible as an applicant (the person must be able to legally enter into a lease agreement). A live-in-aide may not be a remaining family member. An essential member to the household may be a remaining family member.

**Rent to Owner** -- The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities for which the owner is required to provide and pay.

**Responsible Entity** -- The PHA administering the program under an Annual Contributions Contract with HUD.

**Set-up Charges** -- In a manufactured home space rental, charges payable by the family for assembling, skirting and anchoring the manufactured home.

**Shared Housing** -- A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family.

**Single Person** -- A person who lives alone, or intends to live alone, and who is not an elderly person, a person with disabilities, a displaced person, or the remaining member of a resident family.

**Single Room Occupancy (SRO Housing)** -- A unit which contains no sanitary facilities or food preparation facilities, or which contains one but not both types of facilities, and which is suitable for occupancy by a single eligible individual capable of independent living.

**Special Admission** -- Admission of an applicant that is not on the HACC waiting list or without considering the applicant's waiting list position.

**Special Housing Types** -- Special housing types include: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

**Specified Welfare Benefit Reduction** -- A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

"Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

1. At the expiration of a lifetime or other time limit on the payment of welfare benefits;
2. Because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or
3. Because a family member has not complied with other welfare agency requirements.

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

**Subsidy Standards** -- Standards established by the HACC to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

**Suspension** -- See definition below for tolling.

**Tenant** -- The person or persons (other than a live-in-aide) who executes the lease as lessee of the dwelling unit.

**Third-Party Verification** -- Oral or written confirmation of a household's income, expenses, or household composition provided directly by a source outside the household, such as an employer, doctor, school official, etc.

**Tolling** -- A process in which the term of the voucher is suspended, allowing a voucher holder who turns in a request for tenancy approval to have the "clock stopped" on the maximum 120 day term of the voucher. The tolling period is from the time the family submits a request for HACC's approval to lease a unit, until the time HACC approves or denies the request.

**Uniform Federal Accessibility Standards** -- Standards for the design, construction, and alteration of publicly owned residential structures to insure that physically handicapped persons will have ready access to, and use of, such structures. The standards are set forth in Appendix A to 24 CFR Part 40. See cross reference in 504 regulations, [24 CFR Part 8.32(a)].

**Utilities** -- Utilities means electricity, gas, other heating, refrigeration and cooking fuels, trash collection, water, and sewer services. Telephone and cable services are not included as a utility.

**Utility Allowance** -- If the cost of utilities and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made by HACC of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

**Utility Hook-Up Charge** -- In a manufactured home space rental, the costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

**Utility Reimbursement** -- In the voucher program, the portion of the housing assistance payment that exceeds the amount of the rent to owner.

**Verification** -- The process of obtaining statements from individuals who can attest to the accuracy of the amounts of income, expenses, or household member status (e.g., employers, public assistance agency staff, doctors). The three types of verification are:

1. Third-party verification, either written or oral, obtained from employers, public assistance agencies, schools, etc.
2. Documentation such as a copy of a birth certificate or bank statement
3. Family certification or declaration (only used when third-party or documentation verification is not available)

**Very Low-Income Family** -- A family whose annual income does not exceed 50 percent of the median annual income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

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

**Voucher** -- A document issued by the HACC to a family selected for admission to the Housing Choice Voucher Program. This document describes the program and the procedures for housing authority approval of a unit selected by the family and states the obligations of the family under the program.

**Voucher Contract** -- A written contract between the HACC and an owner in which the HACC agrees to make housing assistance payments to the owner on behalf of the eligible family.

**Voucher Holder** -- A family holding a voucher with an unexpired term (search time).

**Waiting List Admission** -- An admission from the HACC waiting list.

**Welfare Assistance** -- All Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments (including assistance provided under the TANF program) received by or on behalf of any family member.

**Welfare -To-Work (WTW) Families** -- Families assisted with voucher funding awarded under the HUD welfare-to-work voucher program.

## **IV.**

### **OUTREACH TO FAMILIES AND OWNERS**

#### **A. Opening and Closing the Waiting List**

When the HACC opens the Housing Choice Voucher waiting list they will do so by giving public notice. The notice will state that families may apply for tenant-based assistance and will state where and when to apply, as well as any limitations on who may apply. The notice will also state the period of time that the waiting list will remain open.

The notice will be published in local newspapers of general circulation, including minority media. Notices will also be sent to agencies that deal with families who may be eligible for the Housing Choice Voucher program.

Some or all of the following newspapers will be utilized:

- Hispanic News
- The Skanner
- The Portland Observer
- The Oregonian
- The Clackamas County News
- Gresham Outlook
- Molalla Pioneer
- Canby Herald
- The Community Ear

Some or all of the following agencies will be utilized:

- Easter Seal Society
- Access of Oregon
- Molalla Service Center
- Oregon Pathways Web Site
- Clackamas County Mental Health
- Clackamas County Social Services
- Cable Station for Clackamas County
- Adult and Family Services -- all area branches
- Kendall Community Center
- Housing Authority of Washington County
- Housing Authority of Portland
- Housing Authority of Clackamas County Home Page
- International Refugee Center

ETBS  
Estacada Family Resource Center  
Sandy Community Action Agency  
Oregon Relay Service  
Clackamas Disability Services Improvement Task Force  
Creative Employment  
Vision Northwest  
Rehab Institute of Oregon  
Multiple Sclerosis Society of Portland

The waiting list may be closed when the HACC determines that the waiting list contains an adequate pool of applicants. At no time will the waiting list contain less than a twelve month pool of applicants. The waiting list will always remain open for those applicants who qualify for a preference, as described in Section V.A. of this Plan.

In addition to waiting list admissions an applicant for participation may also qualify as a special admission. Special admissions are when assistance is targeted by HUD. These circumstances are described in Section 982.203. HACC will maintain records for all families who are admitted with HUD-targeted assistance.

If housing availability should fall below acceptable levels, efforts will be made to enlist owners' participation in the program by a direct mailing effort, advertising in the local newspapers and owner education seminars.

Using the strategies described in the preceding paragraph, in addition to other appropriate resources, HACC will encourage participation by owners of units located outside known areas of poverty or minority concentration. All such areas will be identified and relative information will be given to voucher holders, as part of their briefing packet (see section VII.C.) and Housing Choice Voucher orientation. This information will include, but not be limited to: Maps which show areas with housing opportunities outside areas of poverty and minority concentration, both within HACC's jurisdiction as well as within neighboring jurisdictions; information about the characteristics of these areas, which may include information about job opportunities, schools, transportation and other services; and, information on portability and the full range of areas where they may look for housing. HUD approval for exception rents will be sought for areas where it can be shown that the rents are too high for Housing Choice Voucher participants to afford.

## **B. Receipt of Applications**

1. When the waiting list is open, pre-applications will be accepted from all families seeking admission to the HACC's Housing Choice Voucher program. Upon receipt, each pre-application will be date and time stamped.

The pre-application is the basic record of each family applying for assistance. Incomplete pre-applications will not be accepted by the Housing Authority, but will be returned to the applicant, with a request for the required information. In the event the Housing Authority returns the incomplete pre-application, the receipt date and time for placement on the waiting list will be the date and time the Housing Authority receives the completed application. Except for pre-applications classified as ineligible or withdrawn, each completed pre-application, together with all other materials relating to the family's eligibility, priority, preference ratings, etc., will be maintained in an active file.

2. The Housing Authority will give to applicants determined to be ineligible for assistance written notification of the basis for such determination, and will advise the applicant of the process to obtain an informal review of the decision. The request from the applicant for an informal review must be made within 30 days from the date of the written determination.
3. When a determination has been made that an applicant is eligible and has satisfied all requirements for admission, the applicant will be notified of the anticipated amount of time before their name will reach the top of the waiting list. Included in this notification, will be the stipulation that the applicant must contact the Housing Authority with any changes to their pre-application. HACC will make every effort to accurately estimate the anticipated date, however the date given by HACC does not mean that applicants should expect to be receive housing assistance by that date. The availability of a voucher to offer a family is contingent upon various factors not directly controlled by HACC, such as turnover rates, the housing rental market and available funding.
4. All entries in an applicant's file are made in the computer system.
5. Should the Housing Authority need to contact the applicant family prior to the family nearing the top of the waiting list, either a letter will be sent to the applicant's last known address, or a phone call will be placed to the applicant's last known telephone number. If there is no response within 30 days of the date of the attempted contact, HACC will follow the same process as described in Section VI.C.6.(b) of this Plan.



## **V.**

### ***PREFERENCES AND WAITING LIST***

Consistent with HACC's Agency Plan that became effective on July 1, 2004, HACC will select families in accordance with the following preferences, which were based on local housing needs and priorities.

#### **A. List of Preferences**

Those families who qualify for a preference will be placed on the waiting list above those families who do not qualify for a preference. All preferences will carry the same weight and they will not be aggregated. The preferences are as follows:

1. This preference applies to applications received prior to February 3, 2009. 10% of all vouchers will be targeted to survivors/victims of domestic violence. A separate listing or coding will be kept identifying those on the waiting list who self certify that they are eligible for this preference. When names of eligible families are selected from the waiting list to be sent "good news letters", 10% of those families sent good news letters will be taken from the domestic violence (DV) preference list. (At no time will more than 10% from the DV Preference list be selected.) Anyone receiving this preference must not allow the abuser to become a member of the assisted household and they must sign a certification to this effect. A violation of this certification will be grounds for termination of rental assistance.

Effective July 1, 2009, no more than 24 Families within a fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup>) who have been referred by Clackamas Women Services Shelter (CWSS), or other pre-approved HACC domestic violence emergency or temporary shelters, as victims of domestic violence and who have identified the abuser and who continue to be in counseling or case management through CWSS or another HACC approved shelter or professionally recognized counseling organization as recommended by CWSS and approved by HACC. Persons identified as the abuser cannot be a member of the applicant household. Anyone receiving this preference must not allow the abuser to become a member of the assisted household and they must sign a certification to this effect. A violation of this certification will be grounds for termination of rental assistance. The domestic violence program or shelter must apply to and be qualified by HACC to be a referring agency. To apply, a program must serve Clackamas County homeless families; provide assigned one-on-one case management to the victim while in emergency or temporary housing; provide

six months of follow-up case management upon victim leaving the facility and offer not less than one year of assistance with housing-related issues.

- 2.** 75 Mainstream vouchers dedicated to disabled families.
- 3.** Families who are underhoused in our public housing program and there is not an appropriately sized unit available in that program.
- 4.** Eligible families displaced from Housing Authority owned units due to rehabilitation work.
- 5.** Other eligible families displaced by the Housing Authority due to the acquisition or sale of property.
- 6.** Families who have met the requirements for an emergency or administrative transfer but whose needs cannot be met within the Public Housing program.
- 7.** Families currently receiving rental assistance through the Shelter Plus Care program who 1) are losing assistance through that program due to loss of, or reduction of, funding for the supportive services required by the program or 2) have successfully completed the goals and objectives of their Treatment Plan or their Case Management Plan
- 8.** Families eligible for 20 vouchers dedicated per FY to referrals from the Bridges to Housing Program and have met the Bridges to Housing Programs participation requirements for at least 6 months.
- 9.** Families eligible for a maximum of 20 dedicated vouchers per fiscal year (FY) (July 1<sup>st</sup> to June 30<sup>th</sup>) for referrals from an HACC identified transitional housing program for homeless families within Clackamas County that offer one-on-one case management for not less than 6 months following the family's exit from the transitional program, who have completed a Ready to Rent or equivalent program, and meet the HACC screening criteria. HACC will dedicate up to 4 vouchers to each transitional housing program in a fiscal year; however, if an agency cannot use all of their allotted vouchers by March 1, the vouchers may be redistributed to other participating programs. Unused Transitional Housing Vouchers do not carry over to the next fiscal year. The transitional housing program must apply to and be qualified by HACC to be a referring agency. To apply, a program must serve Clackamas County homeless families; provide assigned one-on-one case management while in transitional housing, provide six months of follow-up case management upon leaving the facility and offer not less than one year of assistance with housing-related issues.

10. Eligible Clackamas County families who have been displaced from their homes by a natural disaster as declared by the Federal, State or County government who have not been eligible for long term assistance including but not limited to federal assistance such as Federal Emergency Management Agency (FEMA), State or local government assistance, insurance settlements, or the like, and who face long term homelessness. Those families seeking any compensation or settlement that may come in the future may not apply until all legal recourse has been resolved. Families receiving temporary assistance such as motel vouchers may apply if no other legal negotiation for compensation is under consideration. This preference is limited to 20 Families in a fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup>). If at the time more families meet this preference than there are slots available, families will be selected within the preference category based on the date and time of their application to the Housing Authority for housing assistance. Unused Disaster Vouchers do not carry over to the next fiscal year.
11. *If awarded Family Unification Program vouchers, HACC will add the following preference:* Youth who are identified and referred by the State Welfare Agency to be eligible for the Family Unification Program.

**B. Order of Placement on the Waiting List**

The waiting list will be ordered by date and time of receipt of application, separated into two sections. The first section will be those families eligible for a preference, as described in the previous subsection A. The second section will be those families not eligible for a stated preference. Families within this second section will carry the same weight except that preference will be given to elderly, disabled, or displaced single person families over other single person families.

Upon request, an applicant shall be informed of his or her status on the waiting list. It is the responsibility of each applicant to inform the Housing Authority of any changes in their household circumstances, such as family size, income, address, telephone number, etc.

Section VI.C. of this Plan discusses opening and closing of the waiting list, the application process and the circumstances under which an applicant remains on, or is removed from, the waiting list.

### **C. Selection from the Waiting List**

Those families with a preference covered by subsections V.A.3. thru V.A.5. above will be selected first and issued the first form of assistance available. If none is available, they will remain on the preference section of the waiting list, in order of date and time of application.

Applicants must check the appropriate box on the pre-application and must certify by their signature that they qualify for the preference(s) checked, in order to be placed on the waiting list under preference section. If the "none" box is checked, or if all of the boxes are left blank, the pre-application will be placed under the no preference category. If one of the preference boxes is checked, but the certification is not signed, the pre-application will not be accepted, and will be returned to the applicant as incomplete. If the certification is signed, but a preference box is not checked, the pre-application will be returned to the applicant as incomplete, unless it is obvious from the information provided that the applicant is eligible for a particular preference. In this instance, the appropriate box will be checked and initialed by the Housing Services Supervisor.

At the time the Housing Authority is ready to certify and offer an applicant assistance on the basis of a preference, verification that the applicant qualifies for the particular preference will be obtained. This will be determined by the applicant's current circumstances, not necessarily their circumstances at the initial time of application. If this verification process determines that the applicant is not eligible for a preference, the pre-application will be returned to the appropriate section of the waiting list, as of the initial application date and time.

### **D. Changing Preference Status While on the Waiting List**

An applicant's eligibility or ineligibility for a preference may change while they are on the waiting list. All applicants are informed, by way of the pre-application, that they may claim eligibility for a preference at any time they are on the waiting list, should there be a change in their circumstances.

An applicant who wishes to change from non-preference status to preference status must complete and sign a preference certification form. This may be done in the Housing Authority Administration Office or a copy of the form will be sent to the applicant, upon request. Once the signed certification is received, the pre-application will be filed in the preference section of the waiting list, as of the initial application date.

An applicant on the waiting list will not be changed from preference status to non-preference status unless they inform the Housing Authority of their changing circumstances in writing.

**E. Denial of a Preference**

If an applicant certifies that they qualify for a preference, and the Housing Authority determines that the applicant does not meet the eligibility criteria, prompt, written notice of the determination will be sent to the applicant. This notice will contain a brief statement of the reasons for the determination and will provide the applicant with an opportunity to meet with the Housing Services Supervisor to review and discuss the determination. The applicant will have 30 days from the date of the written determination to request this meeting.

**F. Income Targeting, Deconcentration and Expanding Housing Opportunities**

Of the families initially provided tenant-based assistance, not less than 75% shall be families whose incomes do not exceed 30% of the area median income. The periods of income targeting shall coincide with the HACC's fiscal year (July 1st through June 30<sup>th</sup>). HACC will track the percentage of initial lease-up at or below 30% of the area median income. If the cumulative fiscal year percentage falls below 75%, HACC may offer vouchers only to applicants whose income is at or below 30% if necessary to meet federally mandated goals. If the household income of an applicant who receives a voucher during this period exceeds the 30% income limit at any time during the lease-up phase, the applicant will lose their voucher. The family's application will be returned to their original place on the waiting list.

Low poverty and high poverty census tracts will be identified and families will be encouraged to choose housing in areas out of areas of poverty or minority concentrations.

Portability and the full range of areas where a family may lease a unit will be thoroughly discussed during the briefing sessions. Additionally, owners of units located outside areas of poverty or minority concentrations will be encouraged to participate.

**G. Administration of Shared Housing Program**

1. The HACC will permit shared housing in its Housing Choice Voucher program. At any time HACC may change their decision to include shared housing in their program. If at a later date it is determined to not continue the shared housing program, any outstanding shared housing contracts which have been executed will continue to be honored.

- (a)** The gross rent will not exceed the pro-rata portion of the effective payment standard, or an approved exception rent. For example, the pro-rata portion would be 1/4 for a one-person family living in a four-bedroom.
- (b)** The applicable utility allowance will be figured on a pro-rata basis, as described in (a) above.
- (c)** Each family's total tenant payment and tenant rent will be figured in accordance with this Plan.
- (e)** The assisted unit, including all common space and private space, must meet the applicable housing quality standards.
- (f)** Common space may be shared; however, private space must be for the exclusive use of the assisted family.

## **VI.**

### ***ELIGIBILITY FOR ADMISSION AND PROCESSING OF APPLICATIONS***

#### **A. Criteria for Admission**

To be eligible for admissions and continued participation in HACC's Housing Choice Voucher program, a household must meet all of the following criteria:

1. Must qualify as a family, as defined in Section III of this Plan;
2. Annual Income must be within the applicable income limit, at the time of application, admission and for continued occupancy;
3. All members of the household who receive assistance are either citizens or eligible immigrants (See Section XV for applicability of "proration of assistance");
4. Must provide a Social Security number for all family members, age 6 or older, or can certify that they do not have Social Security numbers;
5. Must not have been evicted from Public Housing, Indian Housing, Section 23, or any Section 8 program because of drug-related criminal activity within the past 3 years. This requirement can be waived if the person demonstrates:
  - (a) Successful completion of a rehabilitation program approved by HACC, or
  - (b) The circumstances leading to the eviction no longer exist. For example, the person involved in drugs is no longer in the household because the person is incarcerated;
5. Must not have any outstanding debt owed to HACC within the past 7 years and must not owe any money to another housing authority and the money owing was in connection with the Federal Housing Act of 1937. Payment of outstanding balances is an opportunity for the applicant to demonstrate an improved track record. HACC will consider any balances owed within the past 7 years by the applicant for any program that HACC operates. It is expected that these balances be paid in full. Repayment of money owed will not necessarily permit placement on the wait list (see Section XIII, Termination, Denials, and Abatements of Assistance). If an applicant owing money is eligible for placement on the wait list, HACC may elect to enter a repayment agreement with the applicant. This agreement will allow for a specific amount of time for payment to be made. If paid in full by the specified date, the applicant will be

placed on the waiting list, based on their original date and time of application. If not paid in full by the specified date, the applicant will be denied placement on the waiting list. Placement on the waitlist for applicants with outstanding debt to other Housing Authorities would be dependent on an agreement being reached by HACC, the owed Housing Authority and the applicant.

- 7.** Must pass the Housing Authority's criminal history evaluation process, as described in subsection G of this Section, except if this is a transition from a successful S+C.
- 8.** There must not be reasonable cause to believe that a member of the family is illegally using (or has a pattern of illegally using) a drug, or abuses (or has a pattern of abusing) alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents; HACC may waive the policies prohibiting admission in these circumstances if the person demonstrates to HACC's satisfaction that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:
  - (a)** has successfully completed a supervised drug or alcohol rehabilitation program;
  - (b)** has otherwise been rehabilitated successfully; or
  - (c)** is participating in a supervised drug or alcohol rehabilitation program;
- 9.** No member of the family has been convicted of manufacturing or producing methamphetamine. HACC will permanently deny admission or will immediately and permanently terminate the tenancy of persons convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing; and
- 10.** No member of the household is subject to a lifetime registration requirement under a State sex offender registration program. HACC will permanently deny admission or will immediately and permanently terminate the tenancy of persons subject to a lifetime registration as a sex offender. HACC will perform necessary criminal history background checks in the State of Oregon and in other States where household members are known to have resided.

See Section XIII.C. for additional circumstances under which assistance may be denied or terminated.

## **B. Disclosure/Verification of Social Security Numbers**

- 1.** Social Security Numbers (SSN) must be verified for all family members six years of age or older *if* they have been issued a SSN. If they have not been issued a SSN, then a certification form stating this must be signed.
- 2.** If a family member has been assigned a SSN, then the number must be disclosed and verified. If an individual is able to disclose the SSN, but is unable to provide the necessary documentation, then a certification form stating this must be signed. The individual will have sixty days from the date the certification is signed to provide the required documentation. An additional 60-day extension may be granted if the individual is at least 62 years old and is unable to submit the required documentation within the initial 60-day period. No other extensions are allowed.
- 3.** If the required documentation has not been submitted prior to the 60- or 120-day deadline, the applicant will be denied eligibility and a participant's assistance will be terminated.
- 4.** An applicant may not become a participant unless each required family member discloses and documents their SSNs or, if a SSN has not been issued, the individual has signed a certification form.
- 5.** Disclosure of SSNs is required: Prior to applicants becoming participants; and for participants, at the next regularly scheduled (annual) reexam, except for the participants who add a new member to the household, six years of age or older, they will be required to disclose the SSN at the next interim or regularly scheduled reexam that includes the new member.
- 6.** Types of acceptable documentation:
  - (a)** A copy of the valid Social Security card, issued by the Social Security Administration.
  - (b)** A signed certification by the Housing Authority representative that states that the SSNs have been seen and which lists the valid numbers for each family member.
  - (c)** A copy of the Social Security award or benefit letter, or a Social Security benefit history report.
  - (d)** Verification from the Adult and Family Services Division, including food stamp cards and medical cards.
  - (e)** Verification from the Employment Division.

- (f) Other verification which is deemed valid and appropriate by the Housing Services Manager or designee.

Disclosure is only required one time, for each family member.

### **C. Organization of the Waiting List**

1. A single waiting list will be used for admission to the Housing Choice Voucher program. The waiting list will be ordered by date and time of receipt of application.
2. When the waiting list is open, pre-applications will be accepted from all eligible families.
3. The waiting list may be closed when the HACC determines that the waiting list contains an adequate pool of applicants. At no time will the waiting list contain less than a twelve month pool of applicants. The waiting list will always remain open for those applicants who qualify for a preference, as described in Section V.A. (3-8) of this Plan.
4. In addition to waiting list admissions an applicant may also qualify as a special admission. Special admissions are when assistance is targeted by HUD. These circumstances are described in Section 982.203. The HACC will maintain records for all families who are admitted with HUD-targeted assistance.
5. To apply for assistance an applicant must complete a pre-application. Applicants may either come in to the Housing Authority administrative office in person to obtain this pre-application form, or they can have the form mailed to them. The family will be asked to supply essential information to determine eligibility. At a minimum the pre-application will ask for:
  - (a) Family name, address and contact phone number;
  - (b) Name, date of birth, age, sex and social security number for all family members;
  - (c) Relation of each family member to the head of household;
  - (d) Source and amount of all family income and assets;
  - (e) Qualification and certification for a preference;
  - (f) Racial or ethnic designation of the head of household.

Upon receipt, the completed pre-application will be date and time stamped and the bedroom size of the unit for which the family qualifies will be determined

and recorded. Based on the information provided, the applicant will be notified in writing either of the anticipated amount of time before their name will reach the top of the waiting list, or of their ineligibility and the reasons why. Ineligible applicants will be informed at this time of their right to an informal review on the determination of ineligibility and the appropriate steps to take should they decide to request such a review (see Section XIV of this Plan).

**6.** All applications will remain in the "active" file unless:

- (a)** It is withdrawn at the applicant's request.
- (b)** The applicant cannot be contacted at the time that a voucher becomes available. The Housing Authority shall notify an applicant of an available voucher by sending a letter to the applicant's last known address. The response time shall be limited to 10 days from the date of the letter. If the applicant does not respond, a second, written notice will be sent. This notice will inform the family that because there was no response to the first attempted contact, their application will be filed inactive. This notice will allow the family 30 days to request an informal review. If the first written notice is returned as undeliverable, with no forwarding address, the second notice will not be sent (see subparagraph (c) below).
  - (i)** If the family has attempted no contact within 30 days of the date of the second notice, the application will be filed inactive.
  - (ii)** If a notice has been returned with a forwarding address, HACC will send the notice to the new address and allow the family an additional 10 days to respond.
  - (iii)** If a notice has been returned as undeliverable, with no forwarding address, the application will be filed inactive. However, if the family contacts HACC within 90 days of the date of the returned notice, the application will be reactivated and the family's application will be placed back on the waiting list by the original date and time applied.
- (c)** Updated and verified information at the time of the interview appointment determines that the applicant is ineligible.
- (d)** The applicant declines the offer of assistance under the voucher program, unless the reason is for good cause and it is approved by the Housing Services Manager or designee.

Examples of good cause related to an applicant's willingness to accept an offer of assistance, but is unable to continue with the application process at the time of the offer include:

- (i) A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on final application) or live-in aide necessary to the care of the principal household member;
- (ii) The family head, spouse or sole member is serving on an impaneled jury.

It is the responsibility of each applicant to inform the Housing Authority of any change of status, address, telephone number, etc.

Unless otherwise stated, an application will be filed inactive in any of the above events. Re-application will be necessary if the family wishes to again be considered for housing assistance.

HACC's decision to withdraw from the waiting list the name of an applicant family that includes a person with disabilities is subject to reasonable accommodation (24 CFR part 8). If the applicant did not respond to the HACC's request for information or updates because of the family member's disability, the HACC will reinstate the applicant in the family's original position on the waiting list.

#### **D. Subsidy Standards**

The number of bedrooms designated for the family on their voucher will be in accordance with the following:

1. Each unit is intended for single family occupancy;
2. The bedroom size assigned will generally require two persons per bedroom, but no more than two;
3. The bedroom size assigned will not require persons of the opposite sex or of different generational levels (i.e., child, parent, grandparent), other than couples, to occupy the same bedroom;
4. Children will be assigned separate rooms from their parents;
5. Two siblings of the same sex, regardless of age, will be assigned one bedroom;
6. The following will be approved for assignment of separate bedrooms:
  - (a) Two adults (each 21 or older) related by blood, if a parent does not live with them;

- (b) A couple requiring separate bedrooms due to medical reasons, as approved by HACC;
  - (c) A participant and essential member to the household or live-in aide relationship;
7. A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size;
  8. A child who is temporarily away from the home to attend school is considered a member of the family in determining the family unit size;
  9. A family consisting solely of a pregnant woman will be treated as a two-person household;
  10. Unless a live-in-aide resides with the family, the unit size for any family consisting of a single person must be a zero or one bedroom unit. This does not preclude the family, who will be issued a one bedroom voucher, from leasing a larger sized unit. However the payment standard for the voucher size will apply.

An exception to any of the above unit size standards will be allowed only if a medical, safety or reasonable accommodation need requires such. In order to request a waiver, the family must submit the request, accompanied by a doctor or medical letter, a letter from an appropriate social service agency supporting the request, or other verification from a source approved by the Housing Services Supervisor. HACC staff will assist families in making waiver requests.

#### **E. Selection Procedures**

The Housing Services Supervisor, in conjunction with the Finance Department, will determine when names are to be pulled from the waiting list. This determination will be based on voucher turnover, lease-up rate, available funds to make housing assistance payments and new allocations received.

When a voucher can be issued, the applicant is notified and an appointment scheduled for an examination of their income, applicable deductions, family circumstances and certifications for a preference. If, due to a disability, the family is unable to come into the office, arrangements may be made to meet at a more convenient location.

All required information must be verified by a third party. Verification to determine the eligibility of an applicant must be obtained within the period of 60 days before the issuance of a voucher to the applicant.

If an applicant is determined to be ineligible or is being denied assistance, the HACC will give prompt written notice of the determination. The notice will give a brief statement of the reasons for the determination and will state that the applicant may request an informal review of the determination, and state how to arrange the informal review.

#### **F. Verification Procedure**

The Housing Authority is required to verify and document all relevant statements made by applicants and participants. Generally, all requests for direct third party verification are sent out with self-addressed envelopes for prompt return to the HACC office. Primarily for the sake of expediency, verification by fax machine will be used. Authorizations for the release of the information are included with all verification requests. When time constraints or circumstances do not allow for mail or fax verification, phone verification will be used. If direct third party verification is not available the file will be documented to explain the reason. Acceptable forms of verification used in the determination of eligibility include:

1. Employment form letter sent by HACC and completed by the employer. When time constraints dictate, phone verifications will be allowed. For phone verification to be valid, it must be noted with the name of the person contacted, date called, phone number and the initials of the person making the call.
2. Income from operation of a business requires a copy of the income tax form filed the previous year, if available, supported by financial records and accounting documentation. HACC self-employment forms will be completed by all families. If the business has been in operation less than a year, copies of the financial records signed by the applicant/participant and notarized are allowed.
3. Assets, interest and dividends are verified by the appropriate financial institution. The interest rate or the annual percentage yield is to be indicated as well as the balance in the account on that particular date. Actual dividends earned on stocks are supplied by the stockbroker, or through quarterly statements from the company from whom the stock was purchased. Certification by family will be made to determine if assets were disposed of in the past two years.
4. Annuities, payments from insurance policies, retirement income, and pensions are verified in writing from the source. Third party phone verification may be used.

- 5.** Veteran's Administration and worker's compensation provide income verification on HACC's forms directly to HACC, after a request submitted in writing with the applicant/tenant signed authorization attached.
- 6.** Verification of Welfare Assistance is made under a cooperative agreement with the State of Oregon's Department of Human Resources. HACC has a "Data Access License" with the Department of Human Resources' Adult and Family Services Division. Through this license, HACC has computer access to verify income for families receiving welfare assistance. HACC will print-out a copy of the appropriate screens for verification in the participant file.
- 7.** HACC has an Interagency Cooperative Agreement with the State of Oregon Employment Department. Through this agreement, HACC has computer access to verify benefit and wage information for families receiving unemployment benefits or to review wages. HACC will print out a copy of the appropriate screens for verification in the participant file.
- 8.** Social Security verification is supplied by the client for families receiving assistance for the first time. Verification may be in the form of the award letter or benefit letter, or by contacting the SSA's Benefit Verification toll-free telephone number. After the family receives assistance, Social Security and Supplemental Security Income (SSI) is sent directly to the Housing Authority through the computer matching system established between HUD and SSA. Income is in the form of a Benefit History Report and/or Tenant Income Discrepancy Report.
- 9.** Child support and alimony are primarily verified through the Data Access License process, as described in paragraph 6 above. They may also be verified by a copy of the Court Order, a letter from the state, a letter from the Court, a copy of the divorce decree or a letter from the ex-spouse providing the support.
- 10.** Regular contributions made to the family will be verified by a signed and dated letter from the source.
- 11.** When needed, verification of full-time student will be obtained from the institution being attended.
- 12.** Verification of displaced status will be required from the applicable governmental agency, or some other public or private agency involved in the situation.
- 13.** Child care expenses must be verified by the person or agency providing the care for the family member(s).

14. Medical expenses will be verified by the physician, dentist, or pharmacy on HACC provided forms or through the computerized records kept by the pharmacists. Other acceptable, though less preferable, methods of verification include copies of the most recent billing statement from the physician, as long as it includes the amount of the monthly payment, the balance owing, the amount covered by insurance, and regular payments are being made. Expenses for over-the-counter medical supplies will be allowed provided there are itemized, dated receipts that list the item and the cost of the item. Health insurance statements, reports and receipts indicating amount and frequency of premiums will be acceptable verification.
15. Family type will be verified if the family claims to be eligible as a “disabled family”. This verification will be in the form of a statement from a doctor attesting to disability. Receipt of SSD or SSI by head, spouse or co-head will be evidence of eligibility.
16. If separate bedrooms are requested by persons who would ordinarily be expected to share a bedroom, a letter from a physician will be required, attesting to such a need.
17. Social Security numbers will be verified as described in Section VI.B. of this Plan.
18. The pregnancy of a single woman must be verified by a letter from a physician. This verification will be required only when the pregnancy is the sole basis for determining eligibility.
19. Verification from the courts, adoption agency, or other appropriate source will be required if necessary for a single person, who is in the process of securing legal custody of any individual under the age of 18 years, to be eligible.

#### **G. Evaluating Criminal Histories**

HACC will complete a criminal background check and eviction record check on all applicant family members 15 years of age and older.

The decision regarding approval or denial of an application to the Housing Choice Voucher program will always be left to the sound discretion of the Housing Services Supervisor or person(s) designated by the Supervisor. The following guidelines are intended to assist and guide the decision makers in approving or denying applications, so far as criminal activities are concerned.

The denial of an application based on criminal activity shall be treated the same as a denial for any other reason, i.e., the applicant is entitled to a hearing.

Evidence of any member of the applicant household having engaged in the listed criminal activities will be grounds for taking further screening action. HACC's approval or denial of an application will be based on the criminal activity engaged in, and is not dependent upon any action or inaction by any law enforcement agency, district attorney, or court. However, evidence of conviction for a crime shall be conclusive proof that a particular criminal activity was engaged in, and no denial decision shall be based solely upon the fact that an arrest was made for any particular crime.

## 1. Screening Categories

An applicant household will be placed in Category 1, 2, 3, or 4 for further screening according to the highest category into which an occurrence of any listed criminal activity falls. Any second and subsequent occurrences in any one category will be placed in the next higher category. Any occurrence more than 10 years old will be placed in the next lower category.

- (a) Category 1 -- No further screening, criminal history alone will not exclude applicant household.
- (b) Category 2 -- Applicant(s) will be asked for explanation of criminal activities. Eligibility Specialists may deny application with Supervisor's approval.
- (c) Category 3 -- Applicant(s) will be asked for explanation and extensive evidence of rehabilitation, including but not limited to recommendations from social workers, parole or probation officers, treatment centers and others. Eligibility Specialists may only approve application with Supervisor's authorization.
- (d) Category 4 -- Admission will be denied.

## 2. Crimes Listed Alphabetically

CRIME	ORS	CATEGORY
Abandonment of a child	163.535	3
Abuse of corpse I	166.087	4
Abuse of corpse II	166.085	3
Abuse of venerate objects	166.075	2
Adult Using Minor in Commission of Controlled Substance Offense	167.262	3

Aggravated Animal Abuse I	167.322	3
Aggravated murder	163.095	4
Aggravated theft, 1st degree	164.057	4
Animal abandonment	167.340	2
Animal abuse, 1st degree	167.315	2
Animal abuse, 2nd degree	167.320	2
Animal neglect, 1st degree	167.325	2
Animal neglect, 2nd degree	167.330	2
Application of Controlled Substance to the Body of Another Person	475.986	4
Arson, 1st degree	164.325	4
Arson, 2nd degree	164.315	4
Assault, 1st degree	163.185	4
Assault, 2nd degree	163.175	4
Assault, 3rd degree	163.165	3
Assault, 4th degree	163.160	2
Assaulting public safety officer	163.208	3
Bigamy	163.515	2
Burglary, 1st degree	164.225	4
Burglary, 2nd degree	164.215	3
Buying or Selling a Person Under the Age of 18 yrs of Age	163.537	3
Carrying Concealed Weapon	166.240	3
Causing Another Person to Ingest a Controlled Substance	475.984	4
Child neglect, 1st degree	163.547	3
Child neglect, 2nd degree	163.545	3
Coercion	163.275	3
Compelling prostitution	167.017	4
Computer Crime	164.377	3
Contributing to the Sexual Delinquency		

of a Minor	163.435	3
Criminal driving while suspended	811.182	1
Criminal driving while suspended (felony)	811.182	3
Criminal Homicide	163.005	4
Criminal mischief, 1st degree	164.365	4
Criminal mischief, 2nd degree	164.354	3
Criminal mischief, 3rd degree	164.345	2
Criminal mistreatment, 1st degree	163.205	4
Criminal mistreatment, 2nd degree	163.200	3
Criminal possession of a forged instrument, 1st degree	165.022	3
Criminal possession of a forged instrument, 2nd degree	165.017	3
Criminal possession of a forgery device	165.032	3
Criminal simulation	165.037	3
Criminal trespass, 1st degree	164.255	3
Criminal trespass, 2nd degree	164.245	2
Criminal trespass while in possession of firearm	164.265	3
Criminally negligent homicide	163.145	4
Custodial Interference I	163.257	2
Custodial Interference II	163.245	3
Deposit of trash within 100 yard of water or in waters	164.775	2
Disorderly conduct	166.025	2
Displaying obscene materials to minors	167.080	3
Disseminating obscene material	167.085	2
Dog fighting	167.365	2
Driving while under influence of intoxicants	813.010	1
Encouraging Child Sex Abuse I	163.684	4
Encouraging Child Sex Abuse II	163.686	4

Encouraging Child Sex Abuse III	163.687	4
Endangering the Welfare of a Minor	163.575	3
Engaging in a Financial Transaction in Property Derived from Unlawful Activity	164.172	3
Exhibiting an obscene performance to a minor	167.075	3
Failure to perform duties of driver when property damaged or person injured	811.700 811.705	1 1
Failure to Report Child Pornography	163.693	3
Failing to Supervise a Child	163.577	2
False Accident Report	811.740	2
Felony Driving while Under the Influence of Intoxicants	813.326	3
Female Genital Mutilation	163.207	4
Firearm used in felony	166.429	4
Fleeing or Attempting to Elude a Police Officer	811.540	3
Forgery, 1st degree	165.013	3
Forgery, 2nd degree	165.007	3
Fraudulent use of a credit card	165.055	3
Fraudulently obtaining a signature	165.042	3
Frequenting a place where controlled substances are used	167.222	3
Furnishing obscene materials to minors	167.065	3
Harassment	166.065	2
Hazing	163.197	2
Identity Theft	165.800	3
Illegally selling drug equipment	475.960	3
Incest	163.525	4
Interfering with police animal	164.369	3
Interfering with public transportation	166.116	3
Intimidation, 1st degree	166.165	4

Intimidation, 2nd degree	166.155	3
Invasion of Privacy	163.700	3
Involvement in animal fighting	167.355	2
Kidnapping, 1st degree	163.235	4
Kidnapping, 2nd degree	163.225	4
Laundering a Monetary Instrument	164.170	3
Mail Theft or Receipt of Stolen Mail	164.162	3
Manslaughter, 1st degree	163.118	4
Manslaughter, 2nd degree	163.125	4
Manufacture, importation or Sale of Firearms	166.410	3
Manufacture or delivery of controlled substance	475.992	4
	475.995	4
	475.999	4
Menacing	163.190	3
Murder	163.115	4
Negligently wounding another	166.180	3
Negotiating a bad check	165.065	2
Obliteration or change of identification number on firearm	166.450	3
Offensive littering	164.805	2
Participation in dogfighting	167.370	2
Placing offensive substances in waters, on highways or property	164.785	2
Pointing firearm at another	166.190	3
Possession of burglar's tools	164.235	3
Possession of controlled substance	475.992	3
Possession of hoax destructive device	166.385	3
Possession of destructive device	166.382	4
Possession of Materials Depicting Sexually Explicit Conduct of a Child I	163.688	4

Possession of Materials Depicting Sexually Explicit Conduct of a Child II	163.689	4
Possession of weapons by certain felons	166.270	4
Possession of firearm in public building	166.370	3
Private Indecency	163.467	3
Promoting prostitution	167.012	4
Prostitution	167.007	3
Public indecency	163.465	3
Public displaying nudity or sex for advertising purposes	167.090	3
Racketeering	166.720	4
Rape, 1st degree	163.375	4
Rape, 2nd degree	163.365	4
Rape, 3rd degree	163.355	4
Reckless burning	164.335	4
Reckless driving	811.140	1
Reckless Endangerment	163.195	3
Resisting arrest	162.315	2
Riot	166.015	4
Robbery, 1st degree	164.415	4
Robbery, 2nd degree	164.405	4
Robbery, 3rd degree	164.395	4
Sadomasochistic abuse or sexual conduct in live show	167.062	3
Sending obscene materials to minors	167.070	3
Setting springgun or setgun	166.320	4
Sexual abuse, 1st degree	163.427	4
Sexual abuse, 2nd degree	163.425	4
Sexual abuse, 3rd degree	163.415	4
Sexual Misconduct	163.445	3
Sodomy, 1st degree	163.405	4

Sodomy, 2nd degree	163.395	4
Sodomy, 3rd degree	163.385	4
Stalking	163.372	4
Tampering with drug records	167.212	3
Telephonic harassment	166.090	2
Theft, 1st degree	164.055	4
Theft, 2nd degree	164.045	3
Theft, 3rd degree	164.043	2
Theft by extortion	164.075	4
Theft of services	164.125	3
Treason	166.005	4
Unauthorized use of a vehicle	164.135	3
Unlawful delivery of imitation controlled substance	475.991	3
Unlawful Entry into Motor Vehicle	164.272	3
Unlawful paramilitary activity	166.660	4
Unlawful possession of armor piercing ammunition	166.350	4
Unlawful possession of firearm	166.250	4
Unlawful possession of Inhalants	167.808	3
Unlawful possession of machine gun, short- barreled firearm or firearm silencer	166.272	4
Unlawful purchase of firearm	166.425	3
Unlawful sexual penetration, 1st degree	163.411	4
Unlawful sexual penetration, 2nd degree	163.408	4
Unlawful Use of a Stun Gun, Tear Gas or Mace I	163.212	3
Unlawful Use of a Stun Gun, Tear Gas or Mace II	163.215	3
Unlawful Use of Weapon	166.220	4
Unlawfully Create or Deliver a Counterfeit Substance	475.992	4

Unlawfully Manufacture of a Destructive Device	166.384	3
Using child in display of sexually explicit conduct	163.670	4
Violating Court's Stalking Protective Order	163.750	4

## **VII.**

### **FAMILY SELF-SUFFICIENCY (FSS)**

The FSS program will be operated in accordance with the FSS Action Plan, as developed and amended by the HACC and the Program Coordinating Committee (PCC), and as approved by HUD. The minimum program size was initially 71 families. This number will be reduced by one for each family that fulfills its obligations under the contract of participation, on or after October 21, 1998. The minimum FSS program size will not increase when new allotments of incremental vouchers are received.

**A. Selection** --- For a family to be eligible for FSS, they must be a participant in the Housing Choice Voucher program. Families will be selected for participation without regard to race, color, religion, sex, nation origin, familial status, marital status, disability, handicap or sexual orientation. Selection for participation in the program will not depend upon the level of education, job history, job performance, credit history, number of children or marital status of the applicant.

HACC has notified by mail all Housing Choice Voucher participants of the availability of the FSS program. The program was spelled out in detail, and orientation and information meetings were set up and held to further discuss the program and to answer any questions. Housing Choice Voucher staff, case managers and FSS staff were in attendance at the orientation meetings. Future orientation meetings will be held as needed. If necessary, orientations for Spanish and Russian speaking families will be set up.

An application form must be filled out by each interested family. The date and time of receipt will be recorded and this will be used to determine placement on the FSS waiting list, if a waiting list is necessary.

Information about the FSS program, including how to apply for the program, will be given to all new families coming into the Housing Choice Voucher program. Additionally, all participating families will be reminded of the FSS program during their annual reexam process.

One offer to participate will be made to the family. If the family declines the offer, their name will be removed from the FSS waiting list and they will have to re-apply should they later become interested.

When a slot becomes available, the first family on the FSS waiting list will be contacted by mail. An appointment will be scheduled with the family and an overview of the FSS Program will be given. An initial assessment of the family's

goals needs and resources will be made by the case manager conducting the interview.

**B. Termination** --- Termination from the FSS program may result from any of the following:

1. Failure to cooperate with the FSS staff or the service providing agency.
2. Repeated failure to keep appointments or to attend scheduled events without good cause.
3. Failure to seek and maintain suitable employment.
4. Failure to complete the goals and timelines of the training and service plan.
5. Failure to meet obligations or requirements of the FSS program.
6. Termination from the Housing Choice Voucher program.
7. At the request of the FSS family.

Termination for any of these reasons will result in forfeiture of the family's escrow account.

A family's Housing Choice Voucher assistance will not be affected as a result of a family's termination from the FSS program.

**C. Hearings** --- Prior to a termination, the family will be notified in writing of the reason for the proposed termination, and a conference with FSS staff will be set up to see if a mutually acceptable resolution can be reached. If such an agreement cannot be reached, the family may request a final review from the grievance committee, which will be made up of members of the PCC. The decision of the PCC will be final. The family will be notified of the final resolution in writing.

Families who are terminated from FSS as a result of their Housing Choice Voucher assistance being terminated will not be eligible for the PCC review. The HACC will follow the procedures outlined in this Plan, when terminating a family's Housing Choice Voucher assistance.

## VIII.

### **FROM APPLICANT TO PARTICIPANT**

The Quality Housing and Work Responsibility Act of 1998 provides for the complete merger of the Section 8 tenant-based Certificate and Voucher programs into a new Housing Choice Voucher (HCV) Program. In addition to the new requirements and regulations of the HCV program, and the transitory requirements and regulations relative to previous voucher program participants to the new HCV program, there are additional requirements that must be addressed when transitioning certificate program participants to the new HCV program.

#### **A. Conversion to the Housing Choice Voucher Program**

1. **New HAP Contracts** -- On and after the merger date (October 1, 1999), the PHA may only enter into a HAP contract for a tenancy under the voucher program, and may not enter into a new HAP contract for a tenancy under the certificate program.
2. **Existing Voucher Tenancy** -- If the PHA had entered into any HAP contract for a voucher tenancy prior to the merger date, on and after the merger date such tenancy shall continue to be considered and treated as a tenancy under the voucher program, and shall be subject to the new HCV program requirements. This includes calculation of the voucher housing assistance payment in accordance with CFR 982.505. However before the effective date of the second regular reexamination of family income and composition on or after the merger date, the payment standard for the family shall be the higher of:
  - (a) The initial payment standard for the family at the beginning of the HAP contract; or
  - (b) The payment standard for the family as calculated in accordance with CFR 982.505, except that CFR 982.505(b)(2) shall not be applicable until the effective date of the second regular reexamination of family income and composition on or after the merger date.
3. **Existing Regular Certificate Tenancy** -- The PHA must terminate program assistance under any outstanding HAP contract for a regular tenancy under the certificate program (entered prior to the merger date) at the effective date of the second regular reexamination of family income and composition on or after the merger date. Upon such termination of assistance, the HAP contract for such tenancy terminates automatically. The PHA must give at least 120 days written notice of such termination to the family and the owner, and the PHA

must offer the family the opportunity for continued tenant-based assistance under the voucher program. The PHA may deny the family the opportunity for continued assistance in accordance with 982.552 and 982.553.

## **B. Payment Standard Amount and Schedule**

### **1. Payment Standard Schedule**

- (a) HUD publishes the fair market rents for each market area in the United States (see part 888 of this title). The PHA must adopt a payment standard schedule that establishes voucher payment standard amounts for each FMR area in the PHA jurisdiction. For each FMR area, the PHA must establish payment standard amounts for each “unit size”. Unit size is measured by number of bedrooms (zero-bedroom, one-bedroom, and so on).
- (b) The payment standard amounts on the PHA schedule are used to calculate the monthly housing assistance payment for a family (982.505).
- (c) The PHA voucher payment standard schedule shall establish a single payment standard amount for each unit size. For each unit size, the PHA may establish a single payment standard amount for the whole FMR area, or may establish a separate payment standard amount for each designated part of the FMR area.

### **2. Establishing Payment Standard Amounts**

- (a) The PHA may establish the payment standard amount for a unit size at any level between 90 percent and 110 percent of the published FMR for that unit size. HUD approval is not required to establish a payment standard amount in that range (“basic range”).
- (b) The PHA may establish a separate payment standard amount within the basic range for a designated part of an FMR area.
- (c) The PHA must request HUD approval to establish a payment standard amount that is higher or lower than the basic range. HUD has sole discretion to grant or deny approval of a higher or lower payment standard amount. Subsection 3 of this section describes the requirements for approval of a higher payment standard amount (“exception payment standard amount”).

### **3. HUD Approval of Exception Payment Standard Amount**

- (a)** At HUD's sole discretion, HUD may approve a payment standard amount that is higher than the basic range for a designated part of the fair market rent area (called an "exception area"). HUD may approve an exception payment standard amount in accordance with this subsection 3 for all units, or for all units of a given unit size, leased by program families in the exception area. Any PHA with jurisdiction in the exception area may use the HUD-approved exception payment standard amount.
- (b)** Above 110 percent of FMR to 120 percent of FMR -- The HUD Field Office may approve an exception payment standard amount from above 110 percent of the published FMR to 120 percent of the published FMR if such office determines that such approval is justified by either the median rent method or the 40<sup>th</sup> percentile rent as described in 24 CFR 982.503.
- (c)** Above 120 percent of FMR -- At the request of a PHA, the Assistant Secretary for Public and Indian Housing may approve an exception payment standard amount for the total area of a county, PHA jurisdiction, or place, as described in 982.503.
- (d)** Program justification -- HUD will approve an exception payment standard amount, as described in subsections 3.b. and 3.c. above, only if HUD determines that approval of such higher amount is needed either: To help families find housing outside areas of high poverty, or because voucher holders have trouble finding housing for lease under the program within the term of the voucher.

HUD will approve an exception payment standard amount, as described in subsection 3.c. above, only after six months have elapsed from the date of HUD approval of an exception payment standard, as described in subsection 3.b. above

- (e)** Population -- The total population of HUD-approved exception areas in an FMR area may not include more than 50 percent of the population of the FMR area.
- (f)** Withdrawal or Modification -- At any time HUD may withdraw or modify approval to use an exception payment standard amount.

#### **4. HUD Approval of Payment Standard Amount Below the Basic Range**

HUD may consider a PHA request for approval to establish a payment standard amount that is lower than the basic range. At HUD's sole discretion, HUD may approve PHA establishment of a payment standard lower than the basic range. In determining whether to approve the PHA request, HUD will consider appropriate factors, including rent burden of families assisted under the program. HUD will not approve a lower payment standard if the family share for more than 40 percent of participants in the PHA's voucher program exceeds 30 percent of adjusted monthly income. Such determination may be based on the most recent examinations of family income.

#### **5. HUD Review of PHA Payment Standard Schedules**

HUD will monitor rent burdens of families assisted in a PHA's voucher program. HUD will review the PHA's payment standard for a particular unit size if HUD finds that 40 percent or more of such families occupying units of that unit size currently pay more than 30 percent of adjusted monthly income as the family share. Such determination may be based on the most recent examinations of family income.

After such review, HUD may, at its discretion, require the PHA to modify payment standard amounts for any unit size on the PHA payment standard schedule. HUD may require the PHA to establish an increased payment standard amount within the basic range.

### **C. Calculation of Housing Assistance Payment**

#### **1. Use of Payment Standard**

A payment standard is used to calculate the monthly housing assistance payment for a family. The "payment standard" is the maximum monthly subsidy payment.

#### **2. Amount of Monthly Housing Assistance Payment**

The PHA shall pay a monthly housing assistance payment on behalf of the family that is equal to the lower of:

- (a)** The payment standard for the family minus the "family share"; or
- (b)** The gross rent minus the "family share".

### **3. Payment Standard for the Family**

The payment standard for the family is the lower of:

- (a) The payment standard amount for the family unit size, or
- (b) The payment standard amount for the size of the dwelling unit rented by the family.

If the PHA has established a separate payment standard amount for a designated part of the FMR area in accordance with 982.503, and the dwelling unit is located in such designated part, the PHA must use the appropriate payment standard amount for such designated part to calculate the payment standard for the family. The payment standard for the family shall be calculated in accordance with this subsection and subsection c.3. above.

### **4. Decrease in the Payment Standard Amount During the HAP Contract Term**

If the payment standard amount is decreased during the term of the HAP contract, the lower payment standard amount generally must be used to calculate the monthly housing assistance payment for the family beginning at the effective date of the family's second regular reexamination following the effective date of the decrease in the payment standard amount. The family is eligible for this protection at any time during the lease term.

### **5. Increase in the Payment Standard Amount During the HAP Contract Term**

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

### **6. Change in Family Unit Size During the HAP Contract Term**

Irrespective of any increase or decrease in the payment standard amount, if the family unit size increases or decreases during the HAP contract term, the new family unit size must be used to determine the payment standard amount for the family beginning at the family's first regular reexamination following the change in family unit size.

**7. HACC approval of higher payment standard for the family as a reasonable accommodation**

If the family includes a person with disabilities and requires a higher payment standard for the family, as a reasonable accommodation for such person, in accordance with 24CFR Part 8, the HACC may establish a higher payment standard for the family within the basic range. If a higher payment standard is granted solely for the purpose of allowing a family to lease-up at over 40% of income, the higher payment standard will revert to the regular payment standard at the first annual recertification.

**D. Adjusted Income**

Deductions from annual income for the Housing Choice Voucher program are:

1. \$480 for each family member residing in the household (other than head of household or spouse) who is under 18 years of age or who is 18 years of age and is disabled or a full-time student.
2. \$400 for any elderly family.
3. Disability assistance allowance (see disability assistance expenses under definitions.)
4. Medical expenses in excess of 3% of annual family Income for any elderly family.
5. Reasonable child care expenses for children under 13 years old to the extent necessary to enable another member of the family to be employed or to further his or her education (not to exceed the amount earned by the family member freed to be employed), and only to the extent such amounts are not reimbursed.

If it is not feasible to anticipate the level of income over a 12-month period, or the HACC believes that past income is the best available indicator of expected future income, the HACC may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

**E. Briefing of Families**

When the HACC selects a family to participate in a tenant-based program (Housing Voucher Choice Program), HACC must give the family an oral briefing. Group briefings are scheduled in HACC's office as often as needed, currently on a weekly basis. Every time a family requests a new voucher to move to another unit, the family may be required to attend a new briefing session. A briefing

packet and briefing session is required only when a housing voucher is issued for a first time. HACC will use its discretion when determining if a family who is receiving a subsequent voucher would benefit from attending another briefing session. A moving or portable family will always be given a new briefing packet.

When a family is unable to attend a briefing session at the office, due to disability or other factors beyond the family's control, the briefing session may be held at a more acceptable location, including the family's residence. Reasonable accommodations will be made for eligible persons with disabilities.

At the briefing session each family is given an information packet and the contents of the packet is reviewed. A presentation is made, allowing for the explanation and discussion of the following:

- ⇒ Housing Choice Voucher
- ⇒ A description of how the program works
- ⇒ Ways to find housing and what to consider in deciding whether to lease a unit (condition, rent reasonable, cost of utilities and energy efficiency, and proximity to transportation, schools, shopping, employment and medical facilities)
- ⇒ Family obligations and owner responsibilities
- ⇒ Portability procedures and description of full range of housing options
- ⇒ Housing Authority jurisdiction and neighboring jurisdictions
- ⇒ Map outlining Clackamas County
- ⇒ Description of high and low poverty census tracts and the advantages of living in an area that does not have a high concentration of poor people
- ⇒ Maps showing high and low areas of poverty and minority concentrations both within HACC's jurisdiction and within neighboring jurisdictions, as provided by these jurisdictions
- ⇒ Information about the characteristics of areas outside poverty and minority concentration, which may include information about job opportunities, schools, transportation and other services
- ⇒ Housing Quality Standards inspection form
- ⇒ "Good Place to Live" brochure
- ⇒ Policy on releasing information to owners
- ⇒ Request for Tenancy Approval (formerly Request for Lease Approval)
- ⇒ Term of voucher and tolling procedures
- ⇒ Schedule of utility allowances

- ⇒ Payment Standards
- ⇒ Maximum rent determination and exception rents
- ⇒ Information on, and explanation of, the family share of rent, housing assistance payment, tenant rent and subsidy standards
- ⇒ Fair Housing brochure
- ⇒ Housing discrimination complaint form (HUD 903)
- ⇒ Model lease and HUD-required tenancy addendum
- ⇒ HAP contract
- ⇒ Contact list, with addresses and phone numbers, of those who may lease a unit to voucher holders
- ⇒ List of known accessible units and subsidized units in Clackamas County
- ⇒ HUD-required Lead Based Paint brochure titled “Protect Your Family From Lead In Your Home”, which provides information on lead based paint poisoning, what to look for, and how to significantly reduce lead hazards in the home
- ⇒ Grounds for denial and termination of assistance
- ⇒ Informal hearing and reviews information
- ⇒ An explanation that the family share of rent may not exceed 40% of the family’s monthly adjusted income if the gross rent exceeds the applicable payment Standard
- ⇒ The subsidy standards, including when the HACC will consider granting exceptions to the standards
- ⇒ Information regarding the HACC’s Family Self-Sufficiency program

**F. Issuance of Voucher**

At the time the family attends a briefing session they are given their housing voucher. If a family is scheduled to attend a briefing session and fails to show up, the family is rescheduled for the next available session. If the family also misses that session, they will be removed from the waiting list and filed inactive.

## **G. Expiration and Tolling of Vouchers**

The voucher will be issued for the maximum allowable time of 120 days. If a request for tenancy approval for an acceptable unit is not turned in within the 120 day limit, the voucher will expire. If the waiting list is open, the family may reapply.

In certain circumstances tolling will be allowed. This is a method of “stopping the clock” on the term of the voucher, when a request for tenancy approval is turned in to the Housing Authority. Tolling will be allowed only when a request for tenancy approval is turned in and:

1. the unit subsequently fails the Housing Authority inspection and the owner refuses to do the repairs;
2. the owner backs out on renting the unit; or
3. the Housing Authority does not approve the unit and\or the owner.

The maximum allowable tolling period (per incident) will be 30 days, unless the Housing Authority approves additional time for good cause. Tolling will not be allowed if a family turns in a request for tenancy approval and then they simply back out of renting an acceptable unit from a willing owner, without good cause.

A request for tolling must be made to the Housing Authority immediately upon learning that the unit is not available.

If the family needs and requests an extension of the initial voucher term as a reasonable accommodation to make the program accessible to a family member who is a person with disabilities, the HACC must extend the voucher term up to the term reasonably required for that purpose. The Housing Services Manager or designee will approve any such requests and will decide on the extension time term.

## **H. Lease Approval and Housing Assistance Payment Process**

A holder of a voucher shall be responsible for finding a unit suitable to the holders' needs and desires, in any area where the Housing Authority is authorized to execute contracts. A holder of a voucher may select the dwelling unit that the holder already occupies, if the unit meets program qualifications. Upon request, the HACC shall provide assistance in finding units for those families who, because of age, disability, or other reasons, are unable to locate approvable units, and shall provide such assistance where the family alleges that discrimination is preventing them from finding a suitable unit.

## **1. Screening and Release of Applicant Information to Owners**

The Housing Authority screens for program eligibility only. This includes an evaluation of criminal histories, as described in Section VI.G. HACC will advise all owners that they have not screened any family's behavior or their suitability for tenancy. Such screening is the owner's responsibility. This statement is on the request for tenancy approval (RTA). When a RTA is turned in, the Housing Authority will send a notice to the prospective owner listing the family's current address and, if known, the names and addresses of the landlords at the family's current and prior address. The notice also contains a reminder about the owner's screening responsibility.

The Housing Authority's policy is that they will release any other reference information they might have, as permitted by law, if the owner requests it in writing and submits a signed authorization from the family. This information may be available as a result of past or current participation in any of the Section 8 programs, or as a past or current resident of any program operated or managed by the HACC. The available information may include tenancy history of family members, eviction notices received, warning and lease violation letters, damage claims paid, and information about drug trafficking by family members. This policy is stated in the above referenced notice. Families are made aware of this policy at their initial interview appointment and during their briefing session.

## **2. Unit Eligibility/Ineligibility**

A voucher holder, upon locating a unit they wish to place under the program, submits a completed request for tenancy approval to the Housing Authority. The request for tenancy approval must be submitted prior to the expiration of the family's voucher.

The unit must meet the following criteria prior to the execution of a housing assistance payment contract:

- (a)** Using the Housing Quality Standards (HQS), all units are inspected within 15 days of the date that the landlord has indicated the unit will be ready for inspection.

If the unit fails the HQS inspection, the owner is notified either orally or in writing. A follow-up inspection is conducted to verify completion, except for those items that allow for owner/tenant certification. As provided by federal regulation, HACC may conditionally approve a unit where the only fail item is exterior paint.

If an owner fails to complete the necessary repairs within 30 days from notification, and the applicant's voucher has expired, the applicant must reapply for the program (however see subsection E. regarding tolling). Additional time may be allowed to complete the repairs, if the owner is making a good faith effort to do the required work, and the request for additional time is made and approved prior to the initial deadline.

Copies of the inspection forms are provided to the owner and participant upon their request.

- (b)** At the time that HACC approves a tenancy for initial occupancy of a dwelling unit by a family with tenant-based assistance under the HCV program, and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share can not exceed 40% of the family's monthly adjusted income. The determination of adjusted monthly income must be based on verified information received by HACC no earlier than 60 days before the issuance of a voucher to the family. This 40% rent burden criterion is applicable only to initial moves and moves from one unit to another.
- (c)** The contract rent for the unit must be reasonable as determined by use of the Housing Authority's rent comparability survey.
- (d)** The Housing Choice Voucher assisted unit may not rent for more than other comparable units in the same complex, unless the owner is planning an overall rent increase in the coming year. In such instances a higher rent, allowing for the same amount of rent increase over the same amount of time, can be allowed (for the initial lease term only; a voucher owner may increase the rent at any time after the first year of the lease, with at least 60 days written notice to the tenant and the Housing Authority).
- (e)** Eligible elderly, disabled or displaced families may use congregate housing. Eligible elderly or disabled families who require a planned program of continual supportive services may use independent group residences.
- (f)** SRO housing may be used only if:
  - (i)** The property is located in an area in which there is a significant demand for SRO units, as determined by the HUD field office;
  - (ii)** The PHA and the unit of general local government in which the property is located approve the use of SRO units for such purpose;
  - (iii)** The unit of general local government and the local PHA certify to HUD that the property meets applicable local health and safety standards for SRO housing; and

**(g)** The following units are ineligible types of housing:

- (i)** Low rent public housing units;
- (ii)** Nursing homes, units within the grounds of penal, reformatory, medical, mental and similar public or private institutions, or facilities that provide continual psychiatric, medical or nursing services;
- (iii)** A unit that is occupied by its owner. However, a voucher holder who owns a manufactured home may receive assistance with the manufactured home space rent.
- (iv)** A housing unit used as transitional housing in the department's transitional housing demonstration program;
- (v)** Except in instances of reasonable accommodation for a family member who is a person with disabilities, a unit that is owned by a relative of any member of the voucher holder family (this includes parent, child, grandparent, grandchild, sister or brother). Contracts entered into prior to the effective date of this rule (6/17/98) will continue to be honored, as will the annual lease and contract renewals. Only new contracts entered into after the effective date will be subject to this rule.

### **3. Unit Size Flexibility**

The unit size listed on the family's voucher does not preclude the family from selecting either a smaller or larger sized unit, providing the following requirements are met.

- (a) Larger Sized Units:** The family may select a larger sized unit however, the payment standard used will match the bedroom size on the voucher issued).
- (b) Smaller Sized Units:** The family may select a smaller sized unit, provided there is at least one sleeping room or living/sleeping room for each two persons in the household. The payment standard used will be for the actual size of the unit.

The unit size designated on the voucher will remain unchanged, regardless of the actual unit size selected.

The utility allowance for the unit shall match the actual size of the unit, regardless of the assigned voucher bedroom size.

**4. Owner Eligibility ---** (Also see Section XIII.E. of this Plan)

- (a)** No present or former member or officer of the PHA, no employee of the PHA, who formulates policy or influences decisions with respect to the Housing Choice Voucher program, and no public official or member of a governing body, or state or local legislator who exercises functions or responsibilities with respect to the Housing Choice Voucher program, during this person's tenure or for one year thereafter, shall have any direct or indirect interest in a housing assistance payment contract or in any proceeds or benefits arising from it. Waivers to this may be requested from HUD if the PHA determines it is warranted.
- (b)** An owner may not reside in the assisted residence unless a voucher holder owns a mobile home, and is leasing the pad space; or if the owner is a member of a cooperative or mutual housing, with HUD approval.
- (c)** An owner of an assisted unit may not be a relative (parent, child, grandparent, grandchild, sister or brother) of any member of the voucher holder family, except in instances of reasonable accommodation for a family member who is a person with disabilities.
- (d)** An owner may be ineligible for program participation, if banned due to previous Section 8 program abuse.

If the request for tenancy approval cannot be approved for any of the above reasons, the Housing Authority shall so notify the family and owner. The family may be issued another request for tenancy approval to use in locating another suitable unit, subject to the restriction addressed in Section VIII.E. of this Plan).

## **5. Security Deposits and Fees**

ORS 90.295, 90.297, 90.300 and 90.302 are applicable to this subsection.

The amount of the security deposit collected is up to the owner. Owners will be encouraged to collect appropriate security deposits and to allow families to pay the deposit in monthly payments, if they are unable to come up with the entire amount at one time. The amount of the deposit collected must be consistent with private market practice and must not exceed amounts collected by the owner for unassisted units.

All security deposits must be fully refundable. Upon termination of the tenancy and delivery of possession to the owner, the owner has 31 days to return the security deposit, or portion of the deposit not claimed, to the family. The owner may claim from the security deposit only the amounts reasonably necessary to remedy the family's default in the performance of the lease. This includes unpaid rent to repair damages to the premises caused by the family, not including ordinary wear and tear. To claim all or part of the deposit, the owner shall give the family a written accounting that states specifically the basis of the claim. This must be done during the same 31 day time frame described above.

A prepaid rent deposit will be permitted as an additional security deposit and this deposit must be handled in accordance with ORS 90.300.

Applicant screening fees are permitted, in accordance with ORS 90.295. Other reasonable nonrefundable fees allowed under Oregon state law, (e.g., cleaning fees, pet fees) will be allowed if the owner routinely collects such fees from unassisted families.

## **6. Optional Provisions**

The owner and the family may agree to include optional lease provisions, as long as they are not prohibited lease provisions. These might include pet allowances, restrictions on water-filled furniture, late fees, etc. All optional provisions must be added to the lease and must be initialed by both the owner and family to be valid.

## **7. Housing Assistance Payment (HAP) Contract Execution**

Once a unit and owner have been determined eligible, a HAP contract and lease are prepared. When the contract and lease papers are ready for signature, one of the following will occur:

- (a) The family picks up the papers and has the owner sign them and returns them to the Housing Authority office;
- (b) The papers are mailed or given to either the owner or the family, who is responsible for obtaining the other's signature and returning the forms to the Housing Authority office; or
- (c) Both the family and the owner come in to the Housing Authority office and sign the necessary papers.

If the owner is not signing the lease papers, the owner must sign an authorization form or provide a management agreement approving the agent to act in the owner's place with regard to the rental of that unit.

Leases and contracts will be effective the date the Housing Authority receives them back in the office, executed by both the family and owner, unless a later date has been specified and mutually agreed upon by the parties involved. The contract will be signed by the Executive Director or his designee, dated with the same date as when the papers were received.

## **8. Payments to Owners**

- (a) **General** --- Once the contract papers have been executed, the finance department will be notified. If the HAP contract begins on any date other than the first of the month, the HAP will be prorated. Checks are normally sent on the last working day of the month, and by no later than the fifth of each month. The first check to an owner may be delayed approximately two weeks. Changes in the housing assistance payment which cannot be processed in time for the end of the month check issuance may be made retroactively with the following month's payment. Payment will be sent to the address listed on the request for tenancy approval. Any changes must be requested in writing by the owner or the owner's designee. HAPs may only be paid to the owner during the lease term and while the family is residing in the unit.
- (b) **Late Penalties** --- The HAP contract shall provide for penalties against HACC for late payment of housing assistance payments due to the owner if all the following circumstances apply:
  - (i) Such penalties are in accordance with generally accepted practices and law, as applicable in the local housing market, governing penalties for late payment of rent by a tenant;
  - (ii) It is the owner's practice to charge such penalties for assisted and unassisted tenants; and

- (iii) The owner also charges such penalties against the tenant for late payment of rent by a tenant.

HACC is not obligated to pay any late payment penalty if HUD determines that late payments by HACC is due to factors beyond the HACC's control.

**(c) Termination of HAP ---** The HAP will terminate if:

- (i) The lease is terminated by the owner in accordance with the provisions of the lease. However, if the owner is in the process of evicting the family through the court, and the family continues to reside in the unit, HAP will continue to be made until the owner receives a court judgment and the family is evicted, or until the family moves out;
  - (ii) The lease otherwise terminates;
  - (iii) The HAP contract terminates; or
  - (iv) The Housing Authority terminates the family's assistance. In this circumstance the HAP contract will be terminated. No housing assistance payment will be made after the month following the month in which the termination takes place.
- (d) Family move-out ---** If the family moves out of the unit, the Housing Authority will not make any HAP to the owner for any month after the month in which the family moves out. The owner may retain the HAP for the remainder of the month in which the family moves out. An eligible family may receive assistance in another unit, and the owner may rerent the vacated unit, during the same month that the owner retained the remainder of the HAP. This will not be considered to constitute a duplicative housing subsidy.

## **IX.**

### ***REEXAMINATIONS AND RENT ADJUSTMENTS***

#### **A. Annual Reexaminations**

A review of family income and composition shall be completed at least annually by HACC for all families within 90 days prior to the anniversary date of the lease. Appropriate redeterminations shall be made of the amount of tenant rent and the housing assistance payment, all in accordance with schedules and criteria established by HUD. The eligibility review accomplished within this period will be used in determining the new housing assistance payment and tenant rent. Verification of family income must be dated within 120 days of the continued-eligibility review.

Any monetary changes resulting from the annual reexamination and/or rent adjustment process shall become effective upon the anniversary date. The housing assistance payment will not be sent to the owner until all necessary papers and signed documents have been returned to the Housing Authority.

As part of the annual reexamination process each unit must be reinspected and must pass a housing quality standards inspection. Assistance payments may be abated or terminated if the unit fails the inspection and the owner does not bring the unit up to HQS. As provided by federal regulation, HACC may conditionally approve a unit where the only fail item is exterior paint.

#### **B. Interim Reexaminations**

Interim reexaminations shall be made for the following reasons:

1. Change in family composition;
2. A decrease in gross income lasting 16 or more consecutive days. If the decrease is temporary, or the participant's income is unstable, the income may be reviewed every 30 days. The participant will be required to report immediately upon notification that the income will increase and/or become substantially gainful, at which time a reexam will be completed;
3. If the family no longer requires an essential member to the household or a live-in aide;
4. At the participant's request;

5. If the HACC suspects misinformation was given at a previous examination;
6. If the Housing Authority determines that the family income is unstable. This includes, but is not limited to, unemployment benefits, general assistance and odd jobs;
7. If the participant is receiving a utility allowance check, the income may be reviewed every 30 days. The participant will be required to report immediately, upon notification that the income will increase and/or become substantially gainful, at which time a reexam will be completed; or
8. If a family member has signed a -0- income statement, and subsequently begins receiving income, the participant will be required to report immediately upon notification that the income will increase and/or become substantially gainful, at which time a reexam will be completed.

Rent increases shall become effective the first day of the second month following the completion of the review, unless the family fails to report as required by this Section. Such failure will result in back charges to the date the review would have been effective, if the family had reported as they should have, and/or possible termination of the lease agreement. Rent decreases shall become effective the first day of the month following the reporting of the change. For interims requested on the first of the month, resulting in a decrease in rent, the effective date of the reduced rent will be the date the interim was requested.

#### **C. Tenant Income Discrepancy Report**

If a Housing Choice Voucher participant receives a letter or notice from HUD concerning the amount of income reported by the family and verified by HACC, the participant must contact the HACC within the timetable set out in the letter. HACC will reconcile any difference between the amount reported by the participant and the amount listed in the HUD letter.

#### **D. Exceptions**

A family's rent will not be lowered (there will be no increase in housing assistance) if the family's welfare assistance under the TANF program is reduced in whole or in part as a result of fraud or failure to participate in an economic self-sufficiency program or to comply with a work activities requirement. HACC will obtain written verification from the welfare agency that the family's benefits have been reduced or lost for one of these reasons. Affected families will be notified of their right to use the informal hearing procedure.

This subsection does not apply if the reduction or loss of welfare benefits was due to the expiration of a lifetime time limit for a family receiving welfare or public assistance benefits.

### **E. Corrections**

1. If, through an error that is not the result of misrepresentation by the family, they have been paying less than the required tenant rent, an increase in tenant rent shall become effective on the first day of the month that is not less than 30 days from the time the rent adjustment letter was sent to the family notifying them of the change in rental amount.
2. If, through an error, the family has been paying more than the required rent, a decrease in tenant rent shall become effective retroactive to the date of admission, or the date of the erroneous rent adjustment. The family will be reimbursed for any overpayment.
3. If misrepresentation by the family has caused them to pay less than the required rent, the family will be required to pay the difference between the rent paid and the rent that should have been paid, retroactive to the date the rent change should have been made effective. Depending on the circumstances, the Housing Authority may also terminate the family's housing assistance. The family will be eligible to a hearing prior to any termination of their voucher.

### **F. Changes in Utility Responsibility**

The owner may make a written request to modify the assisted lease to change the responsibility for utilities. The HACC will review the request and, if approved, will change the contract rent and the tenant rent to reflect this change. In no case can the change in utility responsibility increase the gross rent by more than would be allowable under Subsection F below.

### **G. Rent Adjustments**

Changes to the contract rents for the voucher program can be made on or after the first anniversary date of the contract. After the first twelve months, the owner may increase the rents as often as desired, provided at least 60 days written notice is given to the resident and the Housing Authority, and the resident is agreeable to the new rent amount. There is no limit to the number of times a landlord may raise the rent, after the first year of the lease. The proposed rent amount must be reasonable and comparable to similar rental units.

## **H. Family Reporting**

Participants must immediately advise their Occupancy Specialist of all changes in household income and family composition.

## **I. Moves**

If a participant chooses to move, the HACC will require a copy of the 30-day notice the participant gave to the landlord (after the first year of lease-up) or a mutual termination form. The HACC will then verify family income and composition as outlined in Section IV. The participant will be scheduled for an orientation and be issued a Housing Choice Voucher. The process for moves generally follows the process for initial lease-ups as outlined in Section VIII.

## **X.**

### ***FAMILY OBLIGATIONS AND RESTRICTIONS***

#### **A. Obligations**

The family must:

- 1.** Supply any information that the HACC or HUD determines to be necessary, including evidence of citizenship or eligible immigration status, and information for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- 2.** Disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- 3.** Supply any information requested by the HACC to verify that the family is living in the unit or information related to family absence from the unit.
- 4.** Notify the HACC in writing (prior to the first day of absence) when the family is anticipated to be away from the unit for more than twenty-one consecutive days.
- 5.** Allow the Housing Authority to inspect the unit at reasonable times and after reasonable notice.
- 6.** Notify the HACC and the owner in writing before moving out of the unit or terminating the lease.
- 7.** Use the assisted unit solely for residence by the family members listed on the lease and HAP contract. The unit must be the family's only residence.
- 8.** Promptly notify (within seven days) the HACC in writing of the birth, adoption or court-awarded custody of a child.
- 9.** Immediately request HACC written approval to add any other family member as an occupant of the unit.
- 10.** Promptly notify (within seven days) the HACC in writing if any family member no longer lives in the unit.
- 11.** Give the Housing Authority (within seven days of receipt) a copy of any owner eviction notice.

12. Pay utility bills and provide and maintain any appliances that the owner is not required to supply under the lease.
13. Supply information that is true and complete.

**B. Restrictions**

The family (including each family member) must not:

1. Own or have any interest in the unit (other than in a cooperative, or the owner of a manufactured home leasing a manufactured home space).
2. Commit any serious or repeated violation of the lease.
3. Commit fraud, bribery or any other corrupt or criminal act in connection with the program.
4. Participate in illegal drug or violent criminal activity.
5. Sublease or let the unit or assign the lease or transfer the unit.
6. Receive Section 8 tenant-based program housing assistance while receiving another housing subsidy, for the same unit or a different unit under any other Federal, State or local housing assistance program.
7. Damage the unit or premises (other than normal wear and tear) or permit any guest to damage the unit or premises.
8. Receive Section 8 tenant-based program housing assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless HACC has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.
9. Engage in illegal use of a controlled substance; or abuse of alcohol that threatens the health and safety or right to peaceful enjoyment of the premises by other residents.

### **C. Absences from the Unit**

1. The family may be absent from the assisted unit for brief periods. For anticipated absences of more than twenty-one consecutive days, the family must notify the HACC, in writing, prior to the first day of the absence.
2. For absences greater than 60 consecutive days, the family must obtain approval from the HACC. Reasonable requests will not be denied. Generally, approval is reserved for medical reasons, e.g., hospitalization, determinable nursing home stays, to care for ill relatives, etc.
3. Absence means that no member of the family is residing in the unit.
4. Assistance will terminate if the family is absent longer than the maximum period approved by the HACC.
5. Absences of more than 180 consecutive days cannot be approved in any circumstances or for any reason.
6. For documented and verifiable medical reasons requiring the family to be absent from the unit for more than 180 days, the family's assistance may be resumed if not more than one year has elapsed since the first day of the absence. This option is at the sole discretion of the HACC and will be considered on a case by case basis. A family in this circumstance will not have to go back on the waiting list.

### **D. Approval of New Family Members**

The family must request written approval from the HACC prior to adding any person to the household (not included in A.8., above). This written approval will come in the form of a lease and contract rider or the approval of a new lease and execution of a new HAP contract.

Following receipt of a family's request for approval to add a person to the lease, HACC will conduct a pre-admission screening of the proposed new member, as described in Section VI that will include a criminal background check (part G.) The results of screening shall be used to determine whether the HACC will approve admitting the new member. If the screening results are unsatisfactory, the additional person will not be allowed to be added to the lease, and will not be allowed to move into the unit. This applies even in the case of marriage.

### **E. Family Breakup and Retention of Assistance**

When a family breaks up, the HACC will be bound by any court's determination of who gets the voucher. In the absence of such a determination, and if there is a dispute between the parties as to who gets the assistance the HACC will offer the parties an informal hearing to determine who will get the assistance.

A hearing will not be required if domestic violence is involved in the breakup. The HACC will assign the assistance to the family member who is forced to leave the unit as a result of, verifiable, actual or threatened physical violence against family members by a spouse or other member(s) of the household.

**F. Income Discrepancy Letter**

If a Housing Choice Voucher participant receives a letter or notice from HUD concerning the amount of verification of family income, the participant must contact the HACC within the timetable set out in the letter. Further, the family must cooperate with the HACC in straightening out the discrepancy. Failure to cooperate with the process may be grounds for termination of housing assistance and/or repayment of any excess amounts of housing assistance payments determined to be made in error, as a result of misrepresentation by the family.

## **XI.**

### **DAMAGE AND VACANCY LOSS CLAIMS**

- A.** This Section is applicable only if the owner and Housing Authority have entered into the revised Housing Assistance Payment contract. These forms are HUD #52647.1 and #52647.2, or #52641.

Damage claims can be made when the amount of the security deposit which should have been collected is insufficient to cover the costs for unpaid rent, cleaning and/or repair, to a unit under lease to a Housing Choice Voucher participant.

#### **1. Owner Action**

In order to be eligible to receive any reimbursement under the Section 8 damage and vacancy loss guarantee, the owner must:

- (a)** Notify the Housing Services Manager or his designee immediately, so an inspection can be completed;
- (b)** Prepare an itemized statement of all work done and expenses incurred, due to negligence or abuse by the family (estimates may be acceptable in certain circumstances; the Housing Services Manager will make this determination);
- (c)** Actively work to re-rent the unit;
- (d)** Send the itemized statement to the family (or the last known address of the family) within 30 days of the vacate date;
- (e)** Allow 14 days for response from the family;
- (f)** Submit a completed "owner's claim form" to HACC along with a copy, of the itemized statement to the family, and copies of all receipts, canceled checks, and billings which substantiate the claim. This information must be submitted to HACC within 60 days of the termination date of the lease, or it will not be processed (See b above for use of estimates);

The amount of reimbursement for the certificate program is the lesser of:

- (a)** The amount owed to the owner, or
- (b)** Two month's contract rent, minus the greatest of:

- (i)** Security deposit collected, or
- (ii)** One month's total tenant payment at the time of initial lease execution, or
- (iii)** \$50.

The amount of reimbursement for the voucher program is the lesser of:

- a.** The amount owed to the owner, or
- b.** One month's contract rent minus the greatest of:
  - (i)** Security deposit collected, or
  - (ii)** One month's total tenant payment at the time of initial lease execution, or
  - (iii)** \$50.

When a claim is processed, a depreciation schedule will be used, taking into account the age of an item, and its life expectancy.

The maximum allowed for work done by the owner or any relative of the owner will be \$10.00/hr for cleaning and \$15.00/hr for repair work and painting.

The reimbursement under this section will be applied first toward any unpaid tenant rent due under the lease. No more than three months of unpaid tenant rent will be allowed on an owner's claim.

No reimbursement shall be claimed for unpaid tenant rent for the period after the family vacates the unit. Instead, the owner shall be eligible for vacancy loss, as follows:

Vacancy loss can be paid when a current family vacates a unit in violation of the lease (skip, death, or eviction conducted in accordance with the lease, HAP contract, applicable State and local law). If a family vacates its unit in violation of the lease, the owner shall receive the housing assistance payments due under the HAP contract for the period remaining to the end of the month that the unit is vacated (available for both certificates and vouchers.) If the unit continues to remain vacant after the first month, the owner shall receive a housing assistance payment from HACC, in an amount of 80% of the contract rent for a vacancy period not exceeding one additional month (not available with the voucher program), or the rerental of the unit, whichever comes first.

If the owner collects any of the family's share of the rent for the second month, the reimbursement from HACC must be reduced to an amount, which when added to the payment, does not exceed 80% of the contract rent. The owner must reimburse HACC for any excess collected from the family after the vacancy loss payment has been made.

## **2. Notification to the Family**

Upon receipt of the owner's claim, HACC will notify the family by first-class mail to their last known address that a claim has been filed. The family shall have the opportunity to dispute the owner's claim either orally or in writing to the designated claims hearing officer. If HACC does not hear from the family by the deadline, the claim is completed and payment is made to the owner. If the family is still participating in the Section 8 program, the family is then given an opportunity to repay HACC. The family will be informed that unless the debt is paid in full, they will be denied issuance of another voucher, should they request one in the future.

## **XII.**

### **PORTABILITY**

#### **A. Portability Transfers**

The purpose of portability is to provide greater flexibility and a wider range of available units under the Housing Choice Voucher program. The jurisdiction of the HACC is those areas within the borders of Clackamas County.

##### **1. Assistance within HACC Jurisdiction**

A family with a voucher issued by the HACC may receive tenant-based assistance to lease an acceptable unit located anywhere within the HACC jurisdiction.

##### **2. Assistance Outside of HACC Jurisdiction**

A family with a voucher issued by the HACC may receive tenant-based assistance to lease an acceptable unit located outside of the HACC jurisdiction, in the jurisdiction of a PHA anywhere in the United States that is administering a tenant-based program, except:

- (a)** If the family's head or spouse did not have a legal residence within Clackamas County at the time the family submitted an application. In this instance, the family must lease up in Clackamas County for a minimum of twelve months.

This restriction may be waived if both the initial and receiving housing authorities agree.

##### **3. Income Eligibility**

- (a)** For admission to the voucher program, the family must be income-eligible in the area where the family initially leases a unit with assistance, under that particular program.
- (b)** If a portable family is a participant in the initial PHA's voucher program, income eligibility is not redetermined.

## **B. Initial PHA Portability Procedures**

1. The initial PHA must determine whether the family is income-eligible in the area where the family wants to lease a unit. (This does not apply to families who are being continuously assisted.)
2. The initial PHA must advise the family how to contact and request assistance from the receiving PHA.

As the initial PHA, the HACC will promptly notify the receiving PHA to expect the family. HACC will mail a completed HUD form 52665, "family portability information" to the receiving PHA. Attached to this form will be a copy of the voucher, a copy of the current 50058 and copies of the relevant income verification.

## **C. Receiving PHA Portability Procedures**

1. The receiving PHA does not redetermine eligibility for a portable family that was already receiving assistance in the initial PHA's Section 8 tenant-based program. However for a portable family that was not already receiving assistance in the PHA's tenant-based program, the initial PHA must determine whether the family is eligible for admission to the receiving PHA's voucher program. In either case, the family will be screened for criminal history according to Section VI. G.
2. The HACC, as the receiving PHA, will administer tenant-based assistance for the family if the unit is located in our jurisdiction.

The HACC may absorb the family into their own voucher program.

3. Once contacted by the family, and upon receiving the completed HUD-52665 and attachments from the initial PHA, HACC will set up an in-office appointment with the family. At this time the application process will be completed, the family will be briefed on the program and they will be given their voucher and briefing packet.
4. The HACC may decide to conduct a reexamination of the family's circumstances. However, there must not be a delay in issuing a voucher, or otherwise delay approval of a unit, unless the recertification is necessary to determine income eligibility.
5. The HACC's subsidy standards will determine the bedroom size of the voucher.
6. If the family fails to submit a request for tenancy approval for an eligible unit within the allotted time, applicable sections of Part II, HUD-52665 will be

completed and the form will be returned to the initial PHA. This will advise the initial PHA to reissue the voucher to another family.

7. If the HACC executes a HAP on behalf of the family, within 10 days the applicable sections of Part II, HUD-52665 will be completed and the form will be returned to the initial PHA. This will advise the initial PHA whether HACC is going to absorb the family into their program or whether they are going to bill the initial PHA.
8. As the receiving PHA, the HACC will make the determination to extend the term of the voucher or whether to allow tolling.
9. As the receiving PHA, the HACC will be responsible for performing all program functions (HQS inspections, interim and annual reexams, rent increases, payment standard changes, moves to another PHA jurisdiction, etc.). HUD-52665 and 50058 will be used to relay this information to the initial PHA.
10. When the family has a right to lease a unit in the receiving PHA jurisdiction under portability, HACC must provide assistance for the family. HACC's procedures and preferences for selection among eligible applicants do not apply, and the HACC's waiting list is not used. However, HACC may deny or terminate assistance for family action or inaction in accordance with Section XIII of this plan.

#### **D. Portability Billing**

1. If the family is not absorbed into the HACC program, applicable sections of Part II, HUD-52665 will be completed and sent to the initial PHA.
  - (a) The initial PHA must promptly reimburse the receiving PHA the full amount of HAPs made for the portable family.
  - (b) The initial PHA must promptly reimburse the receiving PHA for 80% of the initial PHA's ongoing administrative fee for each unit month that the family receives assistance.
  - (c) The initial PHA will promptly reimburse the receiving PHA for damage and vacancy loss claims paid and for any other amounts approved by HUD.

At any time, either the initial PHA or the receiving PHA may make a determination to deny or terminate assistance, in accordance with Section XIII of this Plan.



## **XIII.**

### ***TERMINATIONS, DENIALS AND ABATEMENTS OF ASSISTANCE***

#### **A. Family Initiated Assistance Termination**

A family may choose to go off the program at any time. However to remain in good standing, the guidelines listed under family obligations must be followed and the lease agreement with the owner must be adhered to.

#### **B. Owner Initiated Lease Termination**

1. The owner may only terminate the tenancy in accordance with the lease and HUD requirements. During the term of the lease (the initial term of the lease or any extension term), the owner may only terminate the tenancy because of:
  - (a) Serious or repeated violation of the lease;
  - (b) Violation of Federal, State or local law that imposes obligations on the tenant in connection with the occupancy or use of the dwelling unit and the premises;
  - (c) Criminal activity or alcohol abuse (as described below); or
  - (d) Other good cause (as described below).
2. The owner may terminate the tenancy during the term of the lease if any member of the household, a guest or another person under a resident's control commits any of the following types of criminal activity:
  - (a) Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including property management staff residing on the premises);
  - (b) Any criminal activity that threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises;
  - (c) Any violent criminal activity on or near the premises; or
  - (d) Any drug-related criminal activity on or near the premises.

- 3.** The owner may terminate the tenancy during the term of the lease if any member of the household is:
  - (a)** 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, or that, in the case of the State of New Jersey, is a high misdemeanor; or
  - (b)** Violating a condition of probation or parole under Federal or State law.
- 4.** The owner may terminate the tenancy during the term of the lease if any member of the household engages in any of the following types of activity:
  - (a)** Illegal use of a controlled substance; or
  - (b)** Abuse of alcohol that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.
- 5.** The owner may terminate the tenancy for criminal activity by a household member in accordance with this section if the owner determines that the household member has committed the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.
- 6.** Other good cause
  - (a)** During the initial lease term, other good cause for termination of tenancy must be something the family did or failed to do.
  - (b)** During the initial term of the lease or during any renewal term, other good cause includes:
    - (i)** Disturbance of neighbors,
    - (ii)** Destruction of property, or
    - (iii)** Living or housekeeping habits that cause damage to the unit or premises.
  - (c)** After the first year of the lease, such good cause includes:
    - (i)** The tenant's failure to accept the owner's offer of a new lease or revision;
    - (ii)** The owner's desire to use the unit for personal or family use, or for a purpose other than use as a residential rental unit; or

(iii) A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to rent the unit for a higher rent).

7. The owner may only evict the tenant by instituting a court action. The following guidelines will be followed:

(a) The owner must give the tenant a written notice that specifies the grounds for termination of tenancy during the term of the lease (see subsection B.8. below). The tenancy does not terminate before the owner has given this notice, and the notice must be given at or before commencement of the eviction action.

(b) The notice of grounds may be included in, or may be combined with, any owner eviction notice to the tenant.

(c) The owner must notify the HACC in writing of commencement of procedures for termination of tenancy (this may be a copy of the notice given to the family).

(d) The owner must notify the family by giving notice as required under the lease, and in accordance with State law.

8. All current and future tenant-based leases may be terminated without cause at the end of the initial lease term and at the end of any term extension. Except as required by State or local law, an owner may terminate tenancy without cause at the end of the initial lease term or at the end of a successive definite term. For instance, if the lease provides for automatic renewal on a month-to-month basis, the owner may terminate tenancy without cause at the end of each month.. During the course of each month, however, the owner may only terminate the tenancy if the owner has cause under the grounds for termination of tenancy stated in the lease addendum. (Notice PIH 98-64, HUD's 1999 Appropriations Act - Section 8 Tenant-Based Assistance Program Statutory Provisions)

### **C. Housing Authority Termination and Denial of Assistance**

The HACC may terminate program assistance or deny program assistance, for any of the following grounds:

1. If any member of the family seriously threatens to cause physical harm or engages in violent behavior toward HACC personnel;
2. If the family violates any of the family obligations stated on the voucher (See Section X.A. of this Plan);

3. If any member of the family has been evicted from federally assisted housing in the last five years;
4. If any PHA has ever terminated assistance under a Section 8 tenant-based program for any member of the family;
5. If any member of the family commits drug-related criminal activity or violent criminal activity. Denial or termination because of illegal use, or possession for personal use, of a controlled substance will require that such use or possession must have occurred within one year before the date that the HACC provides notice to the family of the denial or termination of assistance.

HACC will not deny or terminate assistance for such use or possession by a family member, if the family member can demonstrate that he or she:

- (a) Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and
- (b) Is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. HACC may require a family member who has engaged in the illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

HACC may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted;

6. If HACC determines that there is reasonable cause to believe that a member of the family is illegally using (or has a pattern of illegally using) a controlled substance, or abuses (or has a pattern of abusing) alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

HACC may waive the policies prohibiting admission in these circumstances if the person demonstrates to HACC's satisfaction that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:

- (a) has successfully completed a supervised drug or alcohol rehabilitation program;
- (b) has otherwise been rehabilitated successfully; or
- (c) is participating in a supervised drug or alcohol rehabilitation program;

- 7.** If any member of the family is convicted of manufacturing or producing methamphetamine. HACC may permanently deny admission or may immediately and permanently terminate assistance of persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law;
- 8.** If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program;
- 9.** If the family currently owes rent or other amounts to the HACC or another PHA, and the debt was incurred in connection with public housing or Section 8 under the United States Housing Act. of 1937;
- 10.** If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the Lease;
- 11.** If the family breaches an agreement with the HACC to pay amounts owed to HACC or amounts paid to an owner by HACC. If HACC elects to offer an agreement for repayment of such amounts, the agreement shall be on terms prescribed by the HACC. The HACC may at any time terminate assistance for breach of such agreement;
- 12.** If the family's income is such that no HAP has been paid on behalf of the family for 180 days;
- 13.** If any member of the family does not sign and submit consent forms for obtaining information required by the Section 8 program;
- 14.** If any member of the family fails to submit the required evidence of citizenship or eligible immigration status, in accordance with Section XV of this Plan; or
- 15.** If the family received a waiting list preference as a survivor/victim of domestic violence and has permitted the abuser to become a member of the assisted household, in contradiction to the certification signed in order to receive the domestic violence preference.

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the HACC will use its discretion in considering all of the specific circumstances of the case. This will include the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure to act.

The HACC has the option of imposing lesser sanctions, depending on the specific circumstances of each case. This could include denial or termination for a specific period of time, or not allowing certain family members to participate in the program.

These discretionary decisions will be made during the informal reviews for applicants and informal hearings for participants.

#### **D. Abatements and Unit Terminations**

Housing assistance payments for a unit may be terminated if the HACC determines that the unit is not decent, safe, and sanitary or that the owner has breached the HAP contract.

In the event of failure to meet housing quality standards, an owner will be given no more than 30 days' notice to remedy the situation. Any cited life threatening HQS deficiency must be corrected within 24 hours from the inspection or the assistance will be abated. If after 30 calendar days from the inspection or any Housing Authority approved extension, the deficiencies have not been corrected, HACC will abate the housing assistance payment. The HAP contract will be terminated 120 days after the abatement. If the rent is abated, payment will not be retroactive, but will resume on the date the unit passes inspection.

#### **E. Owner Denial and Termination from Program**

1. The PHA must not approve an assisted tenancy if the PHA has been informed (by HUD or otherwise) that the owner is debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.
2. When directed by HUD, the PHA must not approve an assisted tenancy if:
  - (a) The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements, and such action is pending; or
  - (b) A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.
3. In its administrative discretion, the PHA may deny approval of an assisted tenancy for any of the following reasons:
  - (a) The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f);

- (b)** The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
  - (c)** The owner has engaged in any drug-related criminal activity or any violent criminal activity;
  - (d)** The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program;
  - (e)** The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity engaged in by the tenant, 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 residents;
    - (ii)** Threatens the health and safety of other residents, of employees of the HACC, 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; or
  - (f)** The owner has a history or practice of renting units that fail to meet State or local housing codes; or
  - (g)** The owner has not paid State or local real estate taxes, fines or assessments.
- 4.** The PHA must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the PHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. This restriction against PHA approval of a unit only applies at the time a family initially receives tenant-based assistance for occupancy of a particular unit, but does not apply to PHA approval of a new tenancy with continued tenant-based assistance in the same unit.
- 5.** Nothing in this rule is intended to give any owner any right to participate in the program.

6. For purposes of this section, “owner” includes a principal or other interested party.

## **XIV.**

### **REVIEWS AND HEARINGS**

#### **A. Informal Reviews for Applicants**

##### **1. Informal Reviews Allowed**

An applicant may request an informal review if denied any of the following:

- (a)** Listing on the waiting list.
- (b)** Issuance of a housing voucher.
- (c)** Participation in the program (i.e., execution of a housing assistance payment contract on behalf of the family).

##### **2. Informal Reviews Not Allowed**

An applicant will not be eligible for an informal review for any of the following:

- (a)** Discretionary administrative determinations by the HACC.
- (b)** General policy issues or class grievances.
- (c)** A determination of the family unit size under the HACC subsidy standards.
- (d)** A HACC determination not to approve an extension or suspension (tolling) of a voucher term.
- (e)** A HACC determination not to grant approval to lease a unit under the program or to approve a proposed lease.
- (f)** A HACC determination that a unit selected by the applicant is not in compliance with HQS.
- (g)** An HACC determination that the unit is not in accordance with HQS because of the family size or composition.

### **3. Notice Procedure for Informal Reviews**

The HACC will give an applicant for participation prompt written notice of a decision denying assistance to the applicant. The notice will contain a brief statement of the reason for the decision and will inform the applicant on how to obtain an informal review of the decision. The notice will further state that the family must request an informal review within 30 calendar days from the date of the determination letter from the HACC. The request may be made either orally or in writing.

### **4. Informal Review Procedure**

During the informal review, the HACC will consider oral and written material submitted by the applicant. These reviews will be conducted by the Housing Services Manager or his designee. The final decision, including a brief statement of the reasons for the final decision, will be sent by first class mail within ten working days of the informal review.

5. The denial and appeal provisions for denials based on ineligible immigration status are contained in Section XV of this Plan.

## **B. Informal Hearings for Participants**

### **1. Informal Hearings Allowed**

A participant may request an informal hearing to consider whether the following HACC decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and HACC policies:

- (a) A determination of the family's annual or adjusted income, and the use of such income to compute the HAP.
- (b) A determination of the appropriate utility allowance for tenant-paid utilities from the HACC utility allowance schedule.
- (c) A determination of the family unit size under the HACC subsidy standards.
- (d) A determination to deny the participant's request for an exception to the subsidy standards.
- (e) A determination to terminate assistance for a participant family because of the family's action or failure to act.

- (f) A determination to terminate assistance because the family has been absent from the assisted unit for longer than the maximum period permitted under HACC policy and HUD rules.

## **2. Informal Hearings Not Allowed**

A participant will not be eligible for an informal hearing for any of the following:

- (a) Discretionary administrative determinations by the HACC.
- (b) General policy issues or class grievances.
- (c) Establishment of the schedule of utility allowances.
- (d) A determination not to approve an extension or suspension (tolling) of a voucher term.
- (e) A determination not to approve a unit or a lease.
- (f) A determination that an assisted unit is not in compliance with HQS. However, the family is entitled to an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family (family obligation).
- (g) A determination that the unit is not in accordance with HQS because of the family size.
- (h) A determination to exercise or not to exercise any right or remedy against the owner under a HAP contract.

## **3. Notice Procedure for Informal Hearings**

In the circumstances described in paragraphs 1.(a), 1.(b), and 1.(c) of this Subsection B., the HACC will notify the family that they may ask for an explanation of the basis of the determination. If the family does not agree with the determination, they may request an informal hearing on the decision.

In the circumstances described in paragraphs 1.(d), 1.(e), and 1.(f) of this Subsection B., the HACC will give the family prompt written notice of the determination. The notice will contain a brief statement of the reason for the decision and will inform the participant family on how to obtain an informal hearing. The notice will further state that the family must request an informal hearing within 10 calendar days from the date of the determination letter from the HACC (30 days for B.1.(a) through (d)). The request may be

made either orally or in writing. The opportunity for an informal hearing will be given before the HACC terminates housing assistance payments for the family under an outstanding HAP contract.

#### **4. Informal Hearing Procedure**

The purpose of the informal hearing is to consider whether the HACC's decision is in accordance with its rules and HUD regulations. The informal hearing will be scheduled in a reasonably expeditious manner, upon the request of the Family. The Housing Services Manager or his designee will conduct all hearings.

The person conducting the hearing (Hearing Officer) will determine what information is pertinent to the case at hand, and the manner in which the evidence is presented. Evidence will be allowed without regard to admissibility under the rules of evidence applicable in judicial proceedings. The decision of any finding will be based on evidence presented at the hearing. The following guidelines will be practiced:

- (a)** Introduction and identification of all members present. Witnesses will all be allowed to remain at the hearing throughout the presentations, unless otherwise requested by the Hearing Officer.
- (b)** The HACC will present its case first. Questioning, other than by the Hearing Officer, will not be permitted during the initial presentation.
- (c)** The participant family will present their evidence and relate their facts.
- (d)** Questions will be allowed by all present, moderated by the Hearing Officer. In the event of unruly behavior, the Hearing Officer has the authority to dismiss any witness from the informal hearing.
- (e)** At their own expense, the family may be represented by a lawyer or other representative.
- (f)** Prior to the informal hearing, the family will be given the opportunity to examine and copy any documents that are directly relevant to the hearing. This same opportunity must be given to the HACC. If either the family or the HACC makes such a request, and the documents are not made available by the other party, the documents may not be relied upon at the hearing.
- (g)** The Hearing Officer will issue a written decision within ten working days of the informal hearing. The decision will be based on a preponderance of the evidence presented at the hearing. This decision will briefly state the reasons for the decision, and will be sent by first class mail to family.

- (h)** The HACC will be bound by the decision of the Hearing Officer, unless:
  - (i)** The decision concerns a subject outside the scope of the required hearing process, or beyond the authority of the person conducting the hearing; or
  - (ii)** The decision is contrary to HUD regulations or requirements, or otherwise contrary to Federal, State, or local law.

If the HACC determines it is not bound by the decision of the Hearing Officer, they will notify the participant of that determination within ten working days of the receipt of the decision, and the reasons for the determination.

- 5.** The termination and appeal provisions for terminations based on ineligible immigration status are contained in Section XV of this Plan.
- 6.** Informal hearings will not be held prior to a determination of family rent, refusal to issue a new voucher when the family wants to move, to enter a contract or to approve a lease, or a determination of the unit size on the voucher issued to a participant who wants to move.

## **XV.**

### ***RESTRICTIONS ON ASSISTANCE TO NONCITIZENS***

**A. General** --- Effective June 19, 1995, housing assistance may only be provided to:

1. U.S. Citizens: or
2. Noncitizens who have eligible immigration status in one of the following categories:
  - (a) Lawfully admitted for permanent residence as an immigrant, including special agricultural workers;
  - (b) Entered the U.S. before January 1, 1972, and has maintained continuous residence thereafter, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General;
  - (c) Lawfully present in the U.S. pursuant to the granting of asylum (refugee status);
  - (d) Lawfully present in the U.S. as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest (parole status);
  - (e) Lawfully present in the U.S. as a result of the Attorney General's withholding deportation (threat to life or freedom); or
  - (f) Lawfully admitted for temporary or permanent residence (amnesty granted under Immigration and Naturalization Act Section 245A).

**B. Submission of Evidence of Citizenship or Eligible Immigration Status** --- Each family member, regardless of age, must submit the following:

1. For Citizens: A signed declaration of U.S. citizenship;
2. For Noncitizens who are 62 years of age or older and who received assistance on June 19, 1995: (i) A signed declaration of eligible immigration status and (ii) Proof of age document;

3. For all other Noncitizens: (i) A signed declaration of eligible immigration status; and, (ii) Immigration and Naturalization Service (INS) documents of eligible immigration status; and, (iii) a signed certification consent form.
- C. Verification Timeline** --- This verification process needs to be done only one time. The citizenship status of every family member must be verified according to the following schedule:
1. For new family members, at the first interim or annual reexamination following the person's occupancy;
  2. For applicants, at the same time that other required information is being verified;
  3. Extension of time to submit evidence of eligible status will be granted by the Housing Authority if the family member:
    - (a) Submits the required declaration which certifies that any person for whom required evidence has not been submitted is a noncitizen with eligible immigration status; and
    - (b) Certifies that the evidence needed to support a claim of eligible immigration status is temporarily unavailable, additional time is needed to obtain and submit the evidence, and prompt and diligent efforts will be undertaken to obtain the evidence.
- The extension of time must be for a specific period. The HACC's determination of the length of extension granted will be based on the circumstances of the individual case, and will be sufficient to allow the family time to obtain the required evidence.
4. For families who began receiving assistance after June 19, 1995, and these rules were not applied at the time of admissions, the citizen status of every family member will be verified at the first annual reexamination or at the time a new family member is added. A family in this circumstance is not eligible for continued assistance or temporary deferral. A mixed family will be eligible for proration of assistance and a family with no eligible members will be terminated.
- D. Acceptable INS Documents of Eligible Immigration Status** --- The HACC shall request and review original documents of eligible immigration status. Photocopies of the documents shall be retained in the family's file. Acceptable INS documentation includes:

1. Form I-551 --- Permanent Resident Card (formerly Alien Registration Receipt Card);
  2. Form I-94 --- Arrival-Departure Record --- , with one of the following annotations:
    - (a) Admitted as a refugee (Section 207)
    - (b) Asylum (Section 208)
    - (c) Deportation stayed by Attorney General (Section 243(h))
    - (d) Paroled (Section 212(d)(5))
  3. Form I-94 --- Arrival Departure Record ---, not annotated but accompanied by one of the following documents:
    - (a) A final court decision granting asylum (but only if no appeal is taken)
    - (b) A letter from an INS asylum officer or from an INS district director granting asylum
    - (c) A court decision granting withholding of deportation; or
    - (d) A letter from an INS asylum officer granting withholding of deportation
  4. Form I-688 --- Temporary Resident Card --- annotated “Section 245A” or “Section 210”
  5. Form I-688B --- Employment Authorization Card --- annotated “Provision of Law 274a.12(11)” or “Provisions of Law 274a.12”
  6. A receipt issued by the INS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and the applicant’s entitlement to the document has been verified
  7. Other --- as announced by notice published in the Federal Register
- E. Verification of Eligible Immigration Status ---** The HACC will verify eligible immigration status in accordance with the following INS procedures:
1. **Primary Verification** --- Primary verification is conducted by the HACC through the INS automated System Alien Verification for Entitlements (SAVE) system. The INS SAVE system provides access to names, file numbers and

admission numbers of noncitizens. The search and resulting verification is done by HACC through a secure computer connection using INS software.

- 2. Secondary Verification** --- If the INS SAVE system fails to verify eligible immigration status, secondary verification will be performed. This involves a manual search by the INS of its records to determine an individual's immigration status. The HACC must request the secondary verification within 10 days of receiving the results of the failed primary verification. This written request is made using INS Form G-845S, "Document Verification Request". The HACC will attach photocopies of the original INS documents to Form G-845S when making their request. A response from INS should be received within 3-10 days.
- 3. Failure of Secondary Verification to Confirm Eligible Immigration Status** -- If the secondary verification fails to confirm eligible immigration status, the HACC will issue a notice to the family advising them of their rights to appeal to the INS. Additionally, the notice will contain all the provisions of CFR 5.514(d) and (e). The family will have 30 days from the date of the HACC notice to appeal to the INS. The INS will issue to the family and the HACC a decision within 30 days of their receipt of documentation concerning the appeal. If they are unable to do so within the 30 day period, the INS will inform the family and the HACC of the reasons for the delay.
- 4. Informal Hearing Procedures** --- After notification of the INS decision on appeal, or in lieu of request of appeal to the INS, the family may request an informal hearing with the HACC. This request must be made either within 14 days of the date the HACC mails or delivers the notice to appeal (described above) or within 14 days of the mailing of the INS appeal decision, established by the date of postmark.

The procedures for the hearing, for both applicants and participants, will be that described in the Housing Authority's Public Housing Grievance Procedure. This Grievance Procedure complies with CFR 966. Additionally, the family will be entitled to have the hearing recorded by audiotape.

The HACC will provide the family with a written final decision, based solely on the facts presented at the hearing, within 14 days of the date of the informal hearing.

**F. Delay, Denial or Termination of Assistance**

1. Assistance to an applicant will not be delayed or denied, and assistance to a participant will not be delayed, denied or terminated, on the basis of ineligible immigration status of a family member if:
  - (a) The primary and secondary verification of any immigration documents that were timely submitted has not been completed;
  - (b) The family member of whom required evidence has not been submitted has moved from the dwelling unit;
  - (c) The family member who is determined not to be in an eligible immigration status following INS verification has moved from the dwelling unit;
  - (d) The INS appeals process has not been concluded;
  - (e) Assistance is prorated; or
  - (f) For a participant, the HACC hearing process has not been concluded.
2. Assistance to an applicant may be delayed after the conclusion of the INS appeal process, but not denied until the conclusion of the HACC informal hearing process, if an informal hearing is requested by the family.
3. Assistance to an applicant will be denied, and a participant's assistance will be terminated, upon the occurrence of any of the following events:
  - (a) Evidence of citizenship and eligible immigration status is not submitted in accordance with the timelines described in paragraph 3. of this Section, or by the expiration of any extension granted by the HACC; or
  - (b) Evidence of citizenship and eligible immigration status is timely submitted, but INS primary and secondary verification does not verify eligible immigration status of a family member; and
    - (i) The family does not pursue INS appeal or PHA informal hearing rights; or
    - (ii) INS appeal and informal hearing rights are pursued, but the final appeal or hearing decision is decided against the family member.

**G. Notice of Denial or Termination of Assistance** --- The HACC will notify the family in writing of denial or termination of assistance. The notice will advise the family:

1. That assistance will be denied or terminated, and will provide a brief explanation of the reasons for the proposed denial or termination;
2. That they may be eligible for proration of assistance;
3. That they have a right to request an appeal to the INS of the results of the secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal;
4. That they have a right to request an informal hearing with the Housing Authority, in accordance with paragraph E.4. of this Section;
5. For applicants, that assistance will not be delayed until the conclusion of the INS appeal process, but assistance may be delayed while the HACC's informal hearing process is pending.

**H. Proration of Assistance** --- For mixed families (those families consisting of both eligible and ineligible members). Prorated assistance equals: The number of eligible family members divided by the number of total family members, times the housing assistance payment. This results in the prorated housing assistance paid by the Housing Authority. The family is responsible for the remainder of the contract rent.

**I. Prohibition of Assistance to Noncitizen Students** --- Noncitizen students are not eligible for rental assistance.

Noncitizen students and the family of noncitizen students are defined in CFR 812.12. The prohibition of providing assistance to a noncitizen student does not extend to the citizen spouse of the noncitizen student and the children of the citizen spouse and noncitizen student.

**J. Retention of Documents** --- For families where there has been an INS appeal, or the HACC informal hearing process has been used, all file documents will be retained for a minimum of five years.

## **XVI.**

### ***Code of Conduct***

#### **A. Employee**

1. Pursuant to the requirement of 24CFR84.42, Codes of Conduct, and 24CFR85.36, Procurement standards, no employee, officer or agent of the Housing Authority shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of his immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the entity selected for award.
2. Without the prior approval of the Executive Director, employees are prohibited from:
  - (a) Processing an application (or any part of an application) or any recertification for a relative, friend, co-worker, or business associate or on behalf of a relative or business associate of a co-worker;
  - (b) Serving as third party verification or as a reference for anyone applying or being recertified for housing assistance with HACC;
  - (c) Participating in an assisted housing program administered by HACC, either as a tenant or as a landlord;
  - (d) Entering into contracts or agreements in connection with the tenant-based programs in which any of the classes of persons outlined under 24CFR982.161, Conflict of Interest, has any interest, direct or indirect. Prior HUD approval is required if it is necessary to enter into such a contract or agreement.
  - (e) Inspecting units associated with the tenant-based programs if the employee has any direct or indirect interest.
3. Pursuant to 24CFR84.42, Codes of Conduct, The Housing Authority's officers, employees or agents will neither solicit nor accept gifts, gratuities, favors or anything of monetary value from parties to any agreement involving federal funds.

4. All employees shall follow the Ethical Standards Governing Employee Conduct defined in the Housing Authority's Personnel Policy, Section XIV.
5. Employees found to be in violation of any of the Code of Conduct Policy guidelines mentioned above will be disciplined according to the Housing Authority's Personnel Policy, Section XVI.

**B. Family**

Program abuse, by the participants, such as misrepresenting income, assets, deductions or family composition, or initiating and participating in bribes, or other illegal activities, will be dealt with as follows:

1. The matter shall be investigated by HACC to determine if the misrepresentation was intentional;
2. The matter shall be discussed with the participant, and they will be advised that HACC has a right to terminate assistance;
3. Administrative remedies will be sought, and may include one or more of the following: Repayment of HAP by the participant; termination of assistance; and/or requiring the family to move to an appropriate unit (in cases of falsification of family size);
4. Where program abuse was willful and intentional, HACC will forward all pertinent information to RIGI.

**C. Owner**

Program abuse by owners includes collecting side payments, collecting assistance for units not occupied by Section 8 families, collecting false vacancy loss or damage claims, and bribery. Owners shall be dealt with as follows:

1. The matter shall be investigated by HACC to determine if the abuse was intentional and willful;
2. The matter will be discussed with the owner, if the abuse seems to be due to a mistake or an oversight;
3. Administrative remedies will be sought, such as repayment, termination of the HAP contract, and abatement of HAP;
4. If HACC determines that the abuse is serious, willful and intentional, HACC will forward its information to RIGI;

- 5.** HACC may determine to restrict the owner from participating on the Section 8 program for a reasonable period of time (commensurate with the seriousness of the offense), if the abuse is considered widespread and serious;
- 6.** If an owner has been determined to owe HACC money, and has a current contract with HACC, payment will be withheld from the existing contracts, until such outstanding amount has been collected.

## **XVII.**

### ***HACC OPERATIONS AND PERFORMANCE MONITORINGS***

#### **A. OVERALL ADMINISTRATIVE ORGANIZATION**

The Executive Director will oversee all functions of the program, in consultation with the Department of Human Services Director for Clackamas County, when necessary. He will offer support and control to the Housing Services Manager, in the direct supervision of the Housing Choice Voucher program. These personnel will also be responsible for policy recommendations to the Board of Housing Authority Commissioners and implementation of their decisions.

The Housing Services Manager will have the assistance of other members of the Administrative and clerical staff to perform the functions related to the program. This staff is comprised of a Housing Services Supervisor, six Occupancy Specialists, one Eligibility Specialist, one Housing Inspector, three Office Specialist II-s and two Office Specialist I-s.

#### **B. CONFLICT RESOLUTION**

Within the limits of its capability, HACC will offer assistance to either owner or tenant with complaints about the other, but the landlord-tenant relationship is not the responsibility of HACC. Complaints are directed to the Occupancy Specialist, who will advise both parties of their responsibility to reconcile their problems. If their attempts at reconciliation have failed, an attempt will be made towards an agreement by having the parties involved attend an informal conference at the HACC office. If that also fails, the parties will be advised to mutually terminate the Lease.

If a family complains regarding the condition of the unit, the Occupancy Specialist will investigate the complaint personally. Based on that inspection, a determination will be made whether to terminate the lease, abate the housing assistance payment, work with the owner, or dismiss the complaint.

#### **C. SUPPORT SERVICES**

##### **1. Assistance in Locating Units**

Voucher holders are expected to locate their own units. All applicants and participants have access to a bulletin board, advertising owners with available units interested in participating in the Housing Choice Voucher program.

Reasonable accommodation will be provided when requested by 504 and ADA eligible families.

## **2. Assistance With Discrimination**

HACC has trained staff available to assist in the event of alleged discrimination. If a Housing Choice Voucher applicant or participant believes discrimination has been encountered, HACC will inform the family of their right to file a complaint. HACC will assist with the completion of the Housing Discrimination Complaint Form (HUD-903), if desired by the complainant, and will provide the family with the addresses and phone numbers of the Office of Fair Housing and Equal Opportunity and the Civil Rights Division, where the complaints must be filed.

## **3. Information and Referral**

HACC has an extensive information and referral system, which networks with all the social service agencies in the tri-county area.

## **4. Housing Choice Voucher Information**

HACC staff is readily available to disseminate information to new Owners, or provide assistance to Families. Several informational packets and brochures have been prepared, which are mailed upon request by interested parties.

## **D. MONITORING OUTREACH**

The waiting list is reviewed periodically to determine if additional outreach is needed. Outreach, as well as opening and closing of the waiting list will be done in accordance with Section IV of this Plan.

## **E. MONITORING VOUCHER USE**

The Housing Services Supervisor maintains records on the number of "good news" letters sent, the number of applicant appointments made and kept, the number of files with verifications pending, the number of families attending program briefings, the number of families out looking, and the number of terminations. A report providing all of this information is submitted at least monthly, and bi-weekly when HACC is in an intensive lease-up period. Data are generated to determine how many people to have out looking, when seeking a given goal, and the number of finalized lease-ups that can be expected from those numbers. An average lease-up of 100% is the goal.

The accounting department also monitors the lease-up rate and provides staff with a monthly report. They keep track of the number of Housing Assistance

Payments made each month for units under contract, in order to track and maximize the administrative fee and to assure adequate HAP funding is available to support a given number of vouchers.

**F. INTERNAL AUDITING**

In order to maintain high quality standards for the Housing Choice Voucher program, the HACC will review files and records to determine if the work documented in the files or records conforms to program requirements. This shall be accomplished by a supervisor or another qualified person other than the one originally responsible for the work or someone subordinate to that person. The number of files and/or records checked annually shall be at least equal to the number specified in the Section 8 Management Assessment Program (SEMAP) for a housing authority of our size.

All files worked on by new staff are audited and if there is a particular concern with a particular worker, auditing and training is intensified. The Housing Services Manager handles each file in order to sign the contracts and lease/contract riders.

**G. MONITORING HQS**

Annually, an inspection is done by the Occupancy Specialist for each unit in their assigned census tract. Additionally, if a family or neighbor complains about the condition of a unit, HACC will conduct a special inspection. In the event repairs are necessary, the owner is notified in writing, and given a reasonable time in which to remedy the deficiencies. A reinspection time is established, with both the owner and the family, to ensure the unit passes HQS, unless the regulations permit certification by the owner.

Quality of inspections is ensured by the Housing Services Manager or his designee reinspecting at least the number of units required under SEMAP. These reinspections are done as near to the original inspection date as possible, in order to more closely duplicate the conditions of the unit at the time of the annual inspection.

**H. MONITORING THE HAP**

The Housing Services Manager or his designee is responsible for editing and approving the housing assistance payments (HAP) to owners. Each month (approximately four days before the last day of the month) an edit day is designated. Copies of lease riders, contracts or other documentation of any HAP changes for the month being edited (and for those with retroactive HAP changes) are collected. They are compared with the monthly reexam lists to ensure each annual reexam is complete and documented. Next, changes to HAPs are verified

using the documentation noted above. These changes include terminations, holds or changes in the amount of HAP to be paid. After resolving any issues (e.g., annuals not completed, undocumented HAP changes) the HAPs are generated. The control register confirms and totals the changes in HAPS. A copy of the register is retained with the documentation and a copy is given to the Finance Department.

## **I. MONITORING REVIEWS, ALLOWANCES, RENTS**

Timeliness of the review is ensured by the Occupancy Specialist beginning the reexamination process at least three months in advance of the due date. Reexam lists are computer generated and they are used to generate and monitor annual reviews. In addition, the computer system is designed to allow for suppression of HAP checks, if the annual date of review has passed, and the file has not been updated. Any HAPs so suppressed, are brought to the attention of the Occupancy Specialist for follow up and rectification.

Utility Allowances are reviewed annually and updated as needed.

The rent comparability and rent reasonableness process for the voucher program is monitored by use of a rent comparability sheet, which is completed by the Occupancy Specialist for each unit, using the HACC's rent comparability survey. This survey is reviewed annually and updated as needed.